

Ākonga Concerns and Complaints Policy

Approval details

Category	Academic	Date created	May 2022
Approved by		Date of last review	
Responsibility		Date of next review	
First point of contact		Version	1
Key Evaluation Question			

1. Purpose

- 1.1. The purpose of this policy is to ensure that ākonga have access to a concerns and complaints resolution process that is fair, effective, culturally appropriate, and upholds the principles of natural justice.

2. Audience and scope

- 2.1 This policy applies to concerns and complaints from ākonga that may include:
 - a. Their course or programme
 - b. The outcome of an academic decision
 - c. The actions and behaviour of other ākonga or kaimahi
 - d. Te Pūkenga compliance with the [Education \(Pastoral Care of Tertiary and International Learners\) Code of Practice 2021](#)
 - e. Te Pūkenga Regulations, Policy, and Procedures

3. Principles

- 3.1. The concerns and complaints policy follows the principles of natural justice.
- 3.2. Ākonga are entitled to culturally appropriate processes and responses that consider traditional processes for raising and resolving issues.
- 3.3. Information on the concerns and complaints process is accessible.
- 3.4. Complaints are resolved in a timely and consistent manner.
- 3.5. Ākonga are treated with respect, fairly and without bias.
- 3.6. Information is shared only with those who need to know, being mindful of the rights of the complainant and any individual involved.
- 3.7. Complaints about kaimahi are referred to People and Culture; employment decisions are not shared with ākonga due to privacy obligations.
- 3.8. All parties are entitled to an advocate and support at all steps in the concerns and complaints process.
- 3.9. All parties affected by a complaint are kept regularly informed of the progress of the complaint, given an opportunity to present evidence, and to read interim findings and recommendations before a decision is made.
- 3.10. Te Pūkenga treats complaints as a valuable form of feedback and an opportunity to put things right where appropriate, and to promote continuous quality improvement.

4. Responsibilities

Role	Responsibilities
Ākonga	Ākonga follow this policy to resolve concerns and complaints
Kaimahi	Te Pūkenga staff follow this policy to resolve concerns and complaints
Ākonga Advocate, Ākonga Support Teams	Support and advise ākonga with concerns and complaints processes
Concerns and Complaints Officer/administrator	Receives, acknowledges, and refers concerns and complaints. Manages documentation and reporting
Resolution Facilitator	Conducts complaints investigations, consults with other kaimahi, and makes and communicates decisions on outcome

5. Procedures

5.1. SUPPORT

- a. Te Pūkenga ensures information on support services is available to the complainant and any individuals involved.
- b. At any time during the process, the complainant and any individuals involved are entitled to access support from internal or external services.

5.2. CONCERNS

- a. Ākonga are encouraged to resolve their concerns, with support available, by talking to the person directly if possible.
- b. If ākonga cannot resolve a concern to their satisfaction, they may make a formal complaint.

5.3. COMPLAINTS

- a. The complainant lodges their complaint verbally, on the complaints form, or in writing to the Concerns and Complaints Officer/administrator normally within 90 days of the incident or issue. The kaimahi who receives a verbal complaint puts it in writing to the satisfaction of the complainant.
- b. Complaints made 90 or more days following the incident or issue may proceed at the discretion of the Resolution Facilitator.
- c. The Concerns and Complaints Officer/administrator identifies the relevant procedures, assesses the complaint for legal or other implications, and assigns it to the Resolution Facilitator within two (2) working days after receipt of the complaint.
- d. Within three (3) working days of **receipt of the complaint**, the Concerns and Complaints Officer / administrator acknowledges the complaint, gives the name of the Resolution Facilitator who will manage the complaint, and provides information on supports available.
- e. Within five (5) working days of **receipt of the complaint** the Resolution Facilitator sends a notification to the complainant advising of an initial meeting date, stating that the respondent will be informed of the complaint against them and attaching this Policy and Procedure.
- f. Where the complaint relates to kaimahi it becomes an employment matter and the Resolution Facilitator refers it to People and Culture.
- g. The Resolution Facilitator starts a Complaint Summary document.
- h. Ākonga may withdraw a complaint at any stage in the process.

- i. The outcome of a complaint will be provided in writing within the stated timeframe unless otherwise informed. Should this extend usual timeframes ākongā are kept informed.

5.4. INITIAL INVESTIGATION

- a. As soon as practicable, ideally within two (2) working days after providing information to the complainant, the Resolution Facilitator, the complainant, and any support person(s), meet for the first time and agree on the issue, the process under which it will be resolved, and identify the desired outcome.
- b. Within two (2) days of meeting with the complainant the Resolution Facilitator meets with the respondent to discuss the complaint, source additional information, and arrange further meetings as required.
- c. The Resolution Facilitator documents each meeting at the time on the Complaint Summary Document.

5.5. OUTCOMES

- a. Following the completion of the initial investigation, the Resolution Facilitator completes the interim findings of fact and proposed recommendations. They may consult with other kaimahi not involved in the complaint as necessary to determine the recommended outcome.
- b. All parties are given the opportunity to read the interim findings and recommendations, while maintaining any privacy required, before the final decision is made.
- c. The Senior Decision Maker reviews the documentation, findings, and recommendations and makes the final decision which may be to uphold, partially uphold, or not uphold the complaint.
- d. Ideally within 30 days of receipt of the complaint, the Resolution Facilitator communicates the decision to all parties in writing. Options for appeal of the outcome are included in the communication and a reference made to the appeals process and where support can be obtained in making an appeal.
- e. The Resolution Facilitator documents the outcome and the communications sent on the Complaint Summary Document.

5.6. DOCUMENTATION AND REPORTING

- a. The Resolution Facilitator sends a Complaint Summary Report and relevant documents to the Concerns and Complaints Officer / administrator.
- b. Where there are recommendations for corrective action or opportunities for improvement these are reported and discussed with the relevant manager.
- c. The Concerns and Complaints Officer / administrator files the Complaint Summary Document within 10 days of the conclusion of the investigation.
- d. The Concerns and Complaints Officer / administrator reports annually to the Ohu Whakahaere Quality, Ako Network management, ākongā, on the website, and to the code administrator (NZQA) on the overall numbers and nature of complaints and outcomes for the year and, as far as practicable to maintain privacy, by diverse ākongā groups.

5.7. APPEAL OF DECISION

- a. It is accepted that ākonga may wish to challenge a decision not to uphold a complaint. There are options that they may pursue in consultation with an ākonga support person in such circumstances. These options include:
- i. Internal Appeals Procedures - please refer to Te Pūkenga Appeals Policy, which sets out the grounds on which an appeal may be filed
 - ii. (Domestic ākonga) [Submit a complaint to NZQA](#) as per the Education Code of Practice, where the subject matter of the complaint is a matter that is covered by the Code
 - iii. (Domestic ākonga) Appeal to the Office of the Ombudsman where the complaint relates to the process that was applied
 - iv. (Domestic ākonga for financial or contractual disputes) Appeal to the Tertiary Education Dispute Resolution at info@talkmeetresolve.co.nz where the complaint relates to a financial matter or term of enrolment.
 - v. (International ākonga for financial or contractual disputes) Submit a complaint to the Dispute Resolution Scheme ([iStudent Complaints](#)) where the complaint relates to a financial matter or term of enrolment.

6. References

Internal

Te Kawa Maiororo
 Appeals Policy and Procedure
 Assessment regulations and procedures
 Ākonga code of conduct
 Complaint form
 Complaints summary
 Letter to Complainant Acknowledgement
 Letter to Complainant Meeting Notification
 Letter to the Respondent
 Letter of outcome notification
 IT Policy and Procedures

External

Human Rights Act 1993
 Privacy Act 2020
 Bill of Rights Act 1990
 The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021
 Harmful Digital Communications Act 2015

7. Definitions

Term	Means
Academic Decision	Academic decisions may include but are not limited to admission and enrolment decisions, recognition of knowledge and skills, academic progress (pass/fail), results or outcomes, assessment, award of qualifications.
Advocate/Ākonga Support Person	The person who assists the ākonga by being present, observing that the process is followed, and/or advising the ākonga regarding process and options and guiding them through the process. An Advocate is a Ākonga Advisor, their nominee, or any person nominated by the ākonga.
Complaint	An expression of dissatisfaction where the ākonga seeks some form of redress or change in a situation; where the ākonga considers that there has been a direct and significant adverse impact on him/her, which requires a formal process of resolution.
Concern	A matter where it is likely that resolution can be obtained by direct, informal consultation with the people concerned. A situation where the ākonga considers appropriate standards have not been met but the impact on them has not been great.
Natural justice	<p>The three main requirements of natural justice that must be met in every case are: adequate notice, no bias and fair hearing.</p> <p>A process conducted without bias that includes three key rules to enable this:</p> <ol style="list-style-type: none"> In an investigation, the subject of the complaint must be advised of the allegations in as much detail as possible, given time to prepare and present their side of the story including evidence and must be given the opportunity to reply to the allegations. Investigators and decision makers must be impartial and act without bias in procedures connected with the making of a decision. Decisions must be based on a balanced and considered assessment of the information and evidence. Decisions must be based on logical proof or evidence. Investigator or decision makers should be able to clearly point to the evidence on which the decision is based. Evidence presented by one party must be disclosed to the other party, who may then subject it to scrutiny.

8. Records Management

Record	Minimum retention period	Disposal action	GDA Reference #
<i>To be completed prior to approval</i>			

9. Amendment history

Version	Effective date	Created/reviewed by	Reason for review/comment
1	May/2022	Working Group	First published