

Ākonga Concerns and Complaints Policy

Approval details

Category	Academic	Date created	16 November 2022
Approved by	Te Poari Akoranga	Date of last review	--
Responsibility	Business Division Lead	Date of next review	16 November 2023
		Version	1

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 timely, fair, effective, culturally appropriate, and upholds the principles of natural justice.

2. Audience and scope

- 2.1 This policy is a national policy that applies to concerns and complaints from ākonga that may include:
 - a. Their course or programme
 - b. An enrolment or admission decision
 - c. The actions and behaviour of other ākonga or kaimahi
 - d. Administrative systems, services, or decisions
 - e. Te Pūkenga compliance with the [Education \(Pastoral Care of Tertiary and International Learners\) Code of Practice 2021](#) (the Code)
 - f. Access to regulations, policy, or procedures that affect ākonga

3. Principles

- 3.1. The Concerns and Complaints Policy and Procedures follow 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 named and 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

- 4.1. All Ākonga who have a concern and complaint are responsible for following the procedures set out in this national policy
- 4.2. All Te Pūkenga staff are responsible for implementation of this national policy
- 4.3. Te Pūkenga is responsible for ensuring ākonga are informed of their right to raise a concern or make a complaint and that information on the procedures is published and accessible.

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 either directly with the person concerned, through the business division's online feedback or Student Voice portal, or with the business division Ākonga Support team.
- b. Kaimahi directly involved will either manage the resolution of the concern or refer the matter to the business division Complaints Officer (or equivalent function) who will identify the appropriate person/unit to follow up and resolve the concern.
- c. If the ākonga wishes to be contacted, they will be kept informed or advised of the outcome within five working days.
- d. If a concern cannot be resolved to the satisfaction of an ākonga, they may make a formal complaint.

5.3. COMPLAINTS

- a. The complainant makes their complaint in person or in writing to a kaimahi or directly to the business division Complaints Officer normally within 21 days of the incident or issue. The kaimahi who receives an oral complaint puts it in writing to the satisfaction of the complainant.
- b. Complaints made 22 or more days following the incident or issue may proceed at the discretion of the business division delegated authority.
- c. The Complaints Officer identifies the relevant procedures, assesses the complaint for legal or other implications, and initiates an investigation following the business division procedures.
- d. The Complaints Officer reports the outcome to all parties in writing within 30 days of receipt of the complaint. The communication will also include the complainants right to appeal if they are not satisfied with the outcome following the process set out in the Ākonga Appeals Policy.
- e. At all times throughout this process, the complainant has the right to involve a support person of their choice or to withdraw the complaint. It is the responsibility of the kaimahi involved to advise the student of this right.
- f. Feedback on the complaints process will be sought from the complainant on their experience of the complaints process and will be used to inform continuous quality improvement of the procedures.

5.6. DOCUMENTATION AND REPORTING

- a. The Complaints Officer will register all complaints and resolutions on the business division Complaints Register. Access to the Register will be restricted.
- b. Documentation relating to the complaint is kept in accordance with relevant legislation and the business division Records Management Policy and General Disposal Authority.
- c. Any reports generated from the register will maintain the privacy of complainants and any other persons involved in the complaint in accordance with the Privacy Act (2020).
- d. The Complaints Officer reports monthly to the senior manager with overall responsibility for Concerns and Complaints, and annually to Te Ohu Whakahaere Quality, to ākonga 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 ākonga groups.

6. References

Internal

Te Kawa Maiororo
Ākonga Appeals Policy and Procedure
Assessment regulations and procedures
Ākonga code of conduct (Business Division)

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
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.
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.
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.
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. Amendment history

Version	Effective date	Created/reviewed by	Reason for review/comment
1	1 January 2023	Te Kawa Maiorooro Working Group	First published