

# NMIT ĀKONGA CONCERNS AND COMPLAINTS RESOLUTION PROCEDURE

<b>Section</b>	Problem Resolution		
<b>Approval Date</b>	22.09.2023	<b>Approval body</b>	Interim Operations Lead
<b>Next Review</b>	10.08.2024	<b>Responsibility</b>	Concerns and Complaints Officer
<b>Last Reviewed</b>	10.08.2023	<b>Key Evaluation Question</b>	5

*This procedure is supplemental to Te Kawa Maiororo, Te Pūkenga Educational Regulatory Framework, and is the NMIT | Te Pūkenga (NMIT) procedure for implementing [Te Pūkenga Ākonga Concerns and Complaints Policy](#).*

*Te Kawa Maiororo sets out the overarching regulations that apply to learning and delivery (teaching, assessment, rangahau and research, and support activities) at Te Pūkenga. As and when finalised, Te Pūkenga will publish policies and procedures that are intended to sit underneath Te Kawa Maiororo and prescribe detailed requirements.*

*In the meantime, pursuant to Te Pūkenga Grandparenting Policy, the regulations, policies, and procedures of the former subsidiaries apply unless there is a national regulation or policy in place. Accordingly, where a specific matter is not addressed within Te Kawa Maiororo, these procedures are intended to prescribe the requirements that are specific to NMIT.*

*To the extent that there is any conflict or inconsistency between any of NMIT policies or procedures and Te Kawa Maiororo, Te Kawa Maiororo shall prevail and have priority.*

## PURPOSE

To ensure that concerns and complaints received from ākonga are resolved in a timely, fair and equitable way and are part of a continuous improvement process at NMIT.

## SCOPE

The Concerns and Complaints Resolution Procedure applies to complaints by ākonga about NMIT services, facilities, programmes, other ākonga, kaimahi at all locations and work areas of the institute, including all NMIT training partners. To be read in conjunction with [Te Pūkenga Ākonga Concerns and Complaints Policy](#).

NMIT reserves the right not to progress:

- Anonymous complaints or complaints based on hearsay;
- Complaints which are vexatious in nature;
- Complaints lodged by habitual complainants;
- Complaints where the complainant is not willing to cooperate.

## PRINCIPLES

Wherever possible, before engaging in the formal complaints resolution procedure, attempts should be made to resolve concerns/complaints informally.

Resolution may also be reached through mediation. These procedures are for quick problem solving rather than investigating and substantiating claims. They seek agreement and shared understanding of

how to avoid problems in the future. Resolution through informal means is encouraged and is an available option at any time during the resolution process.

The principles of natural justice are incorporated throughout this concerns and complaint resolution procedure as outlined below.

The respondent and complainant have the right to request and be provided:

- with all relevant information regarding the allegation, including a copy of the complaint (excluding the complainant's or respondent's contact details) \*;
- an opportunity to prepare and present evidence;
- the full opportunity to read/see and respond to all evidence collected in an investigation before a decision is made; and
- communication about progress of the complaint process and final resolution.

\* NB: Request for information may take up to 21 working days.

The Resolution Facilitator, i.e. person(s) deciding on the allegations, will be impartial and make decisions based on a balanced and considered assessment of the information. Decisions regarding allegations are based on logical proof or evidence.

All parties are to keep all interactions, meetings, discussions, and outcomes on the issue confidential to the parties involved.

As part of the investigation process, the Resolution Facilitator may disclose information about the complaint as appropriate. This may be for the purpose of gathering additional information, verifying details/facts, and ensuring normal business activities continue and the health, safety and wellbeing of others is protected.

A complaint may be withdrawn prior to step 5, although NMIT reserves the right to progress complaints when it considers it appropriate.

Complaints are to be resolved as quickly as possible.

Complainants and respondents need to be prepared to assist the resolution process (e.g., attend meetings and provide information requested). If the student does not engage in the process documented in this Procedure (e.g., has not been contactable, has not responded to requests to attend meetings, has not evidenced behaviour that convinces NMIT academic kaimahi that there is genuine commitment to improve), NMIT reserves the right to recommend exclusion, notwithstanding the process requirements.

Every effort will be made to minimise the impact on ākonga learning when they are involved in the complaint resolution procedure.

## NMIT DEFINITIONS

The definitions of terms relevant to these procedures:

<b>Advocate</b>	<p>A person who advises the complainant or respondent and may speak on their behalf.</p> <p>Examples of those who may be asked to be an advocate:</p> <ul style="list-style-type: none"><li>• A member of the Student Association (SANITI);</li><li>• A chosen associate or professional person;</li><li>• A colleague, friend, member of family or whānau.</li></ul> <p>Both the complainant or respondent and the designated Advocate must sign an <a href="#">Authorisation to Advocate form</a>.</p>
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<b>Complaint</b>	<p>An unresolved concern submitted in writing (using the Concerns and Complaints Form) stating that something is unsatisfactory or unacceptable</p> <p>An expression of dissatisfaction where the ākongā seeks some form of redress or change in a situation; where ākongā considers that there has been a direct and significant adverse impact on him/her, which requires a formal process of resolution.</p>
<b>Complainant(s)</b>	The person who makes a complaint.
<b>Concerns and Complaints Coordinator</b>	A dedicated NMIT coordinator who monitors the ākongā concerns/complaints email box, responds in the first instance to the complainant and coordinates and tracks progress of complaints, whilst supporting the Concerns and Complaints Officer.
<b>Concerns and Complaints Officer</b>	A dedicated NMIT manager who manages the complaints process, appoints and supports Resolution Facilitators as and when required.
<b>Complaint Summary</b>	<p>A summary sheet used throughout the resolution process by the Concerns and Complaints Officer, Concerns and Complaints Coordinator and Resolution Facilitator involved in the complaints resolution process to document all dates, correspondence, actions and the outcome of any formal complaint.</p> <p>At the end of the process it is filed internally together with all the relevant documentation.</p>
<b>Concern</b>	<p>A matter where it is likely that resolution can be obtained by direct consultation with the people concerned.</p> <p>A situation where ākongā considers appropriate standards have not been met.</p>
<b>Mediation</b>	<p>A process by which a neutral, impartial and acceptable third party helps the disputing complainant and respondent to identify the issues in their dispute; to generate options; and consider alternatives so both parties can reach a mutually acceptable solution.</p> <p>The focus of mediation is on the future relationship between the parties, not on allocating blame for past differences. A mediator will respond quickly and confidentially when asked to act and the aim of the process is to minimise disruption and stress.</p>
<b>Resolution Facilitator</b>	NMIT manager or external investigator assigned by the Concerns and Complaints Officer to investigate and manage individual complaints.
<b>Respondent(s)</b>	The person/s about whom a complaint is made or a representative/s of the service about which the complaint is made.
<b>Support Person</b>	<p>Person or group able to provide support or advice to the complainant or respondent (e.g. Student Association (SANITI); Staff Association/union member; friend or family member).</p> <p>A Support Person's role is to empower the complainant or respondent to speak for themselves with knowledgeable support.</p> <p>A Support Person cannot speak on behalf of the complainant or respondent, unless the complainant or respondent chooses the Support Person to move into the role of Advocate, in which case they need to complete the <a href="#">Authorisation to Advocate form</a>.</p>

<b>Training Partner(s)</b>	Organisation(s) or individual(s), with whom NMIT has a contracted arrangement, who provides delivery of training on behalf of NMIT.
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## RESPONSIBILITIES

### ADVOCATE

If it is not practicable to achieve resolution through support, a complainant and/or respondent may seek advocacy. An Advocate speaks on behalf of the complainant or respondent and must have signed authority to speak for the person they represent.

Examples of those who may be asked to be an Advocate:

- A member of the Student Association (SANITI) or Staff Association/union;
- A chosen associate or professional person;
- A colleague, friend, member of family or whānau.

### NMIT INTERIM OPERATIONS LEAD\*

- Support the Concerns and Complaints Officer in all aspects of the Concerns and Complaints Resolution Procedure.
- Initiate training in the Concerns and Complaints Resolution Procedure for relevant roles / kaimahi as required.

*\*Responsibilities may be delegated*

### CONCERNS AND COMPLAINTS OFFICER

In consultation with the NMIT Interim Operations Lead or delegate, assign a Resolution Facilitator to manage the Concerns and Complaints Resolution process.

- Assign each complaint a reference number and lodge the complaint on the Concerns and Complaints Register.
- Send complainant a written acknowledgment, including the concern / complaint reference number, the Concerns and Complaints Resolution Procedure, advice on support options, the name of the Resolution Facilitator and the next step in the process.
- Monitor the progress of the procedure and provide process guidance to the Resolution Facilitator.
- Where recommendations result from the findings of a complaint, the Concerns and Complaints Officer will pass these onto the Curriculum Area Manager / Business Support Area Manager.
- Summarise information quarterly or as required of all complaints relating to the institute to facilitate regular reporting to the NMIT Academic Committee Confidential Session with statistical data in the Open Session.

### RESOLUTION FACILITATOR

- Offer and arrange mediation when requested by the complainant or respondent.
- Arrange meetings and keep both parties informed.
- Ensure procedure timeframes are followed. Where deviations occur, record why timelines have varied from those indicated in the procedure.
- Communicate steps and status of the procedure throughout to all parties.
- Clarify in advance the meeting purpose and the roles of those attending.

- Manage the roles during the meeting.
- Record relevant information e.g. dates, people attending, dates of telephone or email conversations.
- Recommend the outcome of the complaint.
- Notify both parties of the outcome of the complaint in writing.
- Ensure all documentation relating to the complaint process is returned to the Concerns and Complaints Officer.

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## SUPPORT PERSON(S)

- Listen to the complainant or respondent's concerns and explain the informal and formal resolution processes.
- Discuss options but allow them to make their own decisions.
- Discuss possible outcomes and consequences.
- Where English is a complainant's or respondent's second language ensure they are given the option of an interpreter.
- A Support Person cannot speak on behalf of the complainant or respondent **unless** the complainant or respondent chooses for the Support Person to move into the role of Advocate.

During meetings, a Support Person might:

- Ask for clarification from other attendees.
- Remind the complainant or respondent of questions to ask or points to make.
- Observe if the process is fair.
- Request breaks.
- Request that the discussion stop and recommend that a mediator be appointed.
- Take notes and de-brief the complainant or respondent after the meeting.

## PROCEDURE

### CONCERNS

Wherever possible concerns should be resolved by negotiation between the parties directly involved, with support, or through mediation.

Kaimahi directly involved will either manage the resolution of the concern or refer the matter to the Concerns and Complaints Officer who will identify the appropriate person/team to follow up to resolve the concern.

If the ākongā wishes to be contacted, they will be kept informed or advised of the outcome within five working days.

Where a concern cannot be resolved to the satisfaction of ākongā, they may make a complaint.

### COMPLAINTS

STEP	ACTION	TIMEFRAME*	WHO
	Seek advice from available support options e.g. Student Association (SANITI), union member; assigned Resolution Facilitator; or manager, and consider mediation as a way of resolving the problem.	At any time during the resolution process	Complainant and Respondent
1	Complete and send <a href="#">Complaint Form</a> to the Office of NMIT Interim Operations Lead.	Within 21 days of incident  *Complaints made 22 or more days following the issue is at the discretion of the Business Division delegated authority	Complainant
2	On receipt of a Complaint the Concerns and Complaints Officer identifies the relevant procedure.  Complaints about kaimahi are referred to People and Culture; employment matters are not shared with ākongā due to privacy obligations. Inform the kaimahi line manager in order to support the kaimahi.  Assess for seriousness, legal or other implications, and assign a Resolution Facilitator. Acknowledge receipt of the complaint to the complainant. Recommend support for complainant.	Within 2 working days of receipt of complaint	Concerns and Complaints Officer

STEP	ACTION	TIMEFRAME*	WHO
3	<p>Send <a href="#">Letter to Complainant - Acknowledgement</a> to the complainant giving details of:</p> <ul style="list-style-type: none"> <li>⇒ Complaint reference number</li> <li>⇒ Name of Resolution Facilitator who will be responsible for mediation and managing the complaint</li> </ul> <p><b>NB: Preferred option is to start with mediation</b></p>	Within 2 working days of receipt of complaint	Concerns and Complaints Officer
4	<p>Send <a href="#">Letter to Complainant - Meeting notification</a> to the complainant advising of initial meeting date, stating that the respondent will be informed of the complaint made against them, and enclosing a copy of the Concerns and Complaints Resolution Procedure.</p> <ul style="list-style-type: none"> <li>⇒ Start the <a href="#">Complaint Summary</a> document</li> </ul> <p>NB: The complainant may withdraw the complaint at this stage or choose mediation.</p>	Within 5 working days of receipt of complaint	Resolution Facilitator
5	<p>Send <a href="#">Letter to the Respondent</a> providing relevant information relating to the complaint (unless the complaint has been withdrawn – see 4, above).</p> <p>NB: Exclude contact details of all parties</p>	2 working days after providing information to complainant	Resolution Facilitator
6	<p>Meet with Complainant, identify and agree on specific issues.</p> <p>Consider mediation as an option.</p> <p>Record interactions on the Complaint Summary Document.</p> <p><i>Note: Additional issues should not subsequently be incorporated as part of the same complaint.</i></p>	At the first meeting with complainant	Resolution Facilitator
7	<p>Meet with Respondent to discuss the issues outlined in the complaint.</p> <p>Record information on the Complaint Summary Document.</p>	Within 3 days of meeting with the complainant	Resolution Facilitator

STEP	ACTION	TIMEFRAME*	WHO
8	<p>Liaise with both parties and if necessary, source additional information.</p> <p>Record information on the Complaint Summary Document.</p> <p><b>Note:</b> Several meetings may be needed before a resolution acceptable to both parties is found.</p>	Within 10 days of the first meeting with the complainant	Resolution Facilitator
9	Consult and seek advice from the Concerns and Complaints Officer in deciding the outcome of the complaint.	Within 10 days of the first meeting with the complainant	Resolution Facilitator
10	<p>If the complaint is <b>resolved</b> the decision is communicated to both parties in writing.</p> <p>If the complaint remains <b>unresolved</b> then refer to Te Pūkenga Ākonga Appeals Policy</p>	Within 5 days of the last meeting	Resolution Facilitator
11	After consultation with the Concerns and Complaints Officer, make a binding decision and communicate decision to both parties in writing. Include a summary of the outcome of the complaint (using <a href="#">Complaint Summary</a> template).	Within 30 days of the receipt of the complaint	Resolution Facilitator
12	<p>Send the Complaint <b>Summary</b> and all relevant documentation to the Concerns and Complaints Officer.</p> <p>Where recommendations result from the complaints process, the Concerns and Complaints Officer will address these with the Curriculum Area Manager/Business Support areas involved.</p>	Within 10 days of concluding the investigation	Resolution Facilitator
13	File Complaint <b>Summary</b> and relevant documentation; retain for a minimum of 7 years after date of last action; then destroy as per ITPNZ General Disposal Authority <i>Ref. 2.1.2</i>	Within 10 days of concluding the investigation	Concerns and Complaints Officer
<p>*These are ideal timeframes. If the specified timeframe cannot be met, alternative timing will be set and communicated to the complainant and respondent by the Resolution Facilitator. However, all possible attempts will be made to keep to timeframes indicated.</p>			



## APPEALS

The appeal process is set out in the [NMIT Ākonga Appeals Procedure](#). For non-academic appeals, follow steps 2.0 – 2.4.

## REPORTING

STEP	ACTION	TIMEFRAME*	WHO
1	Summarise information from ākonga concerns and complaints and facilitate regular reporting to : <ul style="list-style-type: none"><li>○ NMIT Interim Operations Lead</li><li>○ NMIT Academic Standards and Quality Committee. (<i>Confidential – In Committee</i>)</li><li>○ NMIT Academic Committee</li></ul>	Monthly	Concerns and Complaints Officer
2	Report to Te Ohu Whakahaere Quality, to ākonga on the website, and to the code administrator (NZQA), for the year: <ul style="list-style-type: none"><li>Overall numbers;</li><li>Nature of complaints and outcomes;</li><li>Diverse ākonga groups</li></ul>	Annually	Concerns and Complaints Officer

## REFERENCES

### INTERNAL

**Forms** (\*available for internal use only)

[Authorisation to Advocate form](#)\*

[Complaint Form](#)

[Complaint Summary \[Template\]](#)\*

[Letter to Complainant – Acknowledgement \[Template\]](#)\*

[Letter to Complainant - Meeting notification \[Template\]](#)\*

[Letter to the Respondent \[Template\]](#)\*

[NMIT Ākonga Appeals Procedure](#)

[NMIT Ākonga Problem Resolution leaflet](#)

[NMIT Student Charter](#)

[NMIT Ākonga Misconduct Procedure](#)

[Te Pūkenga Ākonga Appeals Policy](#)

[Te Pūkenga Ākonga Concerns and Complaints Policy](#)

### EXTERNAL

The Bill of Rights – [Principles of Natural Justice](#)

The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021

Human Rights Act 1993

Official Information Act 1982

Privacy Act 2020

[State Services Commission Resources](#)

Vulnerable Children Act 2014