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GBS Complaints Policy and Procedure

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Related policies
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GBS HE Malta Limited Complaints Policy and Procedure

1. Purpose

- 1.1. GBS HE Malta Limited complaints policy and procedure is designed to ensure that anyone who is entitled to and wishes to make a complaint about any service or lack of service offered by GBS is dealt with in a fair, effective, and timely manner. The complaints policy and procedure has been developed to ensure that it fully meets the expectations of the regulations in Malta.
- 1.2. ***Note: This policy and set of procedures is for complaints only. GBS has a separate policy and procedure for academic appeals.***

2. Malta Further & Higher Education Authority (MFHEA)

- 2.1. The Malta Further and Higher Education Authority (MFHEA) was officially launched on the 8th of January 2021 and is legislated by the revised Education Act which came into force on the 1st of January 2021. MFHEA tagline is 'Quality Education for Confident Futures.' The regulators mission statement is "to foster the development and achievement of excellence in further and higher education in Malta through research, effective licensing, accreditation, quality assurance, and recognition of qualifications established under the Malta Qualifications Framework."
- 2.2. The MFHEA is an independent, transparent, and international authority. They work to ensure the highest standards and to foster a competent community of empowered individuals, with the right skills to follow their dreams and make the future happen.
- 2.3. The MFHEA focuses on:
 - Providing accreditation to further and higher educational institutions.
 - Providing accreditation to programmes or courses of studies at further and higher education levels.
 - Quality assurance of both educational institutions and programmes or courses.
 - Recognition of obtained national or international qualifications as well as prospective qualifications.
 - Validation of informal and non-formal learning.
 - Research and policy recommendation on issues related to further and higher education.

3. Scope of the Complaints Policy and Procedure

- 3.1. GBS defines a complaint as an expression of dissatisfaction with any service or lack of service provided by GBS. GBS believes it is important that its students feel able to express dissatisfaction to which a response should reasonably be expected. GBS' Complaints Policy and Procedure aims to provide a fair, accessible, and straightforward approach, enabling students and entitled others to raise concerns which will be dealt with effectively, and in a timely and appropriate manner. The Complaints Procedure is not restricted to students of GBS. A complaint may also be made by, for example, a

prospective student (such as a complaint about the admissions process) or a member of the public. A complaint may also be submitted by a group of students, in which case a spokesperson should be nominated who will be the channel of communication for the group. *A complaint may not be lodged by a third party on behalf of a complainant.*

- 3.2. Students and others considering making a formal complaint are advised to consider whether there are more suitable ways for them to express their concerns. For example, this may be done through discussion with a lecturer or member of GBS' management staff or through other feedback mechanisms, such as student surveys. Anyone thinking about making a complaint is urged to seek to resolve their complaint informally. This can be done either before embarking on the formal complaints' procedure or at any stage during the formal procedure. In general, outcomes from an informal resolution of a complaint are usually better and more satisfactory for all concerned.
- 3.3. If, after initial investigation, it becomes apparent that a complaint may be more appropriately dealt with under the staff disciplinary procedure, the case will be passed to the Head of Human Resources for the duration of the investigation. The Head of Human Resources will use the appropriate procedure for dealing with the matter.
- 3.4. Students are recommended to read the Guidance Notes for Students to ensure that the Complaints Policy and Procedure is fully understood. The Student Complaints Procedure 2021-2022: Student Perspective Flow Chart provides a useful visual summary of the complaint's procedure.
- 3.5. Members of staff at GBS are recommended to read this policy and procedure carefully to ensure it is understood and can advise a student or other person of the complaints procedure.

4. GBS Complaints Procedure

4.1. Overview

- 4.2. There are four stages to the Complaints procedure:

Stage 1: Conciliation
Stage 2: Formal Complaint
Stage 3: Appeal to the Dean
Stage 4: Independent Review (external)

- 4.3. In the case of a complaint about a member of the senior management team, Stage 2 will be as follows:
 - (a) A complaint about the Dean, Operations Director, Associate Dean or Academic and Quality Director will be heard by the Chief Executive Officer.
 - (b) A complaint against the Chief Executive Officer will be heard by an independent external person.

5. Stage 1: Conciliation

- 5.1. Complainants are strongly advised to make every reasonable effort to resolve their complaint informally by meeting with the member of staff most directly concerned with the matter before proceeding to Stage 2 and submitting a formal complaint. If necessary, a conciliation meeting involving a more senior member of staff and the member of staff concerned may be held. GBS acknowledges that methods other than a meeting may be more suitable when attempting to resolve the complaint at Stage 1. GBS urges students to attempt to resolve complaints at Stage 1 and expects that majority of complaints will be resolved satisfactorily at this stage.
- 5.2. The complaint should be raised as soon as possible and normally no more than ten working days after the failure in the service or the matter giving rise to the complaint. The member of staff approached should try to resolve the complaint through meeting with the complainant within ten working days of receipt of the complaint.
- 5.3. Where it is not clear to the complainant which member of GBS' staff is directly concerned, or the complainant is unclear on the correct complaints procedure to follow, the complainant will be advised by the Programme Leader.
- 5.4. Where the procedure outlined above does not produce a satisfactory resolution of the matter giving rise to the concern, the complaint may be formalised and dealt with as a Stage 2 Formal Complaint, detailed in below. While every reasonable effort should be made to resolve complaints at Stage 1, the complainant has the right to proceed to Stage 2 at any time provided that it is within two calendar months of the matter giving rise to dissatisfaction.

6. Stage 2: Formal Complaint

- 6.1. If a complainant is dissatisfied with the outcome of Stage 1 or wishes to proceed directly to Stage 2, he/she should make a written complaint using the Formal Complaints Form. *Please refer to Annex 1- GBS Stage 2: Formal Complaints Form.* By proceeding direct to Stage 2 the complainant should be aware of the lost opportunity to resolve the matter by informal means. Any complainant who has not attempted to resolve their complaint through conciliation (Stage 1) will be asked to explain on the Formal Complaints Form why they have not completed Stage 1 of the Complaints Procedure or why the informal process has not resolved matters to their satisfaction.
- 6.2. The completed Formal Complaints Form should be lodged with the Programme Leader within ten working days of the unsatisfactory outcome of Stage 1 or within two calendar months of the complainant becoming aware of the matter with which he/she is dissatisfied. An extension of these time limits will only be possible in exceptional circumstances, such as illness, an apparent risk of victimisation, personal embarrassment, or other hindrance beyond the student's control. In such circumstances, the formal complaint should be made as soon as possible thereafter, without undue delay, and the complainant will be asked to explain on the Formal Complaints Form the reason for the complaint being lodged outside of the time limits.
- 6.3. *All Stage 2 complaints made using the Formal Complaints Form will be processed by the Dean.*

- 6.4. Programme Leader will pass the complaint to the Dean. If the person cited in the *Stage 2* complaint is the Dean, the complaint will be dealt with by the Chief Executive Officer.
- 6.5. If the complaint is more appropriately investigated through the Academic Appeals Procedure, then the complaint will cease to be handled as a complaint at this point and will instead be processed as an Academic Appeal.
- 6.6. If the complaint concerns a member of staff and/or concerns harassment matters, the Programme Leader should consult with the Head of Human Resources regarding the appropriate procedure to adopt before conducting an investigation.
- 6.7. *Investigation of a complaint:* The member of staff responsible for dealing with the complaint (the investigator) shall:
 - (a) make such investigations as he/she deems appropriate.
 - (b) ask any person being the subject of a complaint for a written statement on the alleged failure/deficiency.
 - (c) keep the complainant, and other relevant people involved informed on the progress of the investigation.
- 6.8. If the Programme Leader and/or investigating person considers that there is a clear case to proceed under the staff disciplinary procedure, the case will cease to be handled through the complaints procedure and dealt with henceforth by the Head of Human Resources in consultation with the Chief Executive Officer.
- 6.9. The investigator may make one of the following decisions within the procedures laid down by GBS and under the rules of natural justice:
 - (a) to dismiss the complaint.
 - (b) to suggest an amicable settlement to the complainant (and member of staff, where appropriate). If this is not mutually accepted within five working days, then the investigator shall decide under (a) or (c) of this section. If the settlement is accepted, the procedure terminates at this stage.
 - (c) to find the complaint justified and make an offer of redress to the complainant, for example, an apology and/or appropriate recommendations to the Dean and/or Chief Executive Officer.
- 6.10. The investigator shall, within 15 working days of receipt of the Formal Complaints Form, produce a written report responding to all complaint points and making clear the grounds on which a decision or settlement has been reached. This report will be given to the Programme Leader. A letter to the complainant, based on the investigator's report, will be sent to the complainant. The letter will deal with each point of complaint and include actions, as appropriate.

7. Stage 3: Appeal to the Dean

- 7.1. If the complainant is still not satisfied with the response, he/she should give written notice to the Programme Leader within 10 working days of receipt of the response, explaining

why he/she is not satisfied with the outcome. The complainant should indicate the matters that he/she considers to be outstanding.

- 7.2. Within 10 working days of receipt of the complaint, the Dean or nominee will decide whether there is a clear case to refer the matter to the Complaints Review Panel, provided that:
- a) There is, at the time, still a complaint which comes under the scope of this procedure.
 - b) The student's desired outcome to the complaint is achievable.
 - c) The complaint was lodged within the set time limit.
- 7.3. If there is no clear case for proceeding to a Complaints Review Panel, the complainant shall receive a written statement explaining the reasons for this. If the complainant is not satisfied with the response, he/she shall be given the option of proceeding direct to an Independent Review at Stage 4.
- 7.4. If there is a clear case for proceeding, the Dean may consider the possibility of convening a mediation meeting with the parties involved at Stage 1 of the procedure. If the meeting is successful, the complainant and other party will be informed of the outcome in writing within 10 working days. When an attempt to achieve a resolution through mediation is unsuccessful or would appear to be inappropriate, the Dean will arrange for a Complaints Review Panel to be convened.
- 7.5. The Dean will arrange for a Complaints Review Panel to be convened within 30 working days of the notification to consider and adjudicate on the complaint.
- 7.6. The Complaints Review Panel shall normally consist of the following members:
- (a) A Chair, who shall normally be a member of the Executive Board, who has not been involved in the case.
 - (b) Two members of staff not directly involved with the student(s).
- 7.7. Where possible, GBS shall seek to ensure that the composition of the Complaints Review Panel reflects the character of GBS.
- 7.8. The Programme Leader shall make available to the Complaints Review Panel the completed Stage 2 Formal Complaints Form, previous correspondence relating to the complaint and any other relevant documentation.
- 7.9. The outcome and the reasons for the decisions of the Complaints Review Panel will be communicated by the Dean to the complainant within 10 working days of the meeting of the Complaints Review Panel. The Complaints Review Panel will, at the same time, send a report summarising the complaint, the action taken to resolve it, and the Panel's conclusions and recommendations to the Chief Executive Officer. The decision of the Review Panel will be final and binding.
- 7.10. If the complaint is upheld, the Dean will inform the Chief Executive Officer and the Chair of the Complaints Review Panel within 15 working days of receipt of the report, stating what action has been taken or is proposed in the light of the Panel's recommendations. The Complainant will also be notified of actions taken or actions proposed in response to the Panel's recommendations.

- 7.11. The procedure of the Complaints Review Panel hearing shall be as specified further at point 8.
- 7.12. As far as is practicable, confidentiality shall be preserved in the investigation of the complaint. However, information provided by the complainant may be used when a complaint is investigated.
- 7.13. Once the Stage 3 procedure has been completed, GBS will issue the complainant with a Completion of Procedures Letter. This letter will be issued by the Dean. The letter will notify the complainant of the outcome of their complaint and any changes or adjustments that may have been made as a result of the complaint.

8. Procedural rules for the Complaints Review Panel

- 8.1. The hearing shall take place in private on the premises of GBS on a date fixed by the Chair in consultation with the other member of the Panel.
- 8.2. The complainant may be accompanied at the hearing by one friend but not a paid legal representative. Where several students are bringing the same complaint, they shall appoint two of their number (each accompanied by one friend who cannot be one of the complainants) to attend the hearing. Both the complainant and their friend will have the opportunity to address the panel and ask questions.
- 8.3. After the date of the hearing has been fixed, the Dean shall, at least seven days before the hearing, write to the complainant(s):
 - (a) Notifying the date of the hearing.
 - (b) Requesting three copies of any written submissions from the complainant, to be submitted at least two full working days before the hearing date.
 - (c) Requesting the complainant(s) to provide the name(s) of any friend(s) who will accompany them at the hearing and the name(s) of any witness(es) they would like to call (it is the responsibility of the complainant(s) to notify such friend(s) or witness(es) of the hearing).
 - (d) Requesting the complainant(s) to provide details of any reasonable adjustments that may need to be made for the hearing to accommodate the complainant if they have a declared disability.
- 8.4. At all times following the lodging of a complaint under the formal complaint's procedure, a member of GBS staff who is concerned or named in the complaint or whose conduct is by implication called into question by the complaint has the right to be represented by a friend, who shall normally be another member of staff of GBS.
- 8.5. The Dean will circulate all the information received to the Panel and to the parties involved at least two working days before the date of the hearing.
- 8.6. Written information not received in advance shall not be considered by the Panel unless the Panel decides, in exceptional circumstances, to receive such evidence.

- 8.7. If the complainant does not appear at the date and time scheduled for the hearing, the Complaints Review Panel shall consider whether any reasons advanced for non-attendance are valid, and:
- (a) if members so judge, adjourn proceedings to a later meeting.
 - (b) if no reasons are advanced, or if they are judged invalid, proceed in the complainant's absence.
- 8.8. The Panel will decide whether any witness should be called. A Secretary shall be appointed by the Chair to service the Panel and for producing the report on behalf of the Panel.
- 8.9. The Chair has the power to regulate the procedure of the hearing within the spirit of these rules, having regard to the need to maintain informality and reasonable progress of the proceedings. Time limits may be departed from only at the discretion of the Chair. If a complaint lapses as a result of failure to keep to a time limit, the complaint cannot be recommenced. Time is calculated on working days throughout the year. In exceptional circumstances the Panel may consider documents or hear evidence in the absence of the parties.

9. Stage 4: Independent Review (External)

- 9.1. If the complainant has exhausted the internal procedures of GBS at Stage 3, and those of the awarding body, where appropriate, and is not satisfied with the outcome he/she may request that the case to be reviewed by an Independent External Reviewer.
- 9.2. The findings of any case considered by an Independent External Reviewer shall be considered directly by the Chief Executive Officer of GBS. The Chief Executive Officer shall take the recommendations of the external reviewer into account in reaching a final decision about any action that should be taken in response to the complaint.
- 9.3. The decision of the Chief Executive Officer is final and there shall be no further appeal against this decision.

10. Reporting of Formal Complaints to the Academic Board

- 10.1. The Programme Leader shall keep a record of all formal complaints that are made. This will include formal complaints that are progressed through the Complaints Procedure and those which are resolved informally at some stage in the Complaints Procedure. The Programme Leader shall keep a record of the types of complaints, those making complaints and how each complaint was resolved.
- 10.2. The Programme Leader shall make an annual report, in the July of each year for consideration by the Autumn meeting of Academic Board. The annual report will also be considered at the next appropriate meeting of the Executive Board.
- 10.3. The Dean shall report annually to Academic Board on formal complaints (Stage 2 and Stage 3) received. The report will include:

- The number of formal complaints lodged, and the number satisfactorily addressed at Stage 2.
- The number of complaints that proceed to Stage 3.
- The number of complaints that proceed to a Complaints Review Panel; and number proceeding to independent review.

10.4. Data concerning equal opportunities monitoring shall also be provided. Any overall recommendation(s) arising from the reviews will be drawn to the attention of Academic Board.

11. General Principles underlying Complaints Policy and Procedure

11.1. GBS Complaints Policy and Procedure recognises the importance of the protection of the rights of those wrongly accused. Malicious or frivolous accusations will be viewed as a serious matter by GBS and could lead to disciplinary action, or legal proceedings.

12. Monitoring and Review

12.1. This policy may be amended by GBS at any time.

13. Alternative Format

13.1. This policy can be provided in alternative formats (including large print, audio and electronic) upon request. For further information, or to make a request, please contact:

- **Name:** Student Welfare Management Team
- **Position:** Student Welfare Officer/Manager

Annex 1 – GBS Stage 2: Formal Complaints Form

You need to complete this form to lodge a Stage 2 formal complaint. You should only make a Stage 2 formal complaint after you have tried to resolve the issue or issues that have caused you concern by informal means. You should submit the completed Complaints Form to the Programme Leader at GBS. You will receive an acknowledgement following the submission of this form within five working days.

Please ensure that you complete every part of this form. Normally, you should expect to receive a formal response to your complaint within **fifteen working days** of submitting the completed Complaints Form. If you have any questions or queries, please contact the Programme Leader in the first instance.

1. Student details

Student Name:		Student ID:	
Programme of Study:		Campus:	
Email address:		Telephone number:	
Contact address:			

2. Nature of complaint (please state clearly and precisely)

3. Further details of complaint and list of evidence and/or facts which support your complaint

4. Indicate how you think the issues which you have raised in your complaint could be resolved to your satisfaction.

5. Describe how you have tried to resolve your complaint by informal means.

6. The General Data Protection Regulation (EU) 2016/679 (GDPR): By signing this form you are also agreeing to the following: GBS will process the information provided by you for the purposes of investigating and resolving your complaint, and for the purposes of monitoring and evaluating the effectiveness of the Complaints procedure. If you do not give your consent by signing this form GBS will not be able to progress your complaint.

Please ensure that you complete each section of this form. When completed please sign and date, then submit to the Programme Leader at GBS.

Student signature: **Date:**

Annex 2 – GBS Student Complaints Procedure 2021-2022

