

Resolution of Student Complaints		FSA Policy	
Approval	Chief Executive	Date of approval	14 November 2023
Policy Owner	Kaihāpai	Effective Date:	2023
		Review Date:	2025

1. PURPOSE

1. This policy sets out the Academy's complaints procedures to ensure:
 - a. Student concerns and complaints against other students, staff or the organization are addressed in a timely manner and at the lowest possible level following due process in accordance with principles of natural justice.
 - b. A student-centred approach is applied in addressing student concerns and complaints that will not discriminate on the grounds of gender, gender identity, race, ethnicity, sexual orientation, marital status, age, disability, religious or ethical beliefs, or political opinions.

2. DEFINITIONS

Kaihāpai

In this policy the term conveys the meaning of an advocate and supporter and refers to the Academic Director for complaints against another student or the Director of People and Development ('DPD') for complaints against staff members. This is subject to the Chief Executive's ('CEO') delegation to another staff member or external appointee, with the relevant qualification and experience to address the complaints of the parties. The appointee will exercise the CEO's delegated authority and mediate resolution of complaints unresolved at lower levels.

Complaint

An expression of dissatisfaction where the student seeks redress through a formal process of consultation to address and resolve a situation that directly or adversely affects them. Complaints must be in writing or in a digital format.

Concern

A matter that does not amount to a complaint that is likely to be resolved through discussion with the student and others concerned including matters that have little impact on the student.

Complainant

The student raising the complaint in written or digital form (auditory or visual). Not all student concerns are complaints however once these are presented in written or digital form to the appointed Kaihāpai, they will be treated as formal complaints. Reference to the singular also applies to the plural.

Respondent

The party whom the complaint is about. This may be a student or a staff member. Reference to the singular also applies to the plural.

Code of Practice

This refers to the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 and subsequent amendments.

3. POLICY

1. Depending on the nature of the complaint the CEO may delegate the enquiry and investigation to the Academic Director, the DPD or an independent third party. The appointee will be referred to in this policy as the Kaihāpai.
2. The Chair, of the Academy's Board of Directors, will address complaints made against the CEO.
3. Students will be supported by lecturers and Student Success to communicate their complaints to the Kaihāpai. They will ensure that all students have access to information on how to raise a complaint and the procedures and processes set out in this policy to support them. This includes key staff they can contact for more information and assistance where there maybe barriers to accessing support for example language, disabilities, concerns of reprisal, lack of internet and desire for anonymity.
4. This policy excludes matters that are covered by other FSA policies, in particular *Academic Appeal Process for Students policy* and *the Student Discipline policy* (including complaints made by staff about students).
5. All complaints will be responded to in a timely manner and in ways that are culturally appropriate and responsive to students in how issues are raised and resolved. Complaints will be handled as quickly as possible and follow due process to ensure academic progress is not impeded and to minimize stress on students where possible.
6. FSA reserves the right not to act related to anonymous complaints based on hearsay, or if the complainant does not provide sufficient information in writing or digital form, or the complaint is raised more than 90 calendar days after the alleged incident/problem.
7. Complaints and responses by the respondent must be in writing or digital form clearly setting out the nature of the complaint or defence with supporting evidence, and the proposed redress parties are seeking. Groups of students may also raise complaints as a

group or as individuals in a joint claim.

8. The rights of both the complainant and the respondent are protected by confidentiality with information and details related to the complaint treated on a 'need to know' basis in all cases.
9. All parties will be treated fairly, and have the right to representation, advice, advocacy and support through all stages of the complaint process. Students may access support through their lecturer, Academic Director, Head of Department, Student Success Services, the Kaihāpai, other external agency or whanau.

4. PROCEDURES

1. Student concerns should be raised with the person(s) directly involved as soon as possible after the incident or situation has occurred, with the support of staff if requested. Student Success and the teaching staff must be actively engaged in resolving student concerns at this level to minimize escalation to a complaint. Staff are to advise students of the complaints procedures and where to find these in their programme or student handbook or student.
2. Where the parties raise complaints with staff, they are to encourage students to discuss their complaints first with their lecturer and Student Success or the Head of Department responsible for their programme. If the complaint remains unresolved parties can provide a written or digital format of their complaint which will be referred to DPD, if it relates to a staff member, the Academic Director if it relates to another student or to the CEO's appointed delegate. Complaints against the CEO are referred to the Chair of the Board of Directors through the DPD. The complaint will outline the nature of the student's complaint and the proposed redress being sought. Academy staff are to maintain strict confidentiality about student complaints and are not to discuss this with other co-workers or students.
3. The Kaihāpai will acknowledge receipt of the written complaint from a student within three (3) working days of receiving the written complaint. These will be numbered, dated and recorded in the Notification, Complaints, Discipline and Appeals Register (the 'Complaints Register')
4. The Kaihāpai will investigate the complaint by communicating with the parties to seek clarification of the issues raised in the complaint and consider if the parties are able to reach an agreed understanding without further action. Where this is reached, a written record of that decision can be provided to the parties for signing and confirming no further action is required.
5. Where the parties do not reach an agreed understanding the Kaihāpai will formally meet with the parties. All relevant documents, including a copy of the complaint procedures, will be circulated to the complainant and respondent at least two full working days prior to the meeting or mediation/conciliation of the parties. Parties can bring a support person to any meetings and must provide sufficient notice to the Kaihāpai so they can inform the other party.
6. A resolution will be sought as quickly as possible with the written outcome provided to the complainant, the respondent, the Academic Director, the relevant Head of Department, and

the Director of Quality. The resolution and any resulting actions will be recorded in the Complaints Register maintained by the Kaihāpai, responsible for managing implementation of the decision.

7. FSA will take preventative action where possible to ensure that actions are taken, and improvements to processes are made as necessary, to minimize similar complaints of the same type reoccurring.

Reconsideration

8. If the complainant or respondent believes the decision is unfair, they may write to the Kaihāpai within seven (7) working days of receiving advice of the decision to request a reconsideration of the complaint and outline the reasons for reconsideration.
9. The Kaihāpai will acknowledge receipt of request with three (3) day of receipt. If necessary, the Kaihāpai may ask all parties for additional information or another meeting to further investigate and reconsider the complaint. Further information may also be sought to support the review. A decision is provided within seven (7) days from receipt of students request for reconsideration. A review may also be based on the papers submitted without further interviews of the parties provided the principals of natural justice are maintained.
10. If the complainant or respondent remains dissatisfied with the Kaihāpai's decision after the review, they can seek resolution by way of a referral to an appropriate body or agency depending on the nature of their dispute. Agencies include the Commerce Commission, the Privacy Commission, the Human Rights Commission, under section 13(1) of the Ombudsman Act 1975, or take legal action through the Disputes Tribunal and alternative disputes resolution schemes available to them under the Code of Practice. All student can contact the Code of Practice Administrator at NZQA for advice and support via their website <https://www.nzqa.govt.nz/about-us/make-a-complaint/make-a-complaint-about-a-provider/> or email gadrisk@nzqa.govt.nz. Disputes may include those of a contractual and/or financial nature.

Reporting to the Board of Directors.

11. The Kaihāpai will sign off the actions in the Complaints Register once the matter is concluded and notifies the CEO, Academic Director, Student Success, the Director of Quality of the outcome.
12. The Kaihāpai shall prepare in February and July of each year, a summary report of the complaints in the previous 6 months with copies provided to the CEO and the Board. The report is to include:
 - a. the number and nature of complaints made and their outcomes (at an aggregate level, and as far as practicable, disaggregated by diverse student groups; and
 - b. student experience with the complaints process and the outcome of their complaint.

13. The summary report shall be available to students, stakeholders, and the Code Administrator where required under the Code of Practice.

14. Preventative actions and opportunities for improvement identified as a consequence of complaints and their resolution are implemented and monitored by the Kaihāpai for effectiveness.

5. PROCESSES

Responsibilities	Action
Academic teaching staff and Academic Director	- Actively engaged in addressing student concerns and complaints as they arise and to ensure these are done in a timely manner so concerns do not escalate to complaints. - Ensure procedures and processes in this policy is published in programme and student handbooks and students are made aware of these during orientation and throughout their term of study.
Staff	Staff are to encourage students who raise complaints against other students, to follow the processes set out in this policy so complaints are addressed as soon as practically possible by the Academic Director or the Kaihāpai. Staff are to maintain strict confidentiality about the complaint and the parties and refer students back to the Academic Director and Student Success.
Student Success	- Ensure when students are complainant and respondent that they are supported when seeking support and advice. Staff are to remain objective, professional and maintain confidentiality. - Ensure complaints procedures and processes are discussed during orientation and key Student Success contacts are advertised on all campuses where students can access. - Remain the central team referring students to agencies where students seek support and information around the complaints processes including the NZQA Code Administrator. - Maintain records of referrals made and advise the Kaihāpai.
Students	May provide a written complaint to the Kaihāpai. Contact details will be provided in the student and programme handbooks. The complaint can be emailed directly or sent through to the Kaihāpai or Academic Director if a delegate has been appointed. Students may also provide their written complaint to Student Success to forward on. Complaints must be in writing or digital format with evidence to support their account.
Kaihāpai	Will acknowledge receipt within 3 days of receiving a written complaint and will investigate it by communicating with the

	complainant and respondents. Where an agreed understanding is reached between the parties, this will be recorded in writing and sent to the parties to confirm and sign. Where no agreed understanding is reached, a meeting will be set up with the parties, as soon as practicable to try and resolve the complaint. A decision will be made and recorded and circulated to parties. • Where either party is dissatisfied with the decision, they have 7 days to request a reconsideration from the Kaihāpai who will acknowledge receipt within 3 days of receipt of request for reconsideration. Meetings or further information may be sought to support the review and a decision made within 7 working days with the decision provided in writing to both parties. • Records the final outcome in the Complaints Register and notify the CEO, Academic Director and the Director of Quality. • Will manage the implementation of the decision.
Student Success.	• Where either party remains dissatisfied, they will be referred to Student Success for assistance in referral to agencies where they can raise their concerns including the NZQA Code Administrator for the Code of Practice.
Kaihāpai	• Where risks are identified, these are to be monitored and addressed in a timely manner and reported to the CEO and Board at its next sitting. • Write a report in February and July to the FSA Board on the preventative actions and gaps identified to improve the Academy's systems and processes. • The report must include information required under the Code of Practice to be released to students and stakeholders. These are set out in the policy.

6. STATUTORY COMPLIANCE

Where legislation and guidelines change prior to review the most recent version will apply.

- The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021.
- Ombudsmen Act 1975
- NZQA - Programme Approval, Recognition, and Accreditation Rules 2022

Other policies & documents

- Student Discipline Policy
- Academic Appeal Policy

Version Control

Version	Effective Date	Created/Reviewed by	Reason for review/Comment
1	21 June 2021	Quality Manager	New Policy
2	Nov 2023	Director of Quality	Review and update.

APPROVED

Initials: *N Y*

Date: 14/11/2023

Name: Nick Yerni (Chief Executive (Domestic))