

Appeals Committee Report

on the Appeal of Malta Leadership Institute

Appeals Committee Members

The following appointments were made to the Appeals Committee:

Mr Milan Pol – Chairperson

Ms Veronica Montebello – Member

Mr Giga Khositashvili – Member

Role of the Appeals Committee

The Appeals Committee had the task of analyzing the evidence that the petitioner submitted in support of its grounds, and subsequently determining whether to:

- dismiss the appeal; or
- uphold Appellants' arguments (in full or partially); or
- order that a new evaluation be conducted at the expense of the MFHEA.

Documented Evidence

The Appeals Committee was presented with the following documents and resources:

- Audit report submitted by the audit panel,

- correspondence between the provider and the MFHEA,
- MFHEA External Quality Assurance Audit Report Recommendations v.17.06-2024 submitted by the provider,
- legislation (<https://mfhea.mt/legislation/>).

Claims for appeal

1. Procedural Flaws: No reasons were given for the decision to revoke

The institution asserts that the revocation notice issued by the Authority lacked detailed justification for the decision. According to the institution, the notice merely referenced the revocation of license No. 2018-005, which had granted the Malta Leadership Institute the authority to operate as a Further and Higher Education Institution. The absence of specific reasons for the license withdrawal leaves the institution unclear about the underlying grounds for this significant decision. However, upon review, it is evident that the notice letter (dated 12th June 2024) referenced the phrase, 'following the External Quality Assurance Audit', implying that the revocation was directly linked to the findings of the EQA audit. According to international standards, audit reports are critical documents that committees use to base their decisions. The audit report's contents and the number of mandatory recommendations typically influence the QAC's (Quality Assurance Committee) final decisions, even if the revocation.

Furthermore, according to Law SL.607.03 Regulation 37.3, 'The reports from such quality audits shall form the basis for the Authority's decision to grant, refuse, confirm, or revoke accreditation'. Given this legal context, no procedural irregularities were identified in this instance. The process adhered to both the established legal requirements and recognised international practices, suggesting that the institution's claim of procedural flaws lacks substantial basis.

2. *The decision is not based on or supported by sound evidence and arguments as reflected in the audit report. Indeed, no recommendation was received to revoke the license in terms of the audit report.*

The institution contends that the decision to revoke its license was not based on sound evidence or arguments as reflected in the audit report, claiming no recommendation to revoke the license was made in the report. However, international practice dictates that the role of the EQA panel is to thoroughly examine the case, draft a comprehensive report, and provide time bound recommendations. The final decision on the institution's future lies with the QAC of the competent authority, which reviews the report and its recommendations.

In this case, it appears the standard process was followed: the expert team of evaluators (EQA panel) prepared a report, which was subsequently reviewed by the council before making its decision. The institution's reference to "sound evidence and arguments" appears ambiguous, as the audit report itself contains all necessary details, guiding the decision-making process. Additionally, the law, SL 607.03 38(2) governing external quality assurance (QA) audits and the procedural manual, EQA **Provider audit manual of procedures**, do not require the audit report to explicitly recommend the renewal or revocation of an institution's license. Therefore, the claim that the decision was unsupported by the audit report is unfounded.

3. *Procedural Flaws: The revocation is not in breach of the applicable law and regulations*

The institution argues that the revocation of its license was in breach of Law SL 607.03 14(2), which requires the Authority to provide written notice specifying the grounds for revocation and allowing the licensee a reasonable period to respond. However, the law also permits the

Authority to revoke the license before the end of this period if deemed justifiable based on the circumstances.

In this case, the Authority revoked the license in accordance with SL 607.03 regulation 38 (2). It notified the institution that the revocation decision was based on the external audit findings and provided a future date until which the license would remain valid, 1st January 2025. Upon reviewing the situation, there is no evidence to suggest that the Authority's actions contravened the existing law. The process appears to have been conducted with due regard for legal requirements and the institution's right to respond, indicating that the institution's claim of procedural flaws is not supported by the facts.

4. Procedural Flaws: The MFHEA failed to adhere to regulation 38(2) of SL 607.03

The institution alleges that the Authority failed to adhere to regulation 38(2) of SL 607.03, which governs the revocation of a license based on periodic quality audits. However, this regulation, in line with international practice, does not require external audit panels to make the final decision. Instead, the audit's purpose is to assess whether the institution meets established standards.

In this case, the expert team of evaluators drafted recommendations and specified the timeframe for their implementation, which aligns with international practice. The QAC then reviewed the report and recommendations, making its decision accordingly. This process complies with local legislation, ensuring that the decision was procedurally sound and consistent with established practices, contrary to the institution's claims.

5. The criteria have not been correctly applied

The institution claims it did not receive a final report, which prevented it from presenting its views. According to Law SL.607.03 – 40.1(d), the Authority must send the report to the provider, granting a six-week period for the institution to ‘submit its views’. The failure to provide the final report to the institution raises concerns about compliance of the authority with this legal requirement.

This aspect suggests a potential procedural flaw, as the institution was not afforded the opportunity to express its views within the legally mandated period. This omission could be viewed as a failure to correctly comply with the procedural requirements of the review process as stipulated by law.

Conclusion

In conclusion, the Appeals Committee finds that while most of the procedural concerns raised by the institution appear to be unsupported by the facts or existing legal frameworks, the issue of the institution not receiving the final report and thereby not being allowed to present its views merits attention. Therefore, the Appeals Committee recommends that the final draft be sent to the institution, allowing the legally stipulated six-week period for them to submit their views. Other aspects of the revocation process, including the adherence to international practices and the reliance on audit reports, appear to have been conducted in accordance with established laws and procedures.

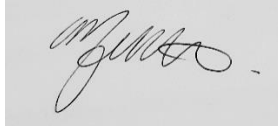
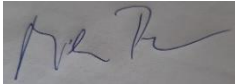
Decision

The Appeals Committee upholds the Appellant’s arguments in Appeals Claim 5, while dismissing the Appellant’s position in Appeals Claim 1, 2, 3 and 4.

The Appeals Committee recommends that a PARTIAL refund amounting to 20% of the fee be issued in favor of the Appellant. This decision reflects the Committee's balanced consideration of the merits of each claim and the overall circumstances presented.

Signatories

The report of the Appeals Committee is endorsed by:



Mr Milan Pol (Chair)

Ms Veronica Montebello

Mr Giga Khositashvili

Date: 21st August 2024