

# Complaints Kit for Formal Complaints about Providers\*

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\* Provider refers to private training establishments (PTEs), government training establishments (GTEs) and wānanga only – anyone wishing to make a complaint about a university or polytechnic should contact the Institutes of Technology and Polytechnics Quality (ITP Quality), PO Box 10-334, Wellington; or the New Zealand Vice-Chancellors' Committee, PO Box 11-915, Wellington 6034.

## **Complaints about providers**

Please read this information carefully before making a formal complaint to the New Zealand Qualifications Authority (NZQA) about a private training establishment, government training establishment or wānanga.

NZQA use this complaints process as part of its ongoing monitoring of quality assurance of education providers. NZQA has no jurisdiction to require training providers to make a refund of money outside the student refund provisions of the Education Act 1989.

## **Who can complain to NZQA?**

Anyone can make a formal complaint to NZQA about a provider if they have grounds for complaint (as noted below). Complainants can include students, staff members, parents, other providers and other members of the public.

## **When can I complain to NZQA?**

You can complain to NZQA if:

- you have attempted to follow the complaints procedure of the provider concerned but the complaint has not been resolved to your satisfaction. (This condition will be waived if you are not eligible to file a complaint under the provider's policy, eg if the provider does not have a procedure for dealing with complaints from the general public.)

or

- something has happened that you think is serious enough to come straight to NZQA about, such as a situation where students may be harmed physically or emotionally and
- the event that you are complaining about took place within the last six months.

## **What can I complain to NZQA about?**

Complaints can be about a number of things relating to the provider, such as:

- course information, publicity or advertising material
- entry and selection procedures
- enrolment procedures
- information or procedures for financial matters
- staff qualifications or skills
- student support and guidance
- programme content
- programme delivery
- programme structure
- equipment and teaching resources
- assessment information and processes
- management practices.

## **What happens if NZQA upholds my complaint?**

If NZQA's investigation shows that the provider's policies and procedures have not been followed or that they were not applied fairly, you can use the information from the investigation to try to reach a solution with the provider. If that is not possible, you can try other avenues, such as the Disputes Tribunal, Commerce Commission or the courts.

NZQA does not get directly involved in negotiations between you and the provider for issues such as refunds or other forms of compensation. However, NZQA can require that the provider take certain actions if they wish to remain a registered private training establishment.

## **What can't I complain to NZQA about?**

There are a number of things outside NZQA's responsibilities that you can't complain to NZQA about. These include:

- an event that took place more than six months prior to the complaint being made
- training or education delivered by a provider who is not registered
- training or education delivered by universities
- training or education delivered by polytechnics below postgraduate level. You should deal directly with the appropriate quality assurance body, or if this is unsuccessful you can take the complaint to the Ombudsmen ([www.ombudsmen.govt.nz](http://www.ombudsmen.govt.nz))
- WINZ matters, eg loans and allowances
- Tertiary Education Commission (TEC) matters, eg eligibility for programmes, travel allowances
- appeal of an assessment result – you should follow the provider's appeals procedure
- anything that happens outside the private training establishment or wānanga and is not related directly to the training enrolled students are receiving, eg the private lives of staff and students.

## **Complaints relating to education provided to international students**

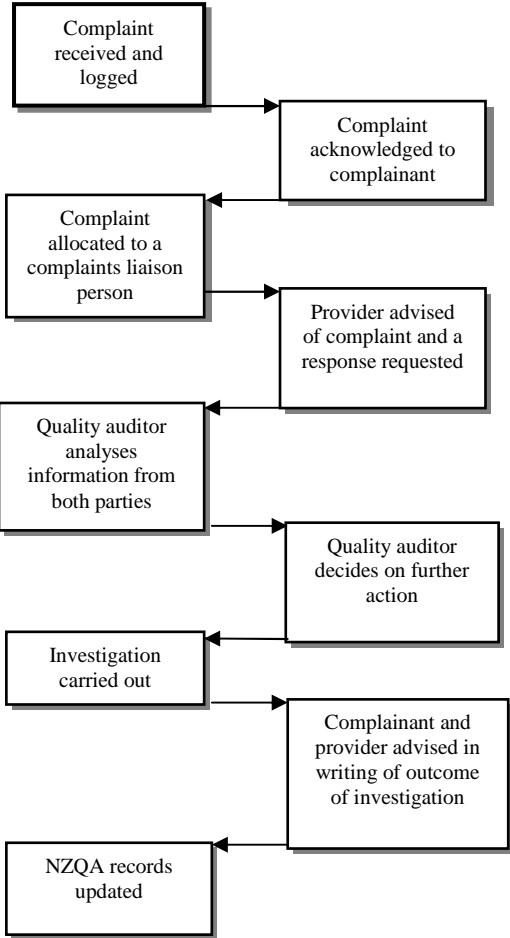
The Code of Practice for the Pastoral Care of International Students describes the procedure for lodging a complaint if a complainant feels the code has been breached. For further information go to the Ministry of Education website [www.minedu.govt.nz](http://www.minedu.govt.nz). The Ministry of Education may refer complaints about providers for NZQA to investigate.

## **What does NZQA do when it receives my complaint?**

NZQA follows a step-by-step process to make sure that the complaint is investigated by a quality auditor and that the outcome is fair for all parties. NZQA records all information relating to complaints. For more information about this process, contact the quality auditor handling your complaint.

Where appropriate, information about your complaint may be shared with other agencies in the education sector, for example the Tertiary Education Commission, the Ministry of Education, and potentially the Ministry of Social Development.

# Complaints Process



### **Will the provider know that I have made a complaint?**

Generally, yes. In order to make a fair decision NZQA writes to the provider to inform it that a formal complaint has been made. The letter includes a summary of the complaint and states who made the complaint. The provider is asked to respond. This helps NZQA look at the complaint with information from all parties and make a balanced decision.

Occasionally, there are circumstances where a complainant feels there may be repercussions if the provider is given his or her name. If you want your name to be confidential, then you must indicate this in Part 6 of the Formal Complaint Form – page 7. Please note that NZQA does not investigate anonymous complaints.

### **What is NZQA looking for when it investigates a complaint?**

NZQA's main concern is that the provider:

- is following its policies and procedures, and applying them fairly
- is following its internal complaints and disciplinary procedures, and applying them fairly
- is complying with the law, eg health and safety, building requirements, human rights and the Education Act.

## How to make a formal complaint to NZQA

If you have attempted to follow the internal complaints procedures of the provider (if applicable) and decided that it is appropriate to forward your complaint to NZQA, please follow these steps:

**1 Complete form on pages 5–7.**

*If you do not correctly complete, or only partially complete the form, this could delay the processing of your complaint.*



**2 Gather together any other evidence that will help NZQA assess your complaint.**

*This should be specific and factual, including dates, times and places wherever possible.*



**3 Organise your evidence so that it is chronological, logical and easy to follow. Label everything clearly.**



**4 Post the completed form and other evidence to:**

**The Complaints Officer  
Quality Assurance Division  
New Zealand Qualifications Authority  
PO Box 160  
WELLINGTON 6140**

## Formal Complaint Form

### 1 Private training establishment or wānanga details

I would like to make a formal complaint to NZQA about .....  
(name of private training establishment, government training establishment or wānanga):

In order to seek corrective action from the establishment or to alert NZQA to a situation that places learners at risk of not achieving the learning outcomes they have enrolled for, please identify the desired outcome of your complaint.

Address:

My relationship to the private training establishment or wānanga is .....  
(eg student, staff member). Please give details of your position and/or any relevant programmes you are or have been enrolled on (if applicable):

### 2 Your details

(NB: you must provide this information before NZQA can consider your complaint. If you wish your name to be confidential, indicate this requirement in Section 6, but still provide details in this section.)

Name(s) of complainant:

Contact details: (if the complaint is from a group, please provide details for one key contact person only).

Postal address:

Phone number:

Email address:

### 3 Type of complaint

Please tick the main type(s) of issue(s) your complaint relates to:

Course information, publicity or advertising material	<input type="checkbox"/>	Entry and selection procedures	<input type="checkbox"/>	Enrolment procedures	<input type="checkbox"/>
Cost information or procedures relating to financial matters	<input type="checkbox"/>	Staff qualifications or skills	<input type="checkbox"/>	Student support and guidance	<input type="checkbox"/>
Programme content	<input type="checkbox"/>	Programme delivery	<input type="checkbox"/>	Programme structure	<input type="checkbox"/>
Equipment and teaching resources	<input type="checkbox"/>	Assessment information and processes	<input type="checkbox"/>	Other (please give details below)	<input type="checkbox"/>

### 4 Complaint details

Write the details of your complaint as clearly as possible below. Try to give specific examples that support your complaint and provide facts such as dates, times and places. Use extra pages if necessary.

<p><b>5 Supporting documents</b></p> <p>Please attach any documents that support your complaint and list these below.</p> <p>You must include a copy of your original complaint to the provider.</p> <p>Depending on the nature of your complaint you could include copies of the provider's response, other correspondence, notes from meetings, publicity material, invoices etc. Use extra pages if necessary.</p>	<p><b>NZQA use only</b></p>

<p><b>6 Authorisation</b></p> <p>You must sign this in order for NZQA to consider your complaint. Please tick the relevant boxes and sign below.</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> I confirm that I have attempted to follow the internal complaints procedure of the provider and have given it the opportunity to resolve my complaint before lodging this complaint with NZQA. (This only applies if the complainant is a student.)</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> I authorise NZQA to inform the provider of my name(s).</p> <p>I authorise NZQA to proceed with investigating my complaint.</p> <p>Your signature(s):</p> <p>Date:</p>	
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Please post the completed form and other evidence to:

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Quality Assurance Division  
New Zealand Qualifications Authority  
PO Box 160  
WELLINGTON 6140

This Complaints Kit is available from:

- your private training establishment or wānanga
- NZQA – download from the NZQA website at <http://www.nzqa.govt.nz/for-learners/rights/complaints.html>  
– email [qadrisk@nzqa.govt.nz](mailto:qadrisk@nzqa.govt.nz)  
– phone 0800 697 296