

COMPLAINTS RESOLUTION

Criteria for Performance Excellence		3: Customer Focus	
Key Evaluative Question/s	6	Policy Number	3.06
Approval Date	July 2016	Approval Body	Chief Executive
Next Review	July 2018	Policy Manager	Director - Academic and Quality

Controlled document - refer to the online QMS for latest version

PURPOSE

Tai Poutini Polytechnic is committed to excellence and continuous quality improvement for the whole of the organisation. When issues do arise, this policy sets the framework to resolve complaints equitably, promptly, with confidentiality and in accordance with natural justice.

SCOPE

This policy applies to students (both domestic and international), organisations or members of the public who wish to make an informal or formal complaint about an aspect of the broad provision of all services provided by Tai Poutini Polytechnic at all learning facilities and campuses, including contracted training providers.

This policy does **not** cover:

- situations which can be dealt with within the Student Disciplinary Actions regulations (within the Academic Statute);
- challenging academic results (refer to Academic Appeals within the Academic Statute);
- staff complaints regarding employment relationship issues, including for example, personal grievances, claims of unpaid wages, holiday pay (refer to the appropriate line manager or Human Resource representative);
- complaints which are covered by other more specific policies (refer to the appropriate policy, for example, Staff Misconduct and Unsatisfactory Performance Policy, Consolidated Staff Code of Ethics, Harassment and Bullying Policy).

Tai Poutini Polytechnic reserves the right not to pursue malicious or anonymous complaints or complaints which have been lodged outside a 90-day timeframe of the event occurring.

Formal Complaints Resolution Responsibilities

The **Chief Executive** is responsible for the ultimate decision in relation to the complaint. The recommendation provided by the Complaints Panel may form part of further action by the Chief Executive. The Chief Executive also hears and decides on any appeal, should the complainant/respondent wish to appeal the decision.

The **Director - Academic and Quality** is responsible for ensuring compliance of the formal complaints procedure, and working with Chief Executive to appoint a Complaints Panel. The Director - Academic and Quality advises the Complaints Coordinator of the steps involved in processing a formal complaint. The Director - Academic and Quality ensures the complaint is recorded, that communication and reporting requirements are met and that the rights of the parties involved are upheld.

A **Complaints Coordinator** (the Executive Assistant to the Chief Executive) manages the correspondence around the formal complaint procedure. The Complaints Coordinator records and provides access to the recorded information for all parties involved upon request.

A **Complaints Panel** is responsible for investigating a complaint and providing a recommendation to the Chief Executive as to the next course of action in relation to the complaint. The Complaints Panel typically consists of two staff members who are not associated with the programme or department from which the complaint relates and a student representative, not associated with the programme or department from which the complaint relates.

Complainants are responsible for following the appropriate steps outlined in procedure 3.06 B in order to lodge a formal complaint. Further, complainants and **respondents** must respect the confidentiality in regards to the complaints process and offer full and accurate information.

DEFINITIONS

Complainant means the person or organisation who makes a complaint

Formal complaint

when an informal intervention has not worked or, if in the complainant's view, the complaint is serious enough to warrant a formal investigation. This complaint will be in writing and involve a formal process in order to resolve.

Natural justice

In the context of this policy, means the right to have a decision made by an unbiased decision-maker who observes fair and impartial procedures

Informal complaint/concern

a complaint or concern that can be resolved using informal methods. For example, a student approaching a staff member or the staff member's manager to discuss an issue by taking a problem solving approach

Support person

a person or a group able to provide support or advice to the complainant or respondent (e.g. TPP Student Support Staff member, friend or family/ whānau member). The support person's role is to empower their party to speak for themselves with knowledgeable support. The support person may not speak on behalf of the complainant or respondent.

Respondent means the person or entity (service, Faculty, Department) about whom a complaint is made

POLICY

1. Tai Poutini Polytechnic values feedback from students, stakeholders, and members of the public. Where TPP fails to meet expectations, we encourage stakeholders to inform us both informally and formally.

2. Where the nature of the feedback is a complaint, the procedures within this policy are the steps which must be followed for all formal complaints in order to ensure the rights and responsibilities of the parties involved are adhered to.
3. Complainants are encouraged to use the informal complaints resolution procedure in the first instance wherever possible.
4. All complaints will be processed in a fair, timely, unprejudiced and confidential manner for all parties involved.
 - 4.1 Tai Poutini Polytechnic will endeavour to resolve formal complaints **within 28 days** of receipt. Where this is not possible, notification will be sent to all parties with an updated estimated date of resolution.
5. As a signatory to the Code of Practice for the Pastoral Care of International Students, TPP will ensure international students are advised of and have prompt access to transparent and fair internal procedures for dealing with complaints.
 - 5.1 An International Student support staff member will be available to guide the student through this procedure.
6. Rights of Involved Parties:

The procedure for resolving formal complaints will be conducted in a manner that is respectful of the rights of all parties including:

 - 6.1 Access to full information at all stages of the formal complaint process when requested;
 - 6.2 The details of, and time to consider, any allegations made against them;
 - 6.3 Time to consider and formulate a response to an allegation;
 - 6.4 The right to have a support person involved in the process regarding the complaint (including informal complaints/concerns). The following people may be considered support persons:
 - TPP Student Support Team Leader;
 - Programme Leader/Head of Department (or equivalent);
 - The Te Takawaenga/Kohinga Maturanga (Maori Development and Support Officer);
 - Member of a student association;
 - Friend or family/whānau member of the complainant's choice; and/or 4.6 representative.
 - 6.5 Time to organise a support person to attend interviews if this is desired;
 - 6.6 Be advised in writing of all decisions made in relation to the complaint;
 - 6.7 Natural justice;
 - 6.8 The right to appeal a decision against them. If students are not satisfied with an outcome of the TPP complaints process domestic students may appeal to NZQA while international students may initiate a dispute against TPP by making a claim under the International Student Contract Dispute Resolution Scheme Rules 2016 (DRS).

RELATIONSHIPS

Internal:

- Student Complaints (within the [Academic Statute](#))
- Student Misconduct (within the [Academic Statute](#))
- Student Code of Conduct (within the [Academic Statute](#))
- Regulation regarding Student Appeals (within [Academic Statute](#))
- [Consolidated Code of Staff Ethics policy](#)
- [Harassment and Bullying policy](#)
- [Staff Misconduct and Unsatisfactory Performance policy](#)
- [Media and External Communications policy](#)

External:

- [Human Rights Act \(1993\)](#)
- [Privacy Act \(1993\)](#)
- [Official Information Act \(1982\)](#)
- [Code of Practice for the Pastoral Care of International Students](#)
- [The Ombudsman](#)
- [International Student Contract Dispute Resolution Scheme Rules 2016](#)

PROCEDURES

[3.06 A.1 How to resolve formal complaints \(high-level process flowchart\)](#)

[3.06 A How to resolve informal concerns/complaints \(procedure\)](#)

[3.06 B How to resolve formal complaints \(procedure\)](#)

FORMS

[3.06 B\(i\) Letter template for receipt of formal complaint](#)

[3.06 B\(ii\) Letter template for request to appear for interview as part of the investigation- witness](#)

[3.06 B\(iii\) Letter template for request to appear for interview as part of the investigation-respondent](#)

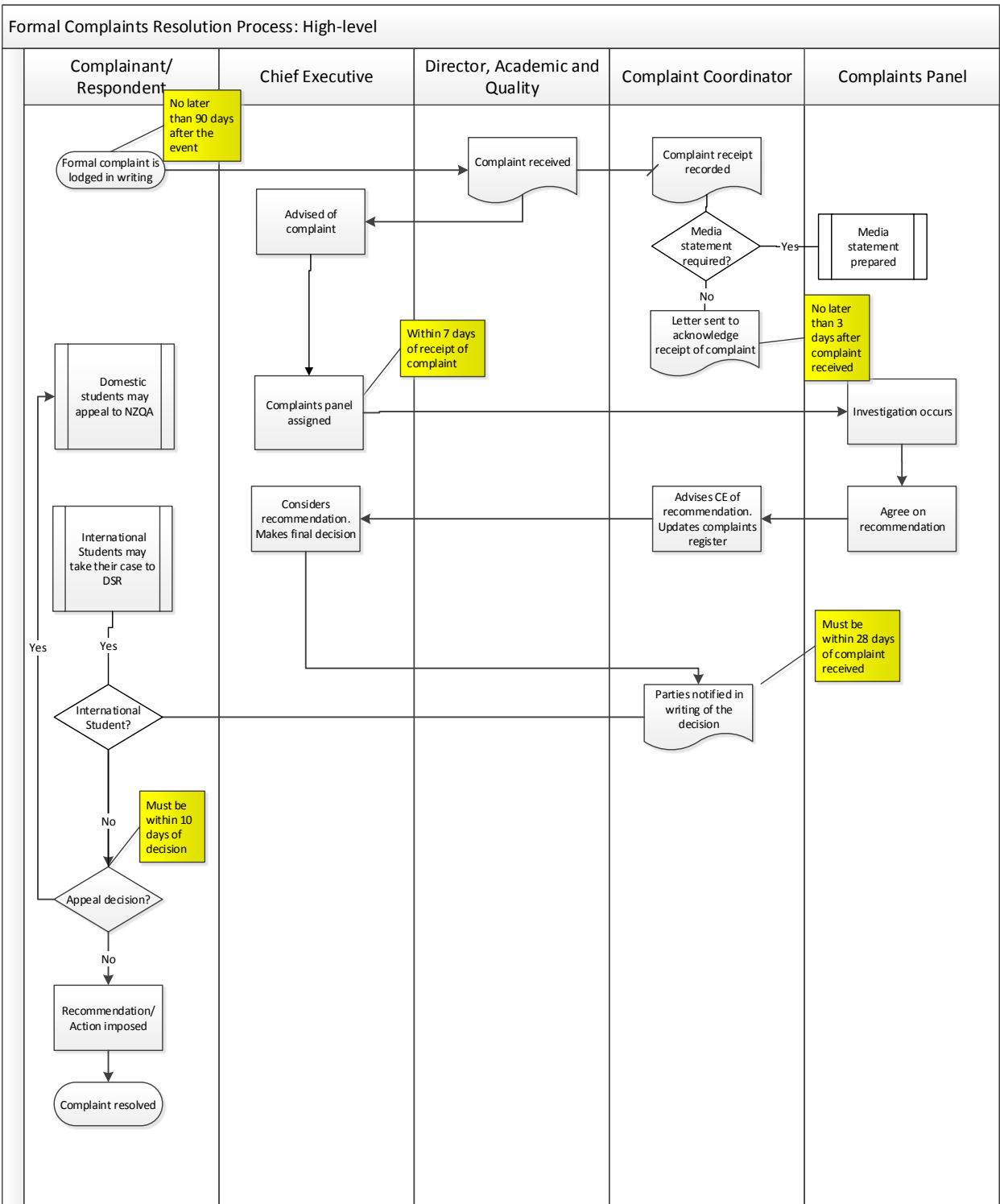
APPENDIX

[3.06.1 Potential resolutions for formal complaints](#)

REFERENCES

1. University of Waikato, Student Complaints
2. Nelson City Council, Complaint and Feedback Policy
3. Bay of Plenty Polytechnic, Concerns and Complaints Policy
4. Unitec, Student Complaints Resolution Policy

How to resolve formal complaints: Process Flowchart



How to Resolve an Informal Concern/Complaint

PROCEDURE

1. Students/members of the public are encouraged to voice concerns, issues and informal complaints, as they arise, directly with the staff member involved in order to resolve the issue in a problem-solving approach.
2. The student/member of the public can expect that the concern/informal complaint will be treated seriously and receive due consideration. Note that anonymous complaints and complaints that do not contain sufficient detail will not be able to be addressed.
3. Where the student/member of the public is unsure of who to approach with a concern/informal complaint, they are encouraged to approach the Director, Academic and Quality who will handle the concern/complaint or refer it to the appropriate staff member.
4. The staff member approached by a student/member of the public with an informal complaint or concern will take reasonable, appropriate and prompt steps to try and resolve the issue. The staff member is required to report the complaint to the Executive Assistant.
5. The staff member will advise the student/member of the public that Tai Poutini Polytechnic has an organisational policy and procedure to process formal complaints, if the party wishes to proceed in that manner.
6. Where the concern/informal complaint is from a student, this should be reported at the Faculty Academic Committee level using the student I.D. number to protect their identity.
7. All concerns/informal complaints will be recorded in the Complaints Register for on-going quality improvement initiatives.

It is expected that majority of complaints can be resolved at this stage.

How to Resolve a Formal Complaint

PROCEDURE

When the informal conflict resolution approach does not resolve the issue or the complainant feels the issue is of a serious nature and wishes it to be dealt with through the formal complaint procedures, follow the steps below.

1. As soon as practicable and no later than 90 days after the event, the student/member of the public will submit a detailed written complaint to the relevant General Manager/ HOD (or equivalent). The detailed written complaint should contain:
 - a. Who or what the issue is regarding;
 - b. What occurred or the issue of concern (including dates, time, location and parties involved);
 - c. Other evidence to support the complaint;
 - d. Complainant's contact information;
 - e. Complainant's signature and date.
2. If the complainant prefers not to address the written complaint to the General Manager /HOD, they may send the complaint directly to the Director, Academic and Quality. In either instance, the Director, Academic and Quality will be notified and will provide guidance on the steps involved in the complaints resolution process. Note that anonymous complaints and complaints that do not contain sufficient detail will not be able to be addressed.
3. The formal complaint will be assigned to the Complaints Coordinator, who will record the complaint and assign it an identification number for reporting purposes. Complaints received more than 90 days after the event will not be actioned due to lapse of time.
4. Where the complaint is regarding a Tai Poutini Polytechnic employee and is deemed to have substance by the Chief Executive, Human Resources will be engaged. The Staff Misconduct and Unsatisfactory Performance policy will be followed which outlines the principles steps for investigation and possible disciplinary actions which may result. At this stage, the procedure will divert from to what is documented below to the steps outlined in that policy.
5. For all other types of complaints, the Director Academic and Quality advises the Chief Executive and the Complaints Coordinator. Where possible, TPP will endeavour to resolve the complaint within **28 days** of the complaint being received.
6. Where complaint may warrant a media statement, a media statement is prepared. This will not usually occur.
7. The Complaints Coordinator sends a letter (see form 3.06B(i)) to the complainant acknowledging the receipt of the complaint within three (3) days of receipt of the written complaint and where required, requests the complainant to attend a meeting as part of the investigation. The letter also advises the following:
 - a. The general steps involved in the formal complaints procedure;
 - b. The approximate timeframes for progressing the complaint;
 - c. The rights of the involved parties (refer to policy statement 4 on page 3).
8. The Chief Executive and Director, Academic and Quality, establishes a Complaints Panel who will investigate and make a recommendation of their findings to the Chief Executive. The Complaints Panel typically consists of two staff members who are not associated with the programme or department from which the complaint relates and a student representative, not associated with the programme or department from which the complaint relates.

Investigation

9. The Complaints Panel will investigate the complaint within ten (10) days of the receipt of the complaint. Typically this involves:
 - a. Interviewing other students/witnesses to the event, where appropriate;
 - b. Checking records or verifying facts by other means; and
 - c. Interviewing the respondent.
 - d. Interviewing the complainant and any others as relevant.
10. When interviewing the complainant, identify and agree on specific issues. Seek to learn specifically what occurred, where it occurred (time, date, place), and who took action (what was said and done and whether there were witnesses). Seek to understand the resolution the complainant would be satisfied with. *Note:* Additional issues should not subsequently be incorporated as part of the same complaint. Refer to form 3.06 B (i) for the letter template to request a meeting with the complainant.
11. When interviewing the respondent, she/he is to be advised in writing of the date, time and venue of the meeting. (See form 3.06 B(ii)) This letter will also include the following:
 - a. The nature of the allegation in sufficient detail to enable the person to respond to the allegations at the meeting;
 - b. A copy of the complaint;
 - c. The potential consequences if the allegation is found to have substance;
 - d. The right to have a support person present;
 - e. The general steps involved in the formal complaints procedure;
 - f. The right to appeal a decision made against them.
12. At the interview with the respondent, she/he is to be given the opportunity (either during the interview or in writing) to explain the incident or deny the occurrence, and provide any further information they consider relevant.
13. A written record of the proceedings will be kept and provided to the Complaints Coordinator at the conclusion of the investigation.
14. Should it be deemed that additional time is required to continue further investigation or in order to reach agreement to resolve the complaint, both parties will be notified in writing and be provided an updated timeline for the new resolution date.
15. At the conclusion of the investigation, the Complaints Panel will adjourn to consider the findings of the investigation. Preferably, this discussion will occur the day following of the conclusion of the investigation, circumstances permitting.
16. The Complaints Panel will agree and provide a recommendation to the Chief Executive via the Complaints Coordinator as to the resolution of the complaint. (See Appendix 3.06.1 Potential Resolutions for formal complaints). This may include recommended actions or a recommendation that no action be taken.
17. Considering the recommendation provided by the Complaints Coordinator, the Chief Executive makes the final decision for the complaint resolution. This decision will occur within 28 days of the receipt of the complaint when possible.
18. A written summary of the outcome of the complaint, steps for the resolution and the right to appeal the decision will be sent to both parties.
19. The resolution decision is implemented as required.
20. For student complaints, the Complaints Coordinator provides the Student Support Services Team Leader and the Student Association (where the student is a member) a summary of the complaint and outcomes to input into the Student Management System. The appropriate programme staff member is notified to update the complaints resolution information in the programme file.

21. Once the matter is concluded, the Director, Academic and Quality will ensure the conclusion is recorded on the Complaints Register.
22. Either party has the right to appeal to the Chief Executive within ten (10) working days of the written decision being received. Refer to section 8.7, Appeals within the Academic Statute.
23. Where the concerns have not be resolved using this internal procedure, the complainant may appeal to the relevant external authority. International students may take their dispute to the DRS operator (Dispute Resolution Scheme); and domestic students may appeal to the New Zealand Qualifications Authority.
24. Where the complaint is related to a Tai Poutini Polytechnic process or service and, in the opinion of the Faculty Dean/HOD, the complaint has substance, a review of the process or service may be arranged, with a view to preventing a recurrence and ensuring continued improvement.
25. Tai Poutini Polytechnic is bound by the provisions of the Privacy Act 1993 and the Official Information Act 1982, and on occasion, complaints and related information may need to be disclosed to others in accordance with these acts and other legislation.

Potential Resolutions for Formal Complaints

The outcome decided by a Faculty Dean/HOD or Manager to resolve a formal complaint will depend on the nature of the complaint and may include any of the following. Note that the Chief Executive is able to decide the ultimate resolution for a formal complaint.

1. Review/revising/reversing a previous decision;
2. Following up and responding/taking action on a request previously not followed up;
3. Offering an apology and/or a commitment to ensure the action/behaviour is not continued;
4. Student disciplinary actions (refer to Academic Statute)