

## Tauira Complaints and Appeals

Uepū	Taumatua
Policy Owner	Pouwhakahaere Taumatua
Policy Holder	Director Quality Wāhanga
Approved by	Te Mana Whakahaere
Date Established	August 2008
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### 1.0 Te Pūtake

Te Wānanga o Aotearoa provides a supportive environment for tauira and responds to tauira complaints in a respectful, fair and timely manner.

### 2.0 Ngā Ture Whakapai

- Education and Training Act 2020
- Health and Safety in Employment Act 1992
- Human Rights Act 1993
- Privacy Act 2020
- Code of Pastoral Care 2022

### 3.0 Tikanga Whakahaere

Ngā Uarā	Policy
<p><b>Te Aroha</b> Having regard for one another and those for whom we are responsible and to whom we are accountable</p> <p><i>Policy statements related to the allocation of responsibilities or accountabilities.</i></p>	<p>3.1 Te Wānanga o Aotearoa (TWOA) acknowledges the right of tauira to provide feedback, express and voice concerns, and have their grievances resolved, through transparent and timely processes, which are:</p> <ol style="list-style-type: none"> <li>easily accessible to and understood by tauira.</li> <li>appropriate to the level of complexity or sensitivity of the complaint;</li> <li>reflect Ngā Uara and Āhuetanga Māori; and</li> <li>comply with the principles of natural justice.</li> </ol> <p>3.2 TWOA aims to resolve complaints in a manner that reflects Ngā Uara and Āhuetanga Māori. As a first step, Tauira and kaimahi are encouraged to find a resolution which is mutually acceptable (where possible and appropriate) before reporting a complaint.</p> <p>3.3 TWOA supports any tauira in raising matters, as a complaint or otherwise, through the appropriate pathway as follows:</p>

	<ul style="list-style-type: none"> <li>a. educational matters (as defined) through the Educational Review Process and taura behaviour matters through the Expectations of Behaviour Process (both under Tikanga Ako); or</li> <li>b. kaimahi integrity matters (under the Kaimahi Integrity Tikanga Whakahaere); or</li> <li>c. all other matters, raised by Taura, through the Internal Complaints Process outlined under this Tikanga Whakahaere.</li> </ul> <p>3.4 Te Rautiaki Mātauranga is responsible for:</p> <ul style="list-style-type: none"> <li>a. monitoring Taura complaints; and</li> <li>b. considering and deciding on recommendations from Taura Complaint Appeals.</li> </ul> <p>3.5 Decision Makers are responsible for and will:</p> <ul style="list-style-type: none"> <li>a. provide a safe, sensitive and confidential environment in which all matters related to the complaint can be addressed,</li> <li>b. consider all relevant matters (including explanations) and the recommendation of the complaint handler in reaching a decision,</li> <li>c. ensure that any outcome is undertaken and administered in accordance with appropriate delegated authority, and</li> <li>d. apply consistent judgment in reaching an outcome.</li> </ul> <p>3.6 Taura Support Managers are responsible for and will:</p> <ul style="list-style-type: none"> <li>a. advise taura of their entitlements, obligations and responsibilities, and</li> <li>b. ensure that taura and their support people are treated respectfully and in line with Ngā Uara.</li> </ul> <p>3.7 Complaint Handlers must always act fairly in an unbiased professional manner and in accordance with all policies and procedures, and are responsible for and will:</p> <ul style="list-style-type: none"> <li>a. investigate the substance of the complaint, based on interviews and evidence identified or provided;</li> <li>b. evaluate the validity of the complaint and determine (on the balance of probabilities) whether the complaint can be upheld;</li> <li>c. provide recommendations to the Decision Maker on whether the complaint can be upheld; and any actions required to improve or</li> </ul>
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		<p>correct practices or systems which are identified as having caused or contributed to the complaint;</p> <p>d. ensure parties are notified of the applicable timeframes, and that any amendments are communicated to all parties.</p> <p>e. ensure accurate record keeping and reporting documentation filing occurs.</p>
<p><b>Te Whakapono</b> The basis of our beliefs and the confidence that what we are doing is right</p> <p><i>Policy statements related to stakeholder participation or reporting.</i></p>	<p>3.8</p> <p>3.9</p> <p>3.10</p> <p>3.11</p>	<p>TWoA is committed to ensuring that parties to a complaint (e.g. taurira and kaimahi) are treated in a fair, respectful and safe manner. This may include putting appropriate safeguards in place to ensure the well-being of the parties involved, while the complaint is being investigated and resolved, particularly where the complaint is contentious.</p> <p>a. if requested by the complainant, TWoA will endeavour to provide complainants with alternative learning arrangements while the complaint is investigated. These arrangements must be acceptable to both TWoA and the complainant.</p> <p>Individuals who are the subject of, or who are named in a complaint, must be informed of the complaint, and be provided with the opportunity to respond and be supported, including by having</p> <p>a. a support person and/or representative present throughout the complaint process.</p> <p>TWoA provides the opportunity for a support person or people (as chosen by the taurira) and encourages support for taurira from whānau. TWoA Taurira Support Services will also be available to support taurira to correctly engage with the complaints process.</p> <p>Support people may attend any meetings that occur within the investigation of the complaint.</p>
<p><b>Ngā Ture</b> The knowledge that our actions are morally and ethically right and that we are acting in an honourable manner</p> <p><i>Policy statements related to compliance or process / system integrity</i></p>	<p>3.12</p> <p>3.13</p>	<p>Taurira complaints will be investigated and any decisions will be based on sound evidence. All information submitted in relation to complaints is to be treated confidentially and with sensitivity by all parties participating in the Internal Complaints Process.</p> <p>TWoA will provide a central, institution-wide system to monitor and record complaints and the actions taken by TWoA to resolve them, and will report to management, taurira, stakeholders and regulatory agencies (as required) as to the number</p>

	<p>and nature of complaints made and their outcomes (aggregated and disaggregated as far as practicable); and learner experience with the complaints process (including in relation to the process and or outcome).</p> <p>3.14 TWoA will promote and publicise the Internal Complaint Process and any other external complaint or dispute resolution processes available to taura.</p>
<p><b>Kotahitanga</b> Unity amongst iwi and other ethnicities, standing as one</p> <p><i>Policy statements related to cohesion, uniformity, integration or transparency</i></p>	<p>3.15 Complaints must be made in writing using the Taura Complaint Form, with evidence as appropriate.</p> <p>3.16 If a taura wishes to withdraw a complaint they may do so in writing at anytime before or during an investigation.</p> <p>3.17 TWoA will work with taura to effectively respond to, and process complaints and will keep taura informed on how their complaint will be handled and how it is progressing. In terms of timeliness, TWoA undertakes to:</p> <ul style="list-style-type: none"> <li>a. investigate and work to resolve complaints no later than 20 working days from the date of the complaint being received by the complaint handler. If the complaint cannot be resolved within 20 working days, the timeframe can be extended by up to an additional 20 working days; and</li> <li>b. provide responses or notification of outcomes no later than five working days from receipt or a decision being made, including for extensions.</li> </ul> <p>3.18 TWoA believes it is important that taura be enabled to raise complaints and for a response to be provided and or resolution to occur. However, TWoA reserves the right to:</p> <ul style="list-style-type: none"> <li>a. decline complaints about issues or incidents that occurred more than one calendar year prior to submission of the complaint; or</li> <li>b. to find alternative more timely pathways outside the Internal Complaints process to resolve complaints of a customer service nature that do not require substantive investigation.</li> </ul> <p>3.19 If a taura is dissatisfied with the outcome of the investigation of the complaint, an appeal of the outcome may be submitted to <a href="mailto:appeal@twoa.ac.nz">appeal@twoa.ac.nz</a> no later than 20 working days of the date of the</p>

	<p>letter informing them of the outcome of the complaint.</p> <p>3.20 If a taurira wishes to withdraw from the appeal process they may do so in writing at anytime before or during the appeal process.</p> <p>3.21 If a Taurira is dissatisfied (after using the Internal Complaint Process and Appeal Process) they may utilise external dispute resolution and complaint processes, including where:</p> <ol style="list-style-type: none"> <li>a. TWoA did not accept the complaint; or</li> <li>b. the taurira or TWoA perceives that TWoA does not have the cultural competency to properly deal with the complaint), or</li> <li>c. the Taurira is not satisfied that the Taurira has made adequate progress towards resolving the complaint, or</li> <li>d. the taurira is not satisfied with the Internal Complaints and Appeals Process or outcome.</li> </ol> <p>3.22 Te Wānanga o Aotearoa will develop and implement tikanga here to provide for, and give effect to, this Tikanga Whakahaere.</p>
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#### 4.0 Whānuitanga

This tikanga whakahaere applies to all Governance and Kaimahi of Te Wānanga o Aotearoa.

#### 5.0 Whakamāramatanga

Term	Description
Complaint	Any type of problem, concern or grievance about TWoA or the TWoA environment made by Taurira, not otherwise managed (under 3.2 as an educational matter or with respect to taurira behaviour).
Complaint Handlers	For the purposes of this Tikanga Whakahaere; the kaimahi within Tiaki Kounga designated by the Aukaha Tiaki Kounga to handle or otherwise investigate complaints.
Decision Makers	For the purposes of this Tikanga Whakahaere; Tūmatakāhuki, Te Rautiaki Mātauranga or other kaimahi appointed by Te Rautiaki Mātauranga to decide on complaints.
External Dispute Resolution and Complaint Processes	For the purpose of this Tikanga Whakahaere; includes but not limited to the: <ul style="list-style-type: none"> <li>• education quality assurance agency complaints process;</li> <li>• code administrator’s complaints process; or</li> <li>• Dispute Resolution Schemes (under the Code of Pastoral Care); or</li> <li>• Human Rights Commission; or</li> </ul>

Term	Description
	<ul style="list-style-type: none"> <li>Office of the Ombudsman</li> </ul>
Educational matters	<p>For the purposes of this Tikanga Whakahaere, matters related to any of the following (under Tikanga Ako):</p> <ul style="list-style-type: none"> <li>Credit Recognition, Transfer and prior learning;</li> <li>Compassionate consideration;</li> <li>Assessment misconduct;</li> <li>Assessment, Results, Re -submission, and Re-assessment;</li> <li>Extensions; or</li> <li>Awards.</li> </ul>
Kaimahi	All persons employed by, seconded to, volunteering to, and authorised contractors of Te Wānanga o Aotearoa.
Line Manager	The person who a kaimahi directly reports to and has direct influence over an individuals employment through decisions and recommendations related to such matters as assessment of performance, salary, budget and discipline.
Tauira	<p>For the purposes of this Tikanga Whakahaere:</p> <ul style="list-style-type: none"> <li>Tauira currently enrolled in TWoA programmes or courses,</li> <li>past tauira; i.e. persons no longer enrolled in TWoA programmes or courses; and / or</li> <li>prospective tauira i.e. persons indicating an active interest in enrolling in TWoA programmes or courses.</li> </ul>
Tauira Support Managers	For the purpose of this Tikanga Whakahaere the Kaiwhakahaere Toko Tauira based in each Takiwā.
Te Wānanga o Aotearoa	Includes Te Wānanga o Aotearoa and 100% owned and controlled entities.
Te Wānanga o Aotearoa Governance Members	Members of any established Te Wānanga o Aotearoa governance group e.g. Te Mana Whakahaere.

## 6.0 Ngā Hononga

*Related tikanga ā kaupapa / tikanga whakahaere:*

- Tikanga Ako

*Related Tikanga here:*

- Tauira Complaints & Appeals Tikanga Here (Procedure)
- Educational Review and Appeals Tikanga Here (Procedure)

*Related Documents:*

- Te Manu Tauira Handbook