

COMPLAINTS POLICY AND PROCESS

Purpose

St John's College is committed to maintaining a safe and positive culture and to protecting the rights and dignity of all employees, students, students' and employees' families and visitors. Everyone in the College community shares the responsibility to help create a welcoming, positive, and productive environment. The purpose of this policy is to set out the framework for raising, addressing, and resolving complaints.

Scope

This Complaints Policy and Process applies to the entire St John's College community, including students, their family members, employees, volunteers, contractors, members of Te Kaunihera, and visitors. It outlines the procedures for raising, addressing, and resolving complaints within the College community.

Background information

This policy is intended to provide any member of the St John's College community with the process by which they can make a complaint about any matter that they are adversely affected by at, or otherwise in connection with, the College. Where the complaint concerns subject matter that is dealt with under another policy, then the complaint will be referred to be dealt with under the relevant policy that applies. In particular:

- a) In the instance of a staff member complaint, the College reserves the right to revert to an alternative and more appropriate process (e.g. by way of a process detailed in an employment agreement).
- b) Academic complaints are to be dealt with in accordance with the procedures in the Academic Complaints Policy.
- c) Complaints against external institutions or tertiary providers should be referred to that institution for it to follow its own procedures for addressing that complaint.
- d) Complaints which engage Canon 1, Title D of the Anglican Church in Aotearoa, New Zealand and Polynesia will be dealt with under the provisions of that Canon.
- e) In all other cases the processes provided for in this policy will apply.

Definitions

St John's Theological College

202 – 210 St John's Road, St Johns, Auckland 1072, New Zealand
Private Bag 28 907, Remuera, Auckland 1541, New Zealand

College/St John's College	The College of St John the Evangelist / Te Whare Wānanga o Hoani Tapu te kaikauwhau i te Rongopai.
Te Kaunihera	Board of Governors of the College.
Te Manukura	The Principal of the College.
Dean	A Dean of a Tikanga appointed pursuant to Title E, Canon II, Clauses 3.12.3.2-3.12.3.5
Student	A residential student at the College or a student within the regional studies programmes of the College.
Employee/Staff	Any person undertaking any professional, vocational, or other activity within or connected with the College and to whom a policy applies/is scoped for their position ("Employee", "Volunteer", "Board Member", "Contractor"). These descriptions may also be used interchangeably within this policy.
Family members/Whānau	The spouse of a student or of an employee, together with any other persons living or staying with them in College accommodation.
Visitors	Persons who are working on the College site or visiting the site (this includes, but is not limited to, overnight guests, meeting attendees, contractors, and tradespeople).
College community	All College students and their family members, employees and their family members, and visitors.
Complainant	The person or group of people making the complaint.
Respondent	The person, institution, or group of people against whom the complaint is made.
Facilitator	The person responsible for facilitating the complaints process and determining the outcome of the complaint. The role of a facilitator may be interchangeable depending on the circumstances: they may be a mediator, or investigator, or of another function to help facilitate a complaints process.
Appellant	The person who wishes to appeal the outcome of a complaints process.

St John's Theological College

202 – 210 St John's Road, St Johns, Auckland 1072, New Zealand
Private Bag 28 907, Remuera, Auckland 1541, New Zealand

Independent	A person, external and independent to the College, whose role
Complaints Officer	is to resolve an appeal to the initial outcome of a complaint.

When dealing with complaints pursuant to this policy the College shall ensure that the process for resolving the complaint is:

- **Accessible.** This policy and any other relevant policy should be made available to the complainant and to the respondent and any questions about the policies or the process will be addressed in a timely manner by the Manukura or such other person who is responsible for addressing the complaint.
- **Fair.** Any process shall endeavour to balance the interests of each party involved in the complaint and ensure that the complaint is resolved in a fair manner.
- **Confidential.** Information provided by any party in the complaint process is only to be provided to those people who need to know it and can only be shared by those persons on the same basis.
- **Timely.** The investigation should be conducted without undue delay and with the lowest appropriate level of intervention whilst observing the other principles set out in this section.
- **Impartial.** Complaints are dealt with impartially and without bias.
- **Safe.** No party shall be required to meet with anyone as part of the resolution process unless they are comfortable doing so. Those involved in a complaint will be protected against any victimisation or reprisals and are assured that no action will be taken against them if they speak up.
- **Supportive.** All individuals involved in a complaint are encouraged to have a support person of their choosing throughout the entire complaints process.

Policy

1.0 Who to approach to raise a complaint

1.1 For a variety of reasons, some people may find it difficult to make a complaint. There are a number of people available at the College who are able to provide support, help access relevant policies, and assist in navigating the complaints process. Anyone who wishes to raise a complaint can approach any of the following:

St John's Theological College

202 – 210 St John's Road, St Johns, Auckland 1072, New Zealand
Private Bag 28 907, Remuera, Auckland 1541, New Zealand

- a) the *College Chaplain* – the College Chaplain may appoint a person to be available to assist those with questions or concerns.
- b) a *Tikanga Dean*
- c) the *Manukura*
- d) a trusted person who is willing to support the complainant to raise a concern and/or test their perception of events – this could be a member of faculty, a spiritual director/supervisor, a student representative, a colleague or friend.

1.2 When a complaint is disclosed to the College, the complainant will be provided with information regarding the options set out in this policy. The College will follow the process chosen by the complainant in addressing the complaint.

1.3 However, if the College considers that the complaint is sufficiently serious that it could affect the well-being of others or of the College community, the College may require this to be progressed as a formal complaint (as laid out in this policy in section 4.0). The complainant will be consulted before the College makes any decision to follow a formal complaint process.

2.0 Raising a Complaint

2.1 The person who has received the Complaint should first assess which policy is required to be followed (Refer to "Background Information" section). That Policy should then be followed.

2.2 If the matter does not fall for consideration under any other policy, there are a number of avenues to pursue a complaint, including informal and formal processes (see following sections). The complainant may choose to enter the complaints process at any point, initiating a complaint with any of the following options.

3.0 Informal Processes

3.1 Option 1: Self-help and supported self-help

3.1.1 Self-help involves the complainant letting the respondent know that their behaviour is unwelcome, inappropriate, or offensive and needs to stop. This may resolve the matter quickly and in a low-key manner. This may be appropriate where the grievance is minor, and the complainant does not feel seriously harmed or threatened by approaching the person.

3.1.2 Self-help actions could include:

- a) telling the person directly about the behaviour they do not like and asking them to stop the behaviour.

St John's Theological College

202 – 210 St John's Road, St Johns, Auckland 1072, New Zealand
Private Bag 28 907, Remuera, Auckland 1541, New Zealand

- b) writing a letter on a 'private and confidential' basis to the person.
- c) taking a support person to tell the person that the behaviour needs to stop.

3.1.3 Complainants should not approach someone directly about their behaviour if by doing so they would feel unsafe or threatened in any way.

3.1.4 Resolution may involve a verbal or written apology or agreement on how the parties will behave towards one another in future.

3.1.5 If the complainant is uncomfortable with this approach, or if this approach does not resolve the issue, then the complainant may consider one of the following options.

3.2 Option 2: Informal intervention

3.2.1 Another informal way of dealing with a grievance is for the complainant to ask for someone else (for example, the *College Chaplain*) to intervene on their behalf on an informal basis.

3.2.2 The person who is intervening will:

- a) clarify the complaints procedure and the appropriate College policies with the complainant and ensure that the complainant understands the options available for resolving the complaint, before confirming if the complainant wishes to proceed informally.
- b) discuss what happened with the complainant, listen impartially, and ask what the complainant needs to resolve the situation.
- c) clarify the facts being reported.
- d) discover what appropriate action the complainant is seeking.
- e) informally deal with the complaint in the manner discussed with the complainant; this may involve speaking directly with the respondent or taking other steps as agreed with the complainant.
- f) after advising the complainant and obtaining the complainant's agreement, document the discussions and outcome.

3.2.3 If there is agreement on what happened and what will resolve the situation, the issue can be resolved confidentially between the people concerned.

3.3 Option 3: Mediation

3.3.1 In some instances, arranging for a complainant and respondent to discuss the complaint with a mediator may be an appropriate way to address the issue. If a complainant wishes to pursue mediation, they will make a request to the Manukura. The request may be made in writing or orally. If the request is made orally it must be recorded by the Manukura.

3.3.2 If the matter does not fall for consideration under any other policy and does not substantially concern the actions of the Manukura, then the Manukura may determine that the matter is appropriate for mediation. Where the subject matter of the complaint concerns the actions of the Manukura, or the Manukura's actions are a substantial part of the subject matter of the complaint, the Manukura shall refer the matter to the Chairperson of Te Kaunihera to address under this policy (see 5.0).

3.3.3 An informal mediation process will involve the following steps:

- a) There will be an initial discussion between the Manukura and the complainant about the subject matter of the complaint and whether a mediation process is an appropriate avenue to pursue a resolution.
- b) If the Manukura determines that a mediation process is an appropriate avenue for resolution, they will contact the respondent. Both parties must agree to the mediation process. They must be made aware that a mediation process is entirely confidential and anything discussed within that mediation, or any agreements made, are not to be discussed in any way outside of the mediation (which also extends to support people).
- c) If the respondent does not wish to pursue a mediation process, then the complainant may pursue another avenue for complaint resolution.
- d) If both parties agree to an informal mediation process, then a meeting will be arranged by the Manukura between the complainant and the respondent.
- e) The Manukura will facilitate that meeting or, where the Manukura thinks it is appropriate, may delegate the facilitation to any other staff member or an independent person with mediation skills who the Manukura considers is more appropriate to undertake that role. Before making such a delegation, the Manukura shall obtain the views of the parties and ensure that the parties are agreeable to any confidential information contained in the complaint being provided to the delegated person.
- f) Impartiality to the mediation process is of utmost important. Hence if an internal facilitator is proposed, both parties can exercise a right to object to the appointed facilitator if there is a perceived conflict of interest. Both complainant and/or respondent are able to request that an external, independent mediator facilitate the process. Both parties must be made aware of their ability to object before a mediation can begin.
- g) All parties are entitled to bring a support person to the meeting and must be advised of this right.

- h) The meeting will discuss the subject matter of the complaint in an informal and constructive way and will seek to achieve a resolution by agreement between the parties as to how the complaint can be resolved.
- i) Where the complainant is unhappy with the outcome of the mediation process then the complainant may request that the formal process for resolving the complaint, as provided in this policy, is followed instead.
- j) If the mediation process does resolve matters to the satisfaction of the complainant, then the Manukura/delegated mediator shall record confidentially the outcome in writing to the parties following the meeting.

4.0 Formal Process

4.1 Where a complainant wishes to initiate a formal complaint they will inform the Manukura. The request may be made in writing or orally. If the request is made orally it must be recorded by the Manukura. If the matter does not fall for consideration under any other policy and does not substantially concern the actions of the Manukura, then the Manukura may determine that the matter is appropriate for formal resolution.

4.2 Where the subject matter of the complaint concerns the actions of the Manukura, or the Manukura's actions are a substantial part of the subject matter of the complaint, the Manukura shall refer the matter to the Chairperson of Te Kaunihera to address under this policy (see 5.0).

4.3 The formal resolution process shall proceed as follows:

- a) The Manukura/Te Kaunihera shall obtain from the complainant a full account of the complaint. The account may be made in writing or orally. If the account is made orally, it must be recorded by the Manukura/Te Kaunihera.
- b) The Manukura/Te Kaunihera shall ensure that the complainant receives a copy of this policy and in particular understands that:
 - i. All information provided by the complainant will be provided to the respondent. If any information is not intended to be disclosed, that information must be identified.
 - ii. The respondent will be provided with a copy of the complaint material and will be invited to respond to that orally or in writing. If the response is made orally, it must be recorded by the Manukura/Te Kaunihera.
 - iii. The refusal to provide consent to the disclosure of material information may make it impossible for the Manukura/Te Kaunihera to resolve the complaint. The Manukura/Te Kaunihera may be entitled to dismiss the complaint where the refusal to consent to disclosure of the information means that the complaint cannot be dealt with fairly.

- iv. The Manukura/Te Kaunihera may in very limited circumstances keep some of the details of a complaint confidential, but this is only permitted in extremely limited circumstances. If this were to occur, they would first seek independent advice as to its appropriateness.
- c) Having received a full and detailed account of the complaint, the Manukura or Te Kaunihera shall determine whether the responsibility for resolving the complaint should be delegated to any other staff member, or an external person that the Manukura/Te Kaunihera considers appropriate (the "facilitator"). Before making such a delegation, the Manukura/Te Kaunihera shall obtain the views of the parties and ensure that the parties are agreeable to any confidential information contained in the complaint being provided to the delegated person.
- d) Impartiality of the complaints process is of utmost important. Hence if an internal facilitator is proposed, either party can exercise the right to object to the appointed facilitator. Both complainant and/or respondent are able to request that an external, independent person facilitate the process. Both parties must be made aware of their ability to object before the formal complaints process can begin.
 - a. Where a facilitator is appointed to manage the complaint, they will also be provided with all relevant information.
- e) The facilitator should commence any complaint's review with a brief Terms of Reference as to how they will manage that process, which would be reviewed and approved by The Manukura/Te Kaunihera.
- f) All parties are entitled to a support person at every stage of this process and must be advised of this right.
- g) Once the facilitator has been appointed and consent to disclosure is received from the complainant then the complaint is to be provided to the respondent. The respondent will also be given a copy of this policy and a written response requested.
- h) The written response from the respondent will be provided to the complainant who will have the right to reply to that.
- i) After receiving the complaint, the response from the respondent, and the reply from the complainant, the facilitator may decide to make further inquiries as appropriate in order to obtain further information. In particular the facilitator will be entitled to:
 - i. Make no further inquiries and to make a decision based on the information provided.
 - ii. Meet with either the complainant or the respondent at such times as the facilitator considers appropriate.
 - iii. Meet with and interview any relevant person that may assist the resolution of the complaint provided no confidential information is

disclosed to that person without the prior consent of the parties.

- iv. Make such further inquiries as the facilitator considers fit and which accord with the principles that govern this policy. Any information obtained through such inquiries shall be made available to the parties for comment before a decision is made.
- i) After completing the investigation, the facilitator shall make a decision resolving the complaint.:
 - i. Decisions that are permitted will be based on the delegation of the facilitator's role (e.g. if being facilitated by The Manukura) or will be stated in the Terms of Reference for another internal staff member, or independent facilitator.
 - ii. The decision will be provided in writing to both parties. This will include (at a minimum) a summary of the actions taken, and outcomes of the process. The summary must be complete enough that it preserves both parties rights to privacy but provides assurances that a full and fair process has been completed.
 - i. Parties may be required to give an undertaking of confidentiality in order to balance the right to privacy of the parties with those of natural justice to them.
 - iii. Where appropriate, consider practical measures by which the relationship between the complainant, the respondent, and any other persons involved could be reconciled and propose such steps to the parties.
 - iv. Advise the parties as to the appeal process provided in this policy and the time period for lodging an appeal.
- j) Where a complaint is made about a member of Te Kaunihera, and no amicable remedies or resolutions are able to be established, Te Kaunihera will refer the complaint to an external advisor for facilitation and/or investigation, and resolution.

5.0 Te Kaunihera dealing with Manukura Complaints

5.1 Where a complaint is referred to Te Kaunihera then Te Kaunihera shall be responsible for resolving the complaint in accordance with this policy.

5.2 Te Kaunihera shall be entitled to delegate the resolution of the complaint to the Chairperson of Te Kaunihera or to a subcommittee of Te Kaunihera established for that purpose.

5.3 Te Kaunihera or its delegate may follow the informal process provided in this policy for resolving the complaint if it considers that is appropriate.

5.4 Where the formal processes in this policy are followed they shall apply to the Chairperson, Te Kaunihera or a sub-committee of Te Kaunihera as the decision-maker under those provisions of the policy.

5.5 Te Kaunihera will ensure that all complaints are recorded on the "Complaints Register" – Refer to Appendix A for the Complaints Register Policy.

6.0 Appeals

6.1 After receiving the written decision advising of the outcome of a complaint, either party is entitled to appeal the outcome within 20 working days. It shall be in the discretion of the facilitator whether to accept any appeal lodged after the 20-working day period. That discretion shall be exercised in accordance with the principles provided in this policy for the resolution of complaints.

6.2 Notice of appeal shall be provided in writing to the facilitator advising of an intention to appeal the decision.

6.3 Appeals may only be lodged in respect of the subject-matter that was determined by the facilitator. The purpose of appeal is to review the process followed and the decision reached in light of the material that was provided by the parties and any further investigations. The appeal body will resolve the appeal on the papers based on the material provided.

6.4 Following receipt of the notice of appeal the facilitator shall refer the appeal, together with all the material concerning the resolution of the initial complaint to the College's Independent Complaints Officer.

6.5 The Independent Complaints Officer shall resolve the appeal within a timeframe of 6 weeks unless the appeal process is interrupted by some external process outside of the control of the Independent Complaints Officer. In this instance, the Independent Complaints Officer would update parties of delays.

6.6 The Independent Complaints Officer will resolve the appeal by:

- a) Receiving (either orally or in writing) from the appellant the reasons why they wish to dispute the outcome of a complaint and the outcome that they are seeking on appeal. If the reasons are given orally, it must be recorded by the Independent Complaints Officer.
- b) Following receipt of the appellant's grounds for appeal, the Independent Complaints Officer shall receive a response from the respondent limited to the points raised by the appellant.
- c) Lastly, a reply will be received from the appellant limited to replying to the

particular points raised by the respondent.

6.7 The Independent Complaints Officer will not:

- a) Consider new issues and complaints that are outside the matters raised in the initial complaint and addressed in the decision.
- b) Conduct further inquiries as provided earlier in the policy.
- c) Conduct a hearing or meet with the parties directly unless in exceptional cases they consider that the interests of justice require a hearing to be conducted.
- d) The Independent Complaints Officer will be entitled to receive external legal or other advice and will be entitled to provide all material filed in respect of the appellant to any external advisor for that purpose before resolving the appeal.

6.8 The Independent Complaints Officer's final decision on the appeal:

- a) Will be in writing and provided to both parties and any other person that the parties agree should be provided with a copy of the agreement.
- b) Where appropriate, will consider practical measures by which the relationship between the appellant, the respondent, and any other persons involved could be reconciled and propose such steps to the parties.
- c) Will advise the parties that the decision is final.

IF STUDENT COMPLAINTS STILL CANNOT BE RESOLVED

Domestic students may contact Tertiary Education Dispute Resolution

<https://tedr.org.nz/>

International students may contact iStudent Complaints

<https://www.istudent.org.nz/Appendices>

Appendix A: Complaints Register Policy

Complaints Register Policy

Te Kaunihera is committed to transparency, accountability, and continuous improvement in its operations. As part of this commitment, Te Kaunihera will maintain a Complaints Register to record and track all complaints received from students, and other people and groups including but not limited to members, employees, contractors, and the general public.

1. **Recording of Complaints:** a. The Complaints Register will include, but not be limited to, the following information for each complaint: i. Date of receipt ii. Nature of the complaint iii. Name and contact information of the complainant iv. Description of the complaint v. Assigned complaint reference number b. All complaints will be recorded in a timely manner upon receipt.
2. **Confidentiality:** a. Information recorded in the Complaints Register will be treated with utmost confidentiality, and access to this register will be restricted to persons authorised by Te Kaunihera only. b. The identity of complainants, when requested, will be kept confidential to the extent permitted by law and ethical considerations.
3. **Retention and Maintenance:** a. The Complaints Register will be maintained securely, and should be kept in a secure location which can only be accessed by password. Records will be retained for a minimum period of four years. b. Records will be kept in a manner that ensures their integrity, accuracy, and accessibility.
4. **Analysis and Reporting:** a. Periodic (six-monthly) analysis of complaints recorded in the Complaints Register will be conducted by Te Kaunihera to identify recurring issues and trends. b. Te Kaunihera may undertake this review themselves or organise an independent review to summarise the analysis, and include recommendations for improvement. This should be conducted on a six monthly basis.
5. **Resolution and Follow-Up:** a. Complaints recorded in the Complaints Register will be addressed promptly and resolved in accordance with Te Kaunihera's established policies and procedures. b. Resolution outcomes and any follow-up actions taken shall be documented in the Complaints Register.
6. **Access to Information:** a. Upon request, complainants and respondents will have the right to access information related to their own complaints, or to complaints made against them, as recorded in the Complaints Register.
7. **Compliance:** a. Te Kaunihera will ensure compliance with all relevant laws and regulations governing the maintenance of a Complaints Register.

8. **Review and Revision:** a. This Complaints Register Maintenance Clause will be subject to periodic review and revision as necessary to ensure its effectiveness and alignment with best practices.

Publication Approval

Prepared By Te Manukura	Date Prepared September 2023
Reviewed By Te Kaunihera	Date Reviewed 12 October 2023
Approved By Te Kaunihera	Date Approved 12 October 2023
Next Review	October 2025

Revision History

Revision	Date	Description of changes	Requested by