

TŪKANGA | PROCEDURE: Complaints & Appeals

This document provides operational guidance on the handling of complaints and appeals

IMPLEMENTATION

The actions to implement this procedure are:

- a) Guidelines and training material provided to all kaimahi
 - b) Inclusion in Ākonga | Learner Handbook and other learner-facing reference material
 - c) All forms available on Yoobee Colleges Ākonga | Learner Information Hub
 - d) Update glossary with new terminology
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PROCEDURES

The following procedures are covered within this document:

- a) Complaints
- b) Appeals

RESPONSIBILITIES

In this procedure responsibilities are detailed for the following roles:

- Academic Dean
- Faculty Leads (FLs)
- Team Leaders (TLs)
- Kaiako | tutors and other academic kaimahi
- Campus Managers
- Quality and Risk Team
- Complaints and Appeals Officer

At any time during the process the complainant and/or any individual involved are entitled to access support from internal or external services, or to withdraw a complaint. This might include kaimahi or an external advocate.

CONCERNS

While the Complaints and Appeals policy and related procedures do not include concerns, a brief explanation is included below for context. Detail for ākonga on raising concerns is included in the Ākonga | Learner Handbook.

- a) Ākonga are encouraged to resolve their concerns directly with
 - i. the person concerned

- ii. Kaiako | tutor, team leader or campus manager
- b) Kaimahi directly involved will either manage the process to resolve the concern or refer the matter to the Campus Manager¹ who will identify the appropriate person(s)/campus to follow-up and resolve the concern.
- c) Ākonga will be advised of the outcome within five (5) working days.

If a concern cannot be resolved to the satisfaction of the ākonga, they may make a formal complaint. Support remains in place should they decide to do so.

COMPLAINTS

- a) Ākonga have (10) working days from the event or issue to lodge a complaint (exceptional circumstances may enable a complaint to be lodged after this time). This decision will be at the discretion of the Campus Manager or Head of Quality and Risk¹).
- b) Ākonga can make a complaint by emailing complaints@yoobeecolleges.com This email must be accompanied by the [Complaints Form](#)
- c) Any kaimahi and/or a Campus Manager can assist ākonga with raising a complaint.
- d) The Complaints and Appeals Officer will:
 - a. receive the complaint notification via email
 - b. add the complaint to the Complaints & Appeals Register
 - c. triage the complaint documentation to ensure that there is sufficient information that enables the nature of the issues to be clearly understood, and if required, seek further clarifying information from the complainant
 - d. on receipt of sufficient information, determine whether the complaint is an academic or non-academic matter and refer the matter to:
 - i. Faculty Lead for academic matters, or
 - ii. Campus Manager for non-academic matters
 - e. notify the complainant that this action has been taken using the Complaint Acknowledgement letter template letter, providing the details of the Faculty Lead or Campus Manager, and advising the ākonga of their rights, including the right to support, or to withdraw their complaint at any time
- e) The Faculty Lead or Campus Manager will:
 - a. investigate the complaint in line with the Complaints and Appeals Policy principles, and determine an outcome
 - b. provide the outcome in writing to the complainant within 20 working days of the commencement of the investigation, using the Complaints Outcome letter template. This will provide the rationale for the decision and provide the complainant with information for further redress if they are dissatisfied with the outcome, including a copy of the Complaints and Appeals Policy and details for lodging an appeal
 - c. notify the Complaints and Appeals Officer of the outcome
- f) After receiving the final outcome from the Faculty Lead or Campus Manager, the Complaints and Appeals Officer will update the Complaints and Appeals Register with comments and final status
- g) Feedback on the complaints process will be sought from ākonga through surveys and will be used to inform continuous quality improvement and cultural responsiveness.
- h) The Complaints Register will be used for analysis and the reporting of complaints. These reports will be furnished to Te Poari Mātauranga | Academic Board and/or Ngā Tumu Whakahaere | Executive monthly meeting

¹ Or equivalent function

APPEALS

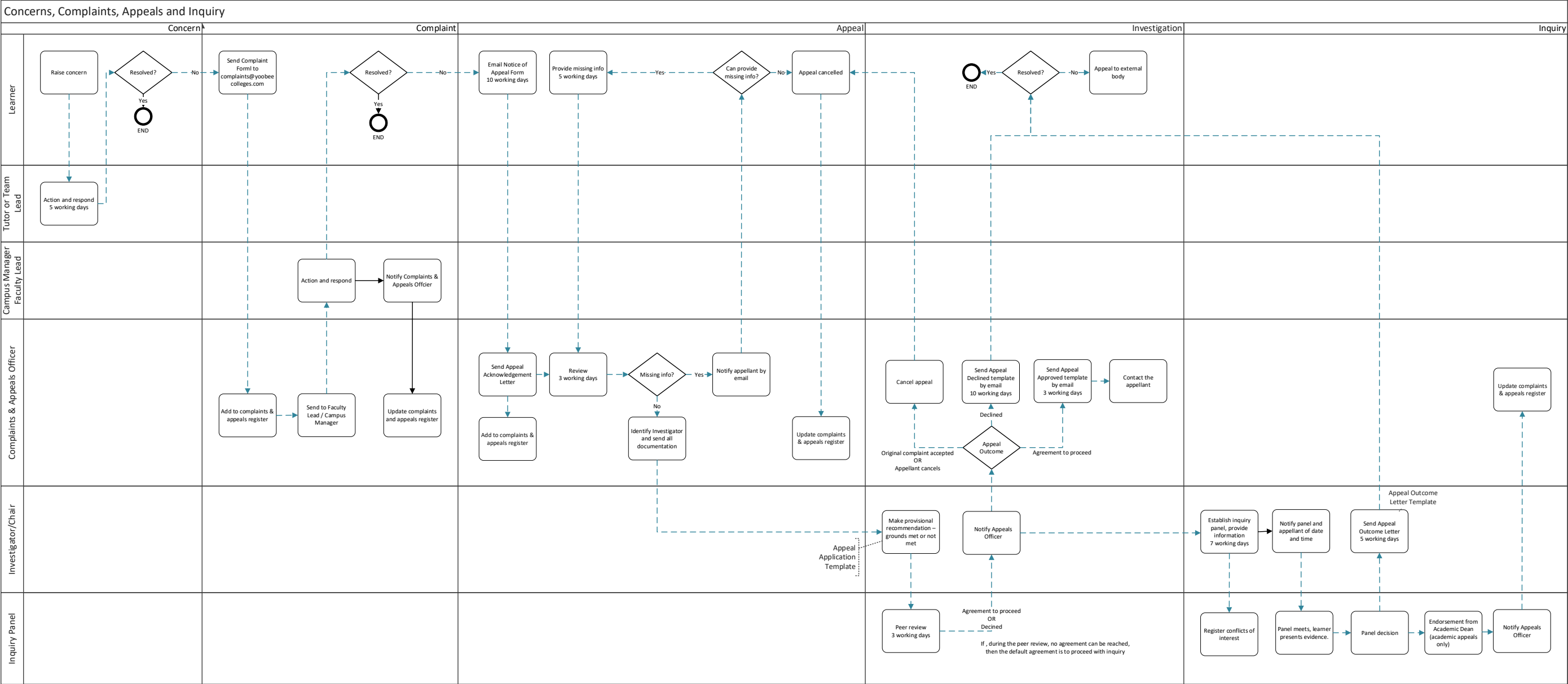
- a) Ākonga who are not satisfied with the outcome of their complaint may appeal this decision to the Complaints and Appeals Officer within ten (10) working days of receipt of the complaint outcome if they meet the grounds for appeal.
- b) The Grounds for appeal are:

Subject Matter	Grounds for Appeal
Academic Appeal Appeal against a decision relating to a complaint about an academic matter e.g. assessment outcome, questions about academic integrity including cheating, inappropriate use of AI.	One of the following grounds to appeal must be met: <ol style="list-style-type: none"> a) There is new information that has a bearing on the matter, and which was previously unavailable and could not reasonably have been made available at the time the decision was made by the faculty which could have a material effect on the decision made or the penalty imposed, and/or b) There was a flaw in the process relating to how the investigation was undertaken and/or the way in which the decision was reached including potential lack of fairness and/or bias
Non-Academic Appeal Appeal against a decision related to non-academic matters e.g., breach of the Ākonga Learner Rights & Responsibilities Code, concerns about behavior or actions	One of the following grounds to appeal must be met: <ol style="list-style-type: none"> a) that the procedures used for the investigation or how the decision was reached was unfair or biased and/or b) that the decision reached in respect of the complaint could not reasonably be sustained on the evidence relied upon and/or c) that significant new evidence that was not previously available has become available since the investigation which could have a material effect on the decision made or the penalty imposed, and/or d) that the disciplinary action/s taken was out of proportion to the nature of the breach of discipline and the full circumstances of the case.

- c) Ākonga can appeal a complaint decision by emailing appeals@yoobee.colleges.com. This email must be accompanied by the [Notice of Appeal Form](#) which instructs that the appellant provides the following information –
 - i. the original written complaint outcome
 - ii. evidence to support the appeal as per the grounds noted above
 Any kaimahi or a Campus Manager are available to assist with completing this form if required.
- d) When an appeal is lodged, the ākonga is known as the ‘appellant’.
- e) If at any time the appellant decides they do not want to progress with the appeal, they can notify the Complaints and Appeals Officer, who will update the register with the status ‘closed’.
- f) When an appeal is lodged, the Complaints and Appeals Officer will:

- i. send an Appeal Acknowledgement letter to inform the appellant that the request to appeal has been received
 - ii. triage the appeal documentation to ensure sufficient information that enables the nature of the issues to be clearly understood, and if required, seek further clarifying information from the appellant. The appellant has 5 working days to provide the missing information, if not received within this period the appeal will be closed unless there are clear extenuating circumstances.
 - iii. Register the appeal on the Complaints & Appeals Register
- g) On receipt of sufficient information, the Complaints and Appeals Officer will
 - i. identify and confirm an investigator to determine if the appeal request meets the grounds for approval:
 - i. Faculty Lead for academic matters, or
 - ii. Campus Manager for non-academic matters
 - ii. send all documentation to the investigator
- h) The Investigator will
 - i. review the documents and determine whether the appeal request meets the grounds for appeal and have this determination reviewed by a peer reviewer. The Analysis of Appeal Application template is available to support the process of determination.
- i) If the grounds for appeal **have not** been satisfied:
 - i. the investigator will inform the Complaints & Appeals Officer who will:
 - i. notify the appellant and any support person/advocate in writing, within 10 working days of the outcome and the reason/s for the decision using the Grounds for Appeal Declined template. This notification includes information on the right to further appeal to external parties
 - ii. update the Complaints & Appeals Register with the decline outcome
- j) If the grounds for appeal **have** been satisfied:
 - i. the investigator will inform the Complaints and Appeals Officer who will
 - i. notify the appellant and any support person/advocate within three (3) working days using the Grounds for Appeal Approved template. This notification includes advice on the next steps of the process in the [What to Expect from your Appeal Inquiry information sheet](#)
 - ii. contact the appellant to answer any questions, and ask for input on any cultural processes that will support them during the appeals process
 - iii. update the Complaints & Appeals Register with the status.
- k) The Investigator will establish an inquiry panel within seven (7) working days that consists of
 - i. no less than three (3) members
 - ii. a Chair (usually the investigator, but dependent on the nature of the appeal - **note** if the appeal is related to Enrolled Nursing, the Head of the Nursing MUST be the Chair)
 - iii. members who are appropriate in respect of the nature of the appeal and the cultural or other needs of the ākonga
 - iv. any professional or regulatory body representation as required e.g., Nursing Council of New Zealand members who have knowledge and experience in appeals processes, and
 - v. members with no conflict of interest with the appeal
- l) The nominated Chair for each inquiry panel will:

- i. establish a date, time, venue, and format for the Inquiry which is convenient for all parties and within seven (7) working days of receipt of full information including the Notice of Appeal. Any timeframe over the seven (7) working days to be notified to all parties.
- ii. inform the ākonga of their rights to meet the panel, being supported by their chosen support person/s, use an advocate to speak on their behalf, request an interpreter, and to request Māori or other representation at the inquiry. The ākonga may also choose not to attend as all documentation/evidence material has been provided.
- iii. ensure cultural responsiveness by addressing the appellant's specific cultural or other requests, such as karakia, te reo Māori, Tikanga, or other practices
- iv. ensure all parties have the same documentation at the Inquiry. This includes the Notice of Appeal and accompanying documentation, and the appealable decision evidence and documentation.
- v. additional material may be provided at the inquiry if all parties are given a reasonable opportunity to consider the material and there is an agreement in the panel to allow additional material not previously available
- vi. the inquiry is an open and collaborative event attended by all parties to hear each other's explanations
- vii. if agreement/consensus is reached by all parties at any stage of the inquiry, the Inquiry may end
- viii. determine the order of the proceedings and time limits for each participant's speaking at the Inquiry
- ix. allow all members of the panel to ask relevant questions, including the background to and reasons for the appealable decision
- x. at the time of the deliberation, all parties not on the inquiry panel will be asked to leave the meeting
- xi. ask all panel members to consider all evidence and make their decision
- xii. Request endorsement from the Academic Dean (academic appeals only)
- xiii. inform the appellant and their support person/advocate in writing of the decision within five (5) working days of the panel meeting. Additional time may be required depending on the complexity of the appeal. If this occurs the appellant will be notified using the Appeal Outcome letter.
- xiv. The decision of the Inquiry Panel is final following endorsement from the Academic Dean (academic appeals only). There is no further internal appeal process available.
- xv. The outcome letter includes information on the right to appeal the decision externally. This appeal will be to an external organisation such as the Human Rights Commission, the Ombudsman and/or New Zealand Qualifications Authority etc. Details will be provided to the appellant in the outcome letter.
- xvi. The Complaints and Appeals Officer is notified of the outcome and updates the Appeals Register



Documentation, Records and Reporting

- a) The Complaints and Appeals Officer will register all complaints and appeals, and their resolutions on the central Complaints and Appeals Register.
- b) Access to the register is restricted for privacy reasons and to ensure data integrity.
- c) Anonymised data on complaints and appeals will be collated and reported to Academic Board monthly and from Academic Board to the Executive, Campus Managers, Faculty Leads, and Team Leaders.
- d) All documentation will be kept in accordance with relevant legislation, any records management policy, and the general records disposal authority. This includes maintaining the privacy of complainants and any other persons involved in the complaint/appeal in accordance with the Privacy Act 2020.
- e) The Complaints and Appeals Officer will report to the Head of Quality and Risk monthly on trends, patterns, and data in respect of complaints and appeals.

Right to Further Appeal

The Appeals process is the final opportunity to appeal a decision within Yoobee Colleges Ltd. All written outcome letters will include the following information to support ākonga to appeal externally should they be dissatisfied with the outcome.

Ākonga have the right to appeal outside of Yoobee Colleges Ltd if they are dissatisfied with the outcome of the appeal process/inquiry. Appeal options are as follows:

- The New Zealand Qualifications Authority
Information on the process is available here for **domestic** ākonga | learners
<https://www.nzqa.govt.nz/about-us/make-a-complaint/>
And here for **international** ākonga | learners
<http://www.istudent.org.nz/>
- The Office of the Ombudsman
Information is available at
<http://www.ombudsman.parliament.nz/>
- The Human Rights Commission
Information is available at
[Human Rights Commission \(tikatangata.org.nz\)](http://www.humanrightscommission.govt.nz/tikatangata.org.nz)
- For financial or contractual disputes, the Tertiary Education dispute Resolution Service
Information is available at
info@talkmeetresolve.co.nz