Nelson Marlborough Institute of Technology
Te Whare Wānanga o Te Tau Ihu o Te Waka a Maui

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COMPLAINTS PROCEDURE

Section	Problem Resolution		
Approval Date	03.07.2013	**Approved by**	Directorate
Next Review	7.11.2017	**Responsibility**	Chief Executive
Last Reviewed	10.02.2017	**Key Evaluation Question**	5

PURPOSE

To ensure that complaints received from students, staff and members of the public are resolved in a timely, fair and equitable way and are part of a continuous process to improve service.

SCOPE

The Complaints Procedure applies to complaints by students, staff and members of the public about NMIT services, facilities, programmes, students and staff at all locations and work areas of the institute, including all NMIT training partners.

NB: This procedure does not apply to staff complaints regarding employment relationship issues, including such things as personal grievances, disputes, claims of unpaid wages, allowances or holiday pay. In these cases the *Employment Relationship Problem Resolution Process* will apply.

NMIT reserves the right not to progress:

- Anonymous complaints or complaints based on hearsay.
- Complaints made more than 90 days after an alleged incident.
- Complaints where the complainant is not willing to provide sufficient information to achieve a resolution.

PRINCIPLES

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

Principles of natural justice are incorporated as outlined below:

1. The respondent will be given all relevant information regarding the allegation, an opportunity to prepare and present evidence, and to respond to the arguments provided.
2. The person(s) deciding on the allegations will be impartial and make decisions based on a balance and considered assessment of the information. Decisions regarding allegations are based on logical proof or evidence.

A complaint may be withdrawn prior to step 6 in the *Complaint Identification Procedure*, although NMIT reserves the right to progress complaints when it considers it appropriate.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).

DEFINITIONS

Advocate	A person who speaks on behalf of a complainant or a respondent.
Complaint	A complaint made in writing using the Complaint Form (*Refer Appendix One*).
Complainant(s)	The person who makes a complaint.
Complaints Coordinator	Person assigned by the Chief Executive to coordinate the Complaint Procedure and retain basic information and statistics about NMIT complaints.
Mediation	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 they can reach their own mutually acceptable solution. 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.
NMIT Contact Person	Person assigned by the Chief Executive (in consultation with the Complaints Coordinator) to investigate and manage individual complaints.
Respondent(s)	The person about whom a complaint is made.
Student Advisor	A member of the NMIT Learner Services Team.
Support *	Person or group able to provide support or advice to the complainant or respondent (e.g. NMIT Student Advisor; student or staff association/union member; friend or family member). A support person's role is to empower the complainant or respondent to speak for themselves with knowledgeable support. **A support person cannot speak on behalf of the complainant or respondent.**
Training Partner(s)	Organisation(s) or individual(s), with whom NMIT has a contracted arrangement, who provides delivery of training on behalf of NMIT, to NMIT students.

* *Refer to section RESPONSIBILITIES for more detail.*

RESPONSIBILITIES

STAFF, CHIEF EXECUTIVE (CE) AND COUNCIL MEMBERS:

Provide a culture where it is safe for people to voice their concerns and have them resolved in a timely, professional manner.

CHIEF EXECUTIVE*

- Assign NMIT Contact Person to manage individual complaints.
- Summarise information quarterly or as required from all complaints relating to the institute to facilitate regular reporting to the NMIT Council.
- Supply statistical information as appropriate to Directorate and Academic Board.
- Initiate training in the Complaint Procedure for relevant roles/staff positions as required.

**Responsibilities may be delegated to the Complaints Coordinator*

COMPLAINTS COORDINATOR

- In consultation with the Chief Executive assign a NMIT Contact Person to manage the process.
- Assign each complaint a reference number.
- Send complainant a written acknowledgment, including the complaint reference number, the Complaints Procedure, name of NMIT Contact Person and the next step in the process.
- Monitor the progress of the procedure.

NMIT STUDENT ADVISOR

- Provide information to students about the NMIT Complaints Procedure and advise on options for resolving a complaint.
- Suggest appropriate options of support for a student and provide support if requested.

NMIT CONTACT PERSON

- Provide advice on support options.
- 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.
- 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. Notify both parties of the outcome of the complaint in writing.
- Ensure all documentation relating to the complaint process is returned to the Complaint Coordinator.
- Make a decision on the outcome of the complaint.

SUPPORT PERSON(S)

- Listen to the complainant or respondent's concerns and explain the process.
- 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.

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.

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 could be asked to be an advocate:

- A member of a student or staff union/association;
- A chosen associate or professional person;
- A colleague, friend, member of family or whānau.

PROCEDURE

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

If there is no resolution the following complaints process applies:

STEP	DETAILS	TIMING *	WHO
*these are ideal timeframes. If a timeframe cannot be met, alternative timing will be set and communicated to the complainant and respondent. However all possible attempts will be made to keep to timeframes indicated.			
COMPLAINT IDENTIFICATION			
1	Send Complaint Form to the Office of the CE.	Within 90 days of incident	Complainant
2	On receipt of Complaint Form identify relevant procedure, (misconduct etc.), assess for seriousness, legal or other implications assign Contact Person	Within 2 working days of receipt of complaint	CE or delegate
3	Provide complainant and assigned NMIT Contact Person with the following information: ⇨ Complaint reference number ⇨ NMIT Contact Person who will be responsible for mediation and managing the complaint NB: Preferred option is to start with mediation. If another procedure is identified, at this stage steps will diverge from what is recorded below	Within 2 working days of receipt of complaint	Complaint Coordinator
4	Provide a letter to the complainant, stating that the respondent will be informed of the complaint made against them, including a copy of the complaint, after 2 working days NB: The complainant may withdraw the complaint at this stage or choose mediation	Within 2 working days of receipt of complaint	NMIT Contact Person
5	Respondent is provided with all relevant information relating to the complaint (unless the complaint has been withdrawn – see 5, above).	After 2 working days from providing information to complainant	NMIT Contact Person

STEP	DETAILS	TIMING	WHO
6	Seek advice on available support options e.g. from NMIT Student Advisor; Complaint Coordinator; student or staff association/union member; assigned NMIT Contact Person; or manager including considering mediation as a way of resolving the problem.	Optional Step - At any time during the resolution process	Complainant and Respondent
7	Arrange a meeting with the complainant. Use the Complaint Letter (*Refer Appendix Three for a Template which must be used and completed accordingly*).	Within 5 working days of receipt of complaint	NMIT Contact Person
NEGOTIATION			
8	Identify and agree upon specific issues and consider mediation as an option. *Note:* Additional issues should not subsequently be incorporated as part of the same complaint.	At the first meeting with complainant	NMIT Contact Person
9	Arrange meeting with respondent to discuss the issues outlined in the complaint	Within 3 days of meeting with the complainant	NMIT Contact Person
10	Liaise with both parties and if necessary source additional information. *(Refer Appendix Two: General Guide for Dealing with Complaints)* ***Note:*** Several meetings may be needed before a resolution acceptable to both parties is found.	Within 10 days of the first meeting with the complainant	NMIT Contact Person
11	If the complaint is **resolved** the decision is communicated to both parties in writing. If the complaint remains **unresolved** then move to FURTHER INVESTIGATION stage.	Within 5 days of the last meeting	NMIT Contact Person

STEP	DETAILS	TIMING	WHO
FURTHER INVESTIGATION			
12	Investigate the complaint further, if necessary. Seek advice from Director of Academic and Quality, Director of People and Organisation, legal representative or other, if necessary. Advise both complainant and respondent in writing of the investigation process to be followed. NB: Investigation process should be carried out as quickly as possible to avoid delays in reaching resolution	Within 10 days of the last meeting or alternative timeframe agreed by both parties	NMIT Contact Person
13	Make a binding decision and communicate decision to both parties in writing. Include a summary of the outcome of the complaint	Within 10 days of concluding the investigation	NMIT Contact Person
14	Send a summary and all relevant documentation to the Complaints Coordinator	Within 10 days of concluding the investigation	NMIT Contact Person
APPEAL			
15	The complainant or respondent has the right to appeal to the CE or delegate who may convene a committee to consider the appeal. (Grounds of appeal to be on process only, and shall not include rehearing the complaint). The finding of the appeal is final.	Within 10 working days of the written decision being received by the complainant	CE or delegate
16 (cont. over)	If not resolved following NMIT procedures, the complainant or respondent may choose to follow external procedures: • International Students may contact NZQA who provide an independent assessment of the complaint. To do this: o Download the Complaint Form (APPENDIX ONE) o Send your completed Complaint Form, along with any supporting evidence, to: The Complaints Officer, Quality Assurance Division, PO Box 160, Wellington 6140; **or** o email a scan of your completed form, along with scans of any supporting evidence, to qadrisk@nzqa.govt.nz	At either the complainant or respondent's discretion	Complainant or Respondent

STEP	DETAILS	TIMING	WHO
16 (cont.)	If you need more information on the complaints process, contact NZQA on 0800 697 296 • Human Rights Commission procedures (as an alternative, not in addition to grievance procedures) • Privacy Commission procedures • Office of the Ombudsman		
REPORTING			
17	Summarise information from all student complaints and misconduct to facilitate regular reporting to the Chief Executive and NMIT Council.	Quarterly or as required	Complaints Coordinator

REFERENCES

INTERNAL

Student Problem Resolution Framework
Staff Misconduct Procedure
Student Misconduct Procedure
Student Charter
Staff Charter
Protected Disclosures
Harassment (Prevention and Management)

EXTERNAL

Official Information Act, (1982)
Guidelines for the Education (Pastoral Care of International Students) Code of Practice 2016 –Tertiary Privacy Act (1993)
Human Rights Act (1993)
The Bill of Rights – Principles of Natural Justice
Vulnerable Children Act 2014

APPENDICES

APPENDIX ONE: Complaint Form
APPENDIX TWO: General Guide for Dealing with Complaints
APPENDIX THREE: Complaint Acknowledgment Letter Template
APPENDIX FOUR: Complaint Meeting Request Letter Template

COMPLAINT FORM

Date:	
Name:	
Programme Name : **(if applicable)**	
Address:	
	☐
Contact number (home):	☐
Contact number (mobile):	☐
Email:	☐

PLEASE TICK YOUR PREFERRED CONTACT OPTION

Complaint Details: *(Please include names of anyone you have already spoken to regarding the complaint)*

Outcome Sought:

Note: *If you require more space please attach supporting document to this form.*

THANK YOU

Return Form to:

Nelson Marlborough Institute of Technology
The Office of the Chief Executive
Nelson Campus – A Block
322 Hardy Street,
Private Bag 19
Nelson 7042
Phone: (03) 546 9175
Email: complaints@nmit.ac.nz

Internal Use Only
DATE RECEIVED
____ / ____ / ____

GENERAL GUIDE FOR DEALING WITH COMPLAINTS

FOLLOW	the procedure. The procedure provides guidance on appropriate steps and should be used to prevent the complaint from being escalated.
LISTEN	to the nature of the complaint and identify the actual concern. The person may need to let off steam.
ACKNOWLEDGE	any inconvenience suffered by parties.
QUESTION AND FIND OUT	the information you might need in order to advise.
REMAIN IMPARTIAL	by not asking for example "are you sure?" which makes it appear that you don't believe them. Take care not to 'disbelieve', the consequences of not believing are often enormous.
ASK	what they have done about it already, and what they want to happen. Take care not to put the complainant in the position where they have to repeat their story (especially if distressing).
INFORM	the person what can be done. Don't make promises you can't keep.
THANK	the person.

ACTION TO HELP PREVENT SIMILAR COMPLAINTS:

Where complaints indicate the need for improvement the following additional actions could be considered:

- internal or external review
- review of a course or programme
- review of systems
- develop/review policy or procedure
- set up a quality improvement team
- training of personnel

Complaint Acknowledgement [Template]

(Date)
(Complainant Name)
(best phone number/email for contact)

Dear (Name)

Formal Complaint (subject) **Dated** (date complaint was made)

Thank you for raising this formal complaint. As you will know, NMIT has a process by which we approach complaints, and my first action is to allocate the complaint to a member of staff for investigation.
In this instance, I will be passing the complaint onto (Name and title) to undertake the investigation as the NMIT Contact Person.

(Name) will be in touch with you shortly.

Yours sincerely

Carole Crawford
Director of Learner Services
Tel: 03 546 9175 (ext 370)

cc. (Name) (Head of Department)

(Date)

(Complainant Name)
(best contact details: phone/email address)

Dear (Complainant)

I am in receipt of your complaint regarding (……)

I would like to notify you that the respondent (……), will be informed of your complaint and will be receiving a copy of your complaint on (date). You can, if you so wish, withdraw your complaint before this date.

If you decide to progress with your complaint, I have arranged a meeting for (date) at (time) to give you an opportunity to meet with me to further discuss your complaint. The meeting will take place in (room) at the (NMIT campus).

Along with myself, (insert names of other attendees) will also be present. They will be attending to (insert role of attendees).

I would like to encourage you to bring a support person with you to the meeting. This person could be a NMIT Student Advisor, a friend or family member, a Student Association team member, or anyone else you choose.

The role of the support person is to observe and ensure the process is fair, and to assist you throughout the meeting, reminding you of any points you would like to raise etc. The support person is not present to speak on your behalf.

I attach a copy of the Complaints Procedure for your reference and information.

I look forward to meeting with you, and hope that we can reach a resolution that is fair to all parties concerned.

Please contact me on (phone number) or (email address) if you have any questions before the meeting or if you are not able to attend.

Yours sincerely

(Name) (Title)

Enc: Complaints Procedure