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Complaints & Investigation Policy

v1.0

Institute of Computer Education (Malta)

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1. Introduction

Occasionally, employees experience problems with their work, working environment or working relationships that they need to raise and try to solve. The purpose of this policy is to provide the Institute of Computer Education Ltd (ICE) with a robust mechanism to deal with these issues, quickly, consistently and fairly. It is the company's policy to strive to resolve all issues promptly and in an amicable manner where possible.

2. Application of policy

This policy applies to everyone who works at ICE including directors, managers, staff, temporary workers, contract workers, full time, part time and casual workers, and anyone applying for a position with us. It also applies to our dealings with clients and those who undertake work for us, including contractors and their employees.

3. Procedures

There are two routes to choose from:

1. Informal Procedure
2. Formal Procedure

3.1 Informal Procedure

An attempt shall first be made by the employee to discuss the grievance verbally with their direct manager. This should be done as soon as possible after the cause for the grievance arises. The manager and the employee will attempt to amicably reconcile the grievance.

When the grievance is with the employee's direct manager, we strongly encourage that the employee first attempts to resolve the grievance with their direct manager. Should the employee feel he/she needs assistance s/he can approach one of the company Directors.

Once they have been approached by the employee, Management will discuss the concerns raised in confidence, make discreet investigations, and attempt to resolve the matter.

Dealing with grievances in this way can often lead to the quickest and most effective resolution.

Both the manager and employee may find it helpful to keep a note of this discussion.

3.2 Formal Procedure

Where informal methods of conflict resolution fail, employees are advised to lodge a formal complaint and should seek assistance from their direct manager.

If the direct manager is somehow implicated in the incident, the employee should report the incident to one of the company directors.

In the event that the CEO is somehow implicated in the incident, the employee should report the incident to any of the company's directors.

The complaint should be made in writing or via email and where possible should state:

1. The name of the offender.
2. The nature of the offence.
3. The dates and times when the offence occurred.
4. The names of potential witnesses to the alleged offence.
5. Any action taken by the complainant to stop the offensive behaviour.

When formal complaints are instituted against an employee, the latter is advised to seek the support of a work colleague or representative.

Copies of all formal complaints should be kept confidentially on file and should also be sent to the complainant and the alleged offender, who are also to be informed about the duty of confidentiality in relation to the same complaint. Similarly, copies of reports defining the outcome of the preliminary investigation into the allegation should be sent to those involved in the case. The report must be submitted by the investigating board not later than one week from when the investigations are terminated.

Finally, if the preliminary investigation leads to a formal disciplinary hearing, the case against the offender is proven and the relevant sanctions are imposed, a written document delineating the said information should be filed in the employee's personal file. A copy of this document should be made available to both the complainant and offender.

The course of action delineated above does not override the right of the complainant or the alleged party to take recourse to legal action.

4. Investigations

Immediately after a formal complaint has been received, where necessary, action will be taken to separate the alleged offender from the complainant. This may involve the temporary transfer of the alleged offender to another department or suspension from work until the complaint has been resolved.

At least two individuals nominated by the CEO will carry out a full and thorough investigation as quickly as possible. The CEO of the organisation may also appoint other professionals as members of the Investigation Board. The CEO must appoint the Investigation Board within three working days from when the complaint is received. It is recommended that where possible, the constitution of the Investigation Board will reflect equal gender representation. All persons involved in the investigation are expected to maintain and ensure confidentiality at all times.

The Investigation Board members should ensure an efficient and expedient investigation process. The Investigation Board must initiate its work within five working days from their appointment.

Copies of statements made by witnesses will be made available to the alleged offender and the complainant. Witnesses will be encouraged to appear at the complaints hearing if requested by either party. The Investigation Board will inform witnesses that the organisation shall not permit their victimisation due to giving evidence.

Both the complainant and the alleged offender will also have the right to be accompanied at the hearing by a representative.

Where the Investigation Board concludes that the offence has actually taken place, disciplinary procedures will be immediately instigated.

5. Outcome

Where it results that the alleged incident has not taken place, the immediate manager of the victim and/or the CEO, separately or jointly, shall meet the complainant and the alleged offender individually and describe the outcome of the inquiry.

During this meeting, management may outline the expectations of the company for appropriate conduct and/or take the necessary disciplinary action against unfounded or false accusations which may lead up to dismissal. At this stage both management and the person who alleged the wrongdoing may refer to a mediator to address this situation. Management may also decide to recommend counselling services to the alleged offender at the complainant's expense.

6. Retaliation

No employee, applicant for employment, or member of the public shall be subject to restraints, interference, coercion or reprisal for action taken in good faith to seek advice, file a report, serve as a witness or as a panel member on the Investigation Board concerning an alleged incident. Acts of retaliation are a violation of this policy and will be investigated and adjudicated accordingly.

If the complainant, and/or the alleged offender are victimised by other colleagues because of their actual or alleged behaviour, the latter are liable to disciplinary action.

7. Confidentiality

To the extent possible, all information received in connection with the filing, investigation and resolution of allegations will be treated as confidential except where it is necessary to

disclose particulars in the course of the investigation or when compelled to do so by law. All individuals involved in the process should observe the same standard of discretion and respect for the reputation of everyone involved in the process.

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Any breach in the above policy could result in disciplinary and or criminal action. This policy can be changed by Management from time to time.