

Complaints Procedure

Overview

At Te Heru Māpara we take a proactive approach to bullying, discrimination and harassment through practices and processes to avoid these behaviours:

- Working together to recognize and respond effectively to bullying, discrimination and harassment and provision of relevant information
- Promoting inclusive culture across the organisation
- Upholding cultural needs
- Accessible learning environments
- Active participation for learners/ clients
- Opportunities to discuss issues
- Opportunities and experiences to promote good mental and physical health
- Identifying learners who are at risk of harming self or others

Details of the Te Heru Māpara complaints processes are available in the Learner Handbook, on all noticeboards and on the Te Heru Māpara website.

Dealing With Bullying, Discrimination & Harassment within the Organisation

All complaints will be handled in a timely and efficient manner that:

- Allows the complainant to decide how they would like to deal with it
- Ensures they have appropriate support
- Ensures learners/clients and support people have a full understanding of the process including the scope and possible outcomes
- Considers Cultural perspective and allows for culturally responsive approaches
- Allows for natural justice

A range of options that are appropriate to the level of sensitivity and complexity are available and can be selected by complainant according to their needs.

Option One - Self-help

The first option is of a self-help nature and does not involve an investigation, Complainant approaches the person concerned in writing or face to face to inform them of the concern in a suitable manner.

Option Two – Discussions

Learner/client may enlist a staff member of their choice to support them in the discussion either physical presence or advice, which may include the need to lay a formal complaint. All interactions should be noted and barriers to laying the complaint addressed. Culturally responsive approaches should be an option

The complainant also has the right to have a support person of their choice throughout any of the processes.

Guidelines for the Support Persons

- Be familiar with the Bullying and Harassment policy, the procedures involved and all options available.
- Provide support only if comfortable supporting the complainant or person complained about. If you are not the best person to provide support, ensure this is communicated promptly and an alternative support person is found.
- Confidentiality is essential during any investigation.

- Provide the person with emotional support and assist them with their immediate reactions. The support person's role is to provide support to the person concerned, not to solve the issue or pass judgment.
- Be available for all interviews in connection with the issue.

Option Three - Formal Action

Formal action may be initiated by staff or learners/clients, individually or as a group. The complaint will be recorded on the Complaint form which covers all necessary information and is sent to Programme Manager. All complaints, including oral, must be recorded for the Programme Manager.

The Programme Manager will ensure the complainant and any others involved are:

- aware of the complaint
- aware of their rights, including having a support person
- aware of the processes and possible outcomes
- identify, where requested, a support person
- arrange, where requested, a culturally appropriate form of reporting and resolution
- conduct an investigation appropriate to the level of complexity or sensitivity of the complaint in a manner that respects all parties and their privacy
- Keep all parties informed of the progress of the complaint

Option Four – Mediation

This may be considered as an outcome of the formal intervention or if formal intervention has not been successful. Should mediation not be successful, the further options open to the learner/client could be to consider taking their concerns to the New Zealand Qualifications Authority including any concerns around the breach of the Code.

Complaints relating to Kaimahi (Staff)

All complaints that relate to staff will immediately go to the Formal Option and be dealt with by the Programme Manager or CEO. Such complaints may be from learners/clients, stakeholders or other staff and will be dealt with under the same practices as other complaints as well as forming part of the professional development and appraisal system.

Confidentiality

While Te Heru Māpara recognises the needs and rights of both the complainant/s and the person/s who the complaint has been made about we also recognize the need for confidentiality therefore we will keep all parties informed of the process, the possible outcomes and the final decision without disclosing anything of a private or personal nature.

Resolution

- Should a complaint be substantiated, disciplinary action may be initiated. This may include a formal warning, final warning, or dismissal (without notice) where it is concluded serious misconduct has taken place.
- In the situation where a complaint is substantiated, Te Heru Māpara must ensure the bullying and harassment ceases immediately and that the complainant does not suffer any form of victimisation for having made the complaint.
- The behaviour must be monitored, recorded and later checked to ensure that any harassment has stopped, and the solution is working.
- Failure to stop the behaviour will be considered a breach of our ethics which may result in dismissal

Further options for laying a complaint include:

New Zealand Qualifications Authority

Anyone who believes the complaint has not been dealt with to their satisfaction should contact the NZQA by emailing or telephoning.

Anyone who thinks the Code of Care is not being adhered to.

Tertiary Education Commission

Financial or Contractual Obligations

Study Link

Issues with student allowances

Police

If the complainant has been subjected to physical harassment, sexual harassment, or behaviour involving obscene language or threats, they can make a complaint to the Police. The Police may investigate the complaint and take further action.

If the complaint is considered less serious in nature, then remedies may be available through the courts, for example, protection orders.

The Human Rights Commission

Anyone who believes they have been discriminated against or has a complaint of sexual harassment may contact the Human Rights Commission by writing, telephoning or visiting the office. They may take a support person with them or get a mediation officer to visit their home or workplace.

- **Netsafe**

If any online platform is used in the actions of bullying, harassment or discrimination this should be reported to Netsafe.

- **WorkSafe**

If there is a safety issue in your place of learning that is not addressed

- **Privacy Commissioner**

If you feel there is any misuse of your personal information

Related New Zealand legislation and employment documents

- Employment Relations Act 2000
- Human Rights Act 1993
- Crimes Act 1961
- Harassment Act 1997
- Protected Disclosures Act 2000
- Health & Safety at Work Act 2015
- The Harmful Digital Communications Act (2015)
- Privacy Act 2020