**C1 Concerns and Complaints Policy**

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| **Policy owner** | CEO |
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# Scope

This policy covers concerns and complaints that a learner, customer or the public may wish to raise about anything in relation to ATNZ. This may include concerns or complaints from a learner about another learner but ATNZ can not consider concerns or complaints from the public about a learner.

Complaints that a salaried or contracted staff member may wish to raise about a colleague or management are covered under the HR Policies.

Appeals differ from concerns and complaints in that they formally seek a decision made by ATNZ to be reviewed. The requirements for Appeals are detailed in the Learner Regulations.

# Purpose

The purposes of this policy are to:

* encourage the resolution of issues, preferably at the earliest possible stage.
* ensure that ATNZ provides support and a fair process that follows the principles of natural justice for all parties involved.
* ensure that opportunities to improve ATNZ’s approaches, systems and processes are identified and addressed through a practice of continuous improvement.
* ensure compliance with the formal monitoring and reporting requirements required by the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021.
* ensure compliance with the Privacy Act 2020

**Definitions**

1. A concern is the informal raising of an issue or potential issue. It may be done verbally, through electronic media or in writing or provided in learner feedback throughout their programme. A concern does not seek a formal response from ATNZ.

2. A complaint is the formal raising of an issue and must be done in writing and must provide sufficient detail to enable ATNZ to be able to investigate and respond to the complaint. The complaint may be submitted using the webform in the ATNZ website or using the Complaints Form.

**Policy**

1. The Head of Talent and Customer Experience is responsible for managing the Concerns and Complaints process, maintaining a register of Complaints and for co-ordinating the investigation and response to complaints.

2. Concerns should be raised as early as possible, ideally with the ATNZ staff member most able to respond or address the concern. Where a learner is not comfortable with raising a concern directly with any other staff member, they may raise the concern with the Learner Support Manager.

3. Any staff member receiving a concern is responsible for seeking to address the concern or to refer this to another staff member better able to address the concern.

4. Any staff member receiving a concern must advise the person raising the concern of the ability and process to escalate the Concern to a Complaint.

5. The rights of both the complainant and any respondent (either staff or learner) will be protected and both parties will be treated fairly and in accordance with the principles of natural justice.

6. Personal information related to concerns and complaints is strictly confidential and the provisions of the New Zealand Privacy Act 2020 and ATNZ’s Privacy Policy apply. The principles of natural justice do require, however, that the nature of a complaint and if necessary the identity of the complainant be disclosed to a staff member where an investigation of that staff member’s conduct is required.

7. Support will be involved to all parties involved in a Concern or Complaint.

8. Concerns and complaints involving issues between individuals will be resolved by discussion and negotiation between parties where possible. ATNZ may seek to apply approaches based in restorative justice in addressing such concerns or complaints.

9. ATNZ, at it’s discretion, may not investigate or take action on concerns and complaints if:

1. anonymous or malicious concerns or complaints are raised or they are based only on hearsay or if the complainant does not provide sufficient information.
2. concerns or complaints are 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 60 calendar days (if being raised by a learner).
3. or a complainant does not respond within 30 calendar days to a request for further information.

10. ATNZ reserves the right to investigate/resolve a problem or complaint even if the complainant subsequently decides not to proceed with the complaint.

11 ATNZ will respond to all complaints within 10 business days advising the complainant of the initial response, intended actions and the timeframe in which any further investigation and response will be provided.

12. ATNZ will ensure that learners are aware of their ability to escalate any complaint to NZQA, the Human Rights Commission or the Dispute Resolution Service.

13. ATNZ will maintain a register of formal complaints and will ensure that summary level data outlining the number, nature and outcome of complaints are provided on the website and report to NZQA.

# Associated Documents

# Complaints Process

# Complaint Form