

Raising Problems or Complaints

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1 Policy Statement

Students and members of the public are able to raise problems or lay complaints about Ara Institute of Canterbury Limited (Ara Ltd) courses/programmes, services, staff, other students or administrative systems either informally, via the written 'Notification of Problem or Complaint' form or according to the procedures set out for specific types of issues (e.g. enrolment issues, harassment, assessment decisions). Ara Ltd encourages complainants to raise such concerns with those directly involved first and will endeavour to resolve the problem/complaint at that level as soon as possible. The rights of all concerned will be respected throughout the process.

1.1 Application of Policy

- a This policy applies to any issue, problem or complaint raised by an Ara Ltd student or member of the general public. The problem or complaint may apply to courses/programmes, staff, other students, services or administrative systems or decisions.
- b It does not apply to problems or complaints raised by staff, as these are handled according to standard management procedures.
- c Specific policies cover procedures related to harassment, student misconduct (eg plagiarism), staff performance or behaviour, assessment and enrolment decisions. The Ara Ltd Board handles any complaint against the Chief Executive.
- d Complaints about the performance or conduct of an identified employee of Ara Ltd are logged by the Complaints Coordinator but are investigated by the People and Culture Division.
- e This policy relates primarily to NZQA Key Evaluation Questions (KEQs) as part of NZQA Evaluative Quality Assurance.

1.2 Formal Delegations & Variation to Policy

Responsibilities are set out in associated policies (refer 'Related Policies' at end of this section). The Complaints Coordinator has delegated authority from the Chief Executive to vary provisions set out in this policy (eg number of days a complainant has to raise a problem/complaint), in consultation with either the Deputy Chief Executive, People and Culture; or the Deputy Chief Executive, Chief Operating Officer, depending on the nature of the problem/complaint.

1.3 Definitions

- a **Complainant:** The person/s raising the problem or laying the complaint.

- b **Respondent:** The person/s about whom the complaint is made or who has responsibility for the course/programme, service or management practice identified in the problem or complaint.
- c **Complaints Coordinator:** The person delegated by the Chief Executive to manage complaints (other than those involving staff performance), academic appeals, and appeals against cancellation and/or refusal of enrolment.
- d **Support Person:** Person/s who provides support or advice to the complainant or respondent.
- e **Advocate:** Person/s who is appointed to speak or act on behalf of the complainant or respondent (eg member of staff; an appointed associate or professional person; a colleague, family member of whanau).

<p>Related Ara Ltd Procedures(indicate if attached to policy or where they can be found)</p> <ul style="list-style-type: none"> • Notification of Problem/Complaint Form (CPP117a) • Disputes Resolution Scheme information handout (CPP117b) 	<p>Related Ara Ltd Policies</p> <ul style="list-style-type: none"> • CPP208 Resolving Staff Performance or Conduct Issues • CPP209 Harassment Prevention • CPP211 Code of Professional Practice • APP301 Student Rights & Responsibilities • APP505 Assessment • CPP116 Protected Disclosures
<p>Related Legislation or Other Documentation</p> <p>Make a complaint about NZQA » NZQA Education and Training Act 2020 No 38 (as at 25 September 2020). Public Act Contents – New Zealand Legislation</p> <p>Implementation guidance for the Education (Pastoral Care of Domestic Tertiary Students) Interim Code of Practice 2019 » NZQA</p> <p>https://www.istudent.org.nz/</p> <p>https://www.ombudsman.parliament.nz/get-help-public</p> <p>https://www.privacy.org.nz/</p>	<p>Good Practice Guidelines(indicate if attached to policy or where they can be found)</p>
<p>References</p>	
<p>Notes</p> <p>A formal overarching ‘Complaints’ policy and procedures have been in place at Ara Ltd since 1993. Specific complaints (eg harassment) were handled according to separate policies since the 1980s. In 2006, the complaints policy was reviewed and replaced with the policy ‘Resolving Staff Performance or Conduct Issues’. Agreement was reached at that time that an associated policy covering other types of problems or complaints would be developed. This policy (‘Raising Problems or Complaints’) fulfils that function.</p>	

2 Principles

The following principles govern how problems and complaints are handled regardless of the specific procedures used:

- 2.1 The rights of both the complainant and respondent are protected, and both parties are treated fairly.
- 2.2 The provisions of the Privacy Act apply.
- 2.3 Personal information related to complaints is strictly confidential on a ‘need to know’ basis.
- 2.4 All problems and complaints are handled as quickly as possible and according to the most appropriate procedure.
- 2.5 Support is available to all parties involved.

- 2.6 Problems/complaints are resolved by negotiation between parties where possible.
- 2.7 A complaint may be withdrawn at any stage.
- 2.8 Ara Ltd reserves the right not to take action related to:
 - a anonymous complaints, complaints based on hearsay or if the complainant does not provide sufficient information or does not respond within 30 calendar days.
 - b issues raised more than 30 calendar days after an alleged incident/problem occurred (if being raised by a member of the general public) or more than 90 calendar days (if being raised by a student).
- 2.9 Ara Ltd also reserves the right to investigate/resolve a problem or complaint even if the complainant subsequently decides not to proceed with the complaint.

3 Associated Procedures for

Ara Ltd Corporate Policy on: Raising a Problem or Complaint

Contents:	3.1	Raising a Problem or Complaint
	3.2	Appeals

3.1 Raising a Problem or Complaint

- a Students and members of the public are able to raise problems or lay complaints about Ara Ltd courses/programmes, staff, other students or administrative systems or decisions, either informally, via written notification or according to procedures set out in specific associated policies.
- b Problems or complaints should initially be raised, and resolution sought with the person/s directly involved as soon as possible after the incident or situation occurred.
- c The most appropriate procedure for raising a problem or complaint should be used in the first instance. This includes feedback given in course evaluations and surveys, direct approach to the person most directly involved and/or the manager responsible for the particular area of concern, with reference to the relevant policy.
- d If the problem or complaint is not resolved at that level, or the complainant is unable to identify the appropriate person to contact or lacks the confidence to do so, he/she may contact the Complaints Coordinator or submit a "Notification of Problem or Complaint" form (refer attached CPP117a).
- e The information provided via the Notification form is used as the basis for Ara Ltd to determine the most appropriate procedure to follow in the specific case. The complainant is informed of the following within ten (10) working days of the nominated person receiving a Notification form:
 - i confirmation that the Notification has been received
 - ii the complaint reference number
 - iii name of Ara Ltd contact person responsible for handling the particular problem or complaint
 - iv the designated procedure and any further details/documentation

3.2 Appeals

Some decisions made at Ara Ltd provide for a right of appeal or review, as outlined in the relevant policy, e.g. assessment and other 'academic' related decisions are handled by an

Academic Appeals Committee, Chief Executive enrolment/exclusion decisions by a Board Enrolment Appeal Committee, aegrotat decisions by the Academic Board. In other cases, the decision reached is final. Details regarding appeal/review procedures, if relevant, are provided to complainants and respondents at the time a problem or complaint is being considered.

Dependent upon what the complainant is appealing, assistance is available from the following organisations:

- Dispute Resolution Scheme – iStudent
- NZQA
- Ombudsman
- Privacy Commissioner