

Resolution of Student Complaints		FSA Policy	TBC
Approval	Senior Management Team	Date of approval	9 August 2021
Policy Owner	Te Kaihāpai	Effective Date:	9 August 2021
		Review Date:	January 2023

1. PURPOSE

1. To set out policy and procedures to ensure:

- a. Student concerns/complaints are resolved quickly and at the lowest possible level, and in accordance with principles of natural justice.
- b. These are consistent with its learner-centred approach where Future Skills Academy ('FSA') approach and enquiry in addressing student concerns/complaints will not discriminate on the grounds of gender, gender identify, race, ethnicity, sexual orientation, marital status, age, disability, religious or ethical beliefs, or political opinions.

2. DEFINITIONS

Te Kaihāpai

In this policy the term conveys the meaning of an advocate and supporter and refers to the Academic Director (or delegate) exercising the Chief Executive's delegated authority to resolve academic appeals, complaints, and student disciplinary matters not resolved at a lower level.

Complainant

The student raising the concern and/or making the complaint. 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.

3. POLICY

1. The Chief Executive delegates the enquiry and investigation of all student concerns/complaints directly to the Te Kaihāpai.
2. Complaints made by staff about staff are handled by People and Development according to standard staff management procedures.
3. 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).
4. All complaints are treated seriously and with due consideration. They will be handled as quickly as possible and according to the most appropriate procedure to ensure academic progress is not impeded.
5. Complaints made by students about the performance or conduct of another student or staff member are logged by the Te Kaihāpai but are investigated by People and Development. The Future Skills Academic Board handles any complaint made against the Chief Executive.
6. Complaints and responses by the respondent must be in writing clearly setting out the nature of the complaint/defence and propose resolution parties are seeking.
7. 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 the complaint is raised more than 90 calendar days after the alleged incident/problem.
8. The rights of both the complainant and the respondent are protected by confidentiality with information and details related to the concern/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 FSA, Student Support Services or by other external party or whanau.

4. PROCEDURES

1. Where possible the concern/complaint should initially be raised and in most cases should be resolved by the person(s) directly involved (i.e., fellow student, academic staff, Academic Manager) as soon as possible after the incident or situation has occurred. The Academic Manager and teaching staff must be actively engaged in resolving student concerns at this level including advising the parties of the complaints procedures and referring them to this in the programme handbook and/or student handbook.
2. Where the parties raise complaints with FSA staff, they are to encourage students to refer to their programme handbook or student handbook on the complaints procedures and to discuss their concerns with the Academic Manager, Student Support or People and Culture. FSA staff are to maintain strict confidentiality about student complaints against other

students or other staff and are not to discuss this with other co-workers or students.

3. Where a resolution at this level is not possible, or the complainant, and/or respondent, is unable to identify the appropriate person to contact, or lacks the confidence to do so, he/she may provide a written account of the complaint setting out the nature of the complaint, its context and propose redress they are seeking. The letter can be emailed directly to the Te Kaihāpai or via the Academic Manager, Student Support Services or People and Development.
4. The Te Kaihāpai will acknowledge receipt of the written concern/complaint within three (3) working days of receiving the written complaint. The complaint will be numbered, dated and recorded in the Notification, Complaints, Discipline and Appeals Register (the 'Complaints Register')
5. The Te Kaihāpai will provide all documentation to People and Development who will organize a meeting with the complainant to discuss the complaint and advise the processes involved in resolution and the timelines involved.
6. People and Development will also liaise with the respondent, and, in the case where the complaint is about a staff member, the respondents direct line Manager, to investigate the concern/complaint and seek a resolution.
7. All relevant documents including a copy of the complaints procedures, will be circulated to the complainant and respondent at least two full working days prior to any meeting or mediation/conciliation.
8. A resolution will be sought as quickly as possible and the complainant, respondent, current line Manager (if appropriate) will be advised in writing by People and Development of the outcome. The resolution and any resulting actions will be recorded in the Complaints Register maintained by the Te Kaihāpai responsible for managing implementation of the decision.
9. FSA will take preventative action where possible to ensure that actions are taken, and process improvements made as necessary to prevent concerns/complaints of the same type reoccurring.

Reconsideration

10. If the complainant or respondent believes the decision is unfair, they may write to the Te 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.
11. The TE Kaihāpai will acknowledge receipt of request with three (3) day of receipt. If necessary, the Te 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.

12. If the complainant or respondent remains dissatisfied with the Te Kaihāpai's decision after the review they may make a complaint to, the Commerce Commission, or the Privacy Commission, or New Zealand Qualifications Authority (NZQA), or under section 13(1) of the Ombudsman Act 1975, or take legal action. An international student who is dissatisfied with the Te Kaihāpai's decision can contact NZQA 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

Reporting to FSA Board

13. The Te Kaihāpai will sign off the actions in the Complaints Register once the matter is concluded and notifies People and Development, the Academic Manager and the Quality Manager.
14. Using the information in the Register, the Te Kaihāpai shall prepare in February and July of each year, a summary report of the complaints in the previous 6 months. Copies are to be sent to the Chief Executive and the FSA Board.
15. Preventative actions and opportunities for improvement identified as a consequence of complaints and their resolution are implemented and monitored by the Te Kaihāpai for effectiveness.

3. PROCESSES

Responsibilities	Action	Comments
Academic teaching staff and Academic Manager	Actively engaged in addressing student complaints and concerns when these are raised with them and to ensure these are done in a timely manner.	
Other FSA Staff	Staff are to encourage students who raise complaints against other students or a fellow staff member, to follow the processes set out in this policy to ensure complaints are addressed as soon as practically possible by the Academic Manager. Staff are to maintain strict confidentiality about the complaint and the parties and refer students back to the Academic Manager or People and Development.	
Student Support Staff	Is to ensure where the complainant and respondent are students that they support both students the best they can where students seek support and advice. They are to remain objective and professional and maintain confidentiality.	

Student	Writes a written complaint to the Te Kaihāpu. Details will be provided in the student handbook and programme handbook. This can be emailed directly or sent through to the Academic Manager or Students Support.	
People and Development Director and	- Will within 3 days of receipt of a written complaint, acknowledge receipt. - Provide all written documentation to People and Development to investigate the complaint. - People and Development will investigate including meeting with the complainant and respondents. - A written decision is made and communicated to both parties, Academic Manager and any other relevant staff within 10 working days and the either may seek a reconsideration within 7 days of receipt of decision, to the Te Kaihāpai setting out their reasons. - Where the complaint is resolved the the Te Kaihāpai is responsible for ensuring implementation of the decision.	
Te Kaihāpai	- Where either party is dissatisfied with the decision, they have 7 days to request a reconsideration from the Te 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 notifies People and Development, the Academic Manager and the Quality Manager. - Will manage the implementation of the decision.	
Students	Where either party remains dissatisfied, they may raise their concerns with the Commence Commission or NZQA, Privacy Commission.	
Te Kaihāpai	- Where risks are identified, these are to be monitored and addressed in a timely manner and reported to the FS Board at its next sitting. - Write a report in February and July to the FSA Board on the preventative actions and improvements/or opportunities for improvement identified from as a consequence of complaints and their resolution and how these have been implemented in improving FSA systems and processes.	

4. STATUTORY COMPLIANCE

- The Education (Pastoral Care of Domestic Tertiary Students) Interim Code of Practice 2019 [Interim Code of Practice \(Domestic Students\)](#)
- The Education (Pastoral Care of International Students) Code of Practice 2016
- Ombudsmen Act 1975 (<http://www.nzqa.govt.nz/providers-partners/education-code-of-practice/>)
- Guidelines for the Education (Pastoral Care of International Students) Code of Practice 2016 – Tertiary (<http://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/tertiary-guidelines-code-of-practice.pdf>)
- NZQA rules and guidelines (www.nzqa.govt.nz)

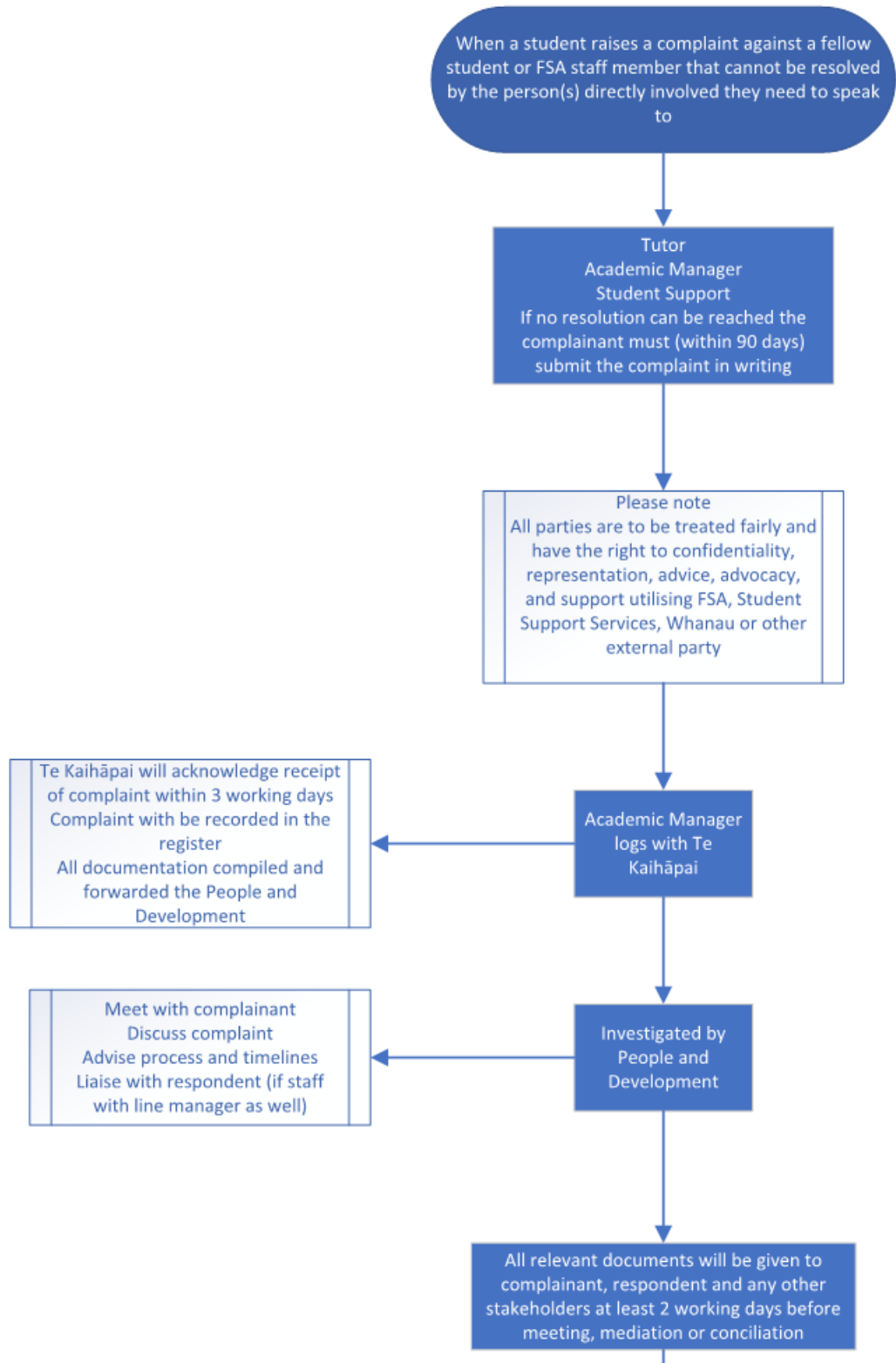
Other policies & documents

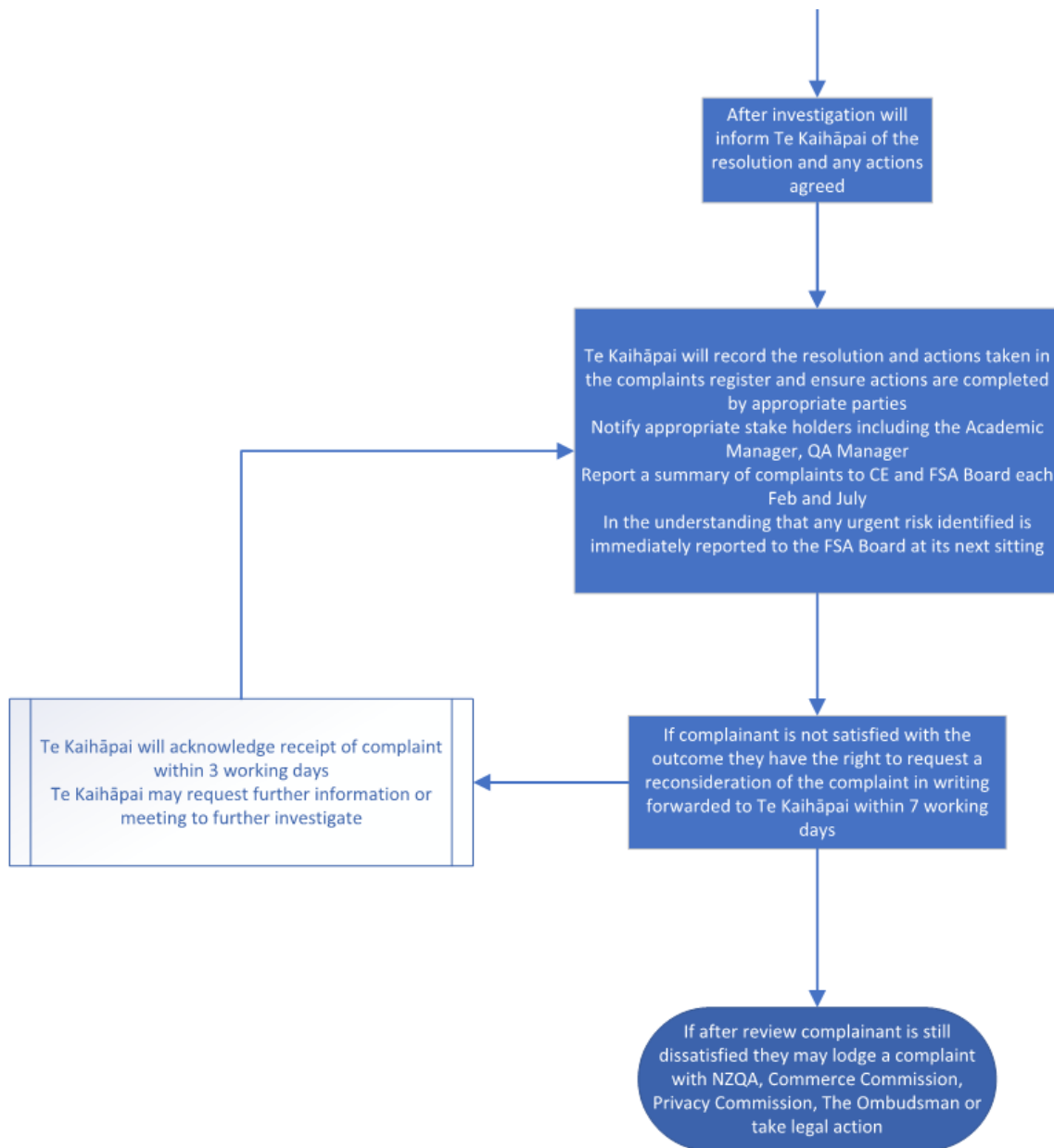
- Student Discipline Policy
 - Academic Appeal Process for Students Policy
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Version Control

Version	Effective Date	Created/Reviewed by	Reason for review/Comment
1	1 June 2021	Quality Manager	New Policy

5. PROCESS FLOW CHART





APPROVED

Sign: 

Date: 9/09/21

Name: Sam Alavi (Group Chief Executive)