Complaints and critical incidents

Reporting and publishing data in your self-review report

Te Oranga me Te Haumaru Ākonga

Learner Wellbeing and Safety

NZQA

Mana Tohu Mātauranga o Aotearoa
New Zealand Qualifications Authority

This guidance applies to all tertiary providers, including those with international learners, offshore learners and/or student accommodation.

Learner wellbeing and safety is a priority for providers, and hearing from learners about their concerns and complaints supports that priority. This guidance outlines NZQA's requirements around the use of (clause 8.2.b) and reporting of (clause 10.f) complaints and critical incidents data within a self review report. Completing a self review against the Code is an existing requirement (clause 8(2)).

This guidance also provides advice on how to include complaints and critical incidents data within the Code self review process. It also gives guidance on how providers could publish self review reports, as required by the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 (the Code).

It is designed to be read in conjunction with the Code, the Implementation Guidance and the Self Review Guidance.

NZQA has developed the guidance with learners and providers from across the tertiary education sector. It is a living document – we will update it so it remains current and fit for purpose.

Contents

The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 (the Code)

NZQA's requirements for 2023

In 2023, NZQA requires providers to include data about complaints and critical incidents occurring in 2022 in their 2023 self-review reports.

You must:

- review complaint and critical incident practices and systems (not individual complaints/incidents)
- identify improvements
- make an action plan to implement improvements identified
- include your analysis in your published self-review report which needs to be in an accessible format and, where practicable, available on your website [if websites cannot be updated easily, ensure that these documents are available on site. Make and begin to implement a plan to publish documents onto the website when possible]
- provide a URL to your published self-review report as part of NZQA's self-review attestation.

The Code does not define a complaint or a critical incident. When reporting 2022 data, you must include your definition of a complaint and of a critical incident in your self-review report. If you need to update any definitions, include learners in this process.

> **❗ Please note**
>
> In 2023 NZQA will not receive tertiary providers' complaints and critical incidents data directly.

As part of NZQA's Code Administrator role, we will be sampling self-review reports to gain some system-level insights of complaints and critical incidents. We will work with Universities New Zealand (UNZ) to ensure a consistent approach in the university sector.

Recording, reviewing and reporting complaints and critical incidents data

Providers must record, review and report complaints and critical incidents to ensure continuous improvement, accountability and transparency. This will enable you to capture and understand the issues learners face over time, and consider how and when to improve practices.

By **recording** complaints and critical incidents, you will have data (both quantitative and qualitative) on how many and what type you receive. You will also know how these were resolved or managed.

By **reviewing** complaints and critical incidents data you can:

- assess the effectiveness of your systems for addressing complaints and critical incidents
- use data to make effective improvements to your learner wellbeing and safety practices
- analyse data to improve wellbeing and safety practices, and – where possible – identify thematic and systemic issues in your organisation.

By **reporting** complaints and critical incidents data you can:

- be transparent about how you respond to learners who have complaints or are involved in critical incidents
- show how your practices are continually improving.

Including complaints and critical incidents data in self-review reporting

In general, a provider's Code self-review report will reflect the nature of the provider and focus on things appropriate to each provider and their learners. The Code states all tertiary providers must report and publish data on complaints and critical incidents. NZQA expects providers to include relevant quantitative and qualitative data and analysis on complaints and critical incidents in their self-review report.

A note on **complaints** in self-review

When learner voice moves from feedback and general comments to a complaint, the Code requires you to have a system for reporting, responding and processing complaints. You need to review this system regularly, outlining your high level review through the self-review report.

A note on **critical incidents** in self-review

By their nature critical incidents are often unable to be predicted, and therefore can be difficult to manage. For example, incidents may arise or escalate when key staff are absent or when fewer staff are on duty after hours. However, providers must have robust systems for any critical incident. You will need to record how you managed and responded to the incident, and how you supported learner/s. Using and reflecting on this data will help you review your systems and make improvements.

> **i For more information**
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> For more information on how to determine appropriate Code practices, please see page 7 of the Implementation Guidance.

Collecting data

For data to be used to inform improvements, it needs to be collected in a way that is appropriate for your organisation.

The Code states providers must record and report:

- "critical incidents and emergencies, and complaints by diverse learner groups[1]" (clauses 10.3.g and 13f)
- "complaints information including the number and nature of the complaint" (clause 13.f.i)
- "learner experience with the complaints process, and the outcome of their complaint (clause 13.f.ii)".

Consider what data you need to record to meet these requirements and undertake an effective self-review. Questions to consider:

- Did the systems you used in 2022 collect everything needed to meet these requirements?
- If not, what can you report from 2022 in 2023?
- What changes can you make to collecting this information?
- How will you record and store this data?
- How are learners informed about the data that is stored and used?

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1 The Code defines diverse as: "various backgrounds, experiences, and beliefs and a variety of needs across a range of learning contexts. Diversity in the learner population includes, but is not limited to, learners of varying ages, cultures, religions, sexual orientation, gender identities, international learners, refugee background learners, disabled learners, distance learners, and learners with care-experience".

Protecting learners' privacy

When applying the Code, providers have a responsibility to protect learners' privacy and a legal obligation to comply with the Privacy Act 2020.

When recording data and analysis of complaints and/or critical incidents in your self-review report, keep in mind the privacy of the individuals involved. Ensure no personal or sensitive information is published. The Code states providers must use an aggregate level of detail and, as far as practicable, disaggregated by diverse learner groups. Consider and apply the Privacy Act principles.

For some providers or situations, it may not be practical to disaggregate information due to privacy concerns as this may inadvertently disclose the learner's identity. You might want to consider providing a range (e.g. 5-10 complaints/critical incidents) or record the number as less than 5 or less than 10 depending on the situation. If this is the case, record why data is not disaggregated.

Providers can contact the Privacy Commissioner for further information and or seek legal advice.

Using data to inform self-review

Reviewing complaint and critical incident systems is an important part of understanding what is going well, and what needs improving. Providers may choose to supplement this information with other insights about learner voice, gathered from general feedback, compliments, survey responses and actions taken.

We expect providers to publish an overview of what they've found through this self-review process in their self-review reports.

The following sets of questions may be useful to consider.

→ **What are the most common complaints and critical incidents? Are there any thematic or systemic findings?**

Consider:

- What types of complaints you receive and what types of critical incidents occur?
- How will you record and report a complaint or critical incident with multiple aspects?
- Recording the date and timeframe of the complaint or critical incident and documenting any significant external factors (e.g. a national emergency).
- Does the complaints and critical incidents data change over time? If so, how does it change? Are there any reasons for the change?
- Whether/when the complaint was resolved, and how long it took.
- What was learnt from the data? What improvements were identified and made?

→ **Has your organisation implemented new policies or practices that have affected the number or nature of complaints?**

Consider:

- What changes have led to fewer complaints, and what do you know about the reasons for this?
- What changes have led to more complaints, or complaints from different groups, and what do you know about the reasons for this?
- Does better communication improve learners' access to the complaint procedures? And does the number of complaints increase as a result?

➡ Which learners are making complaints? Which learners are involved in critical incidents?

Consider:

- How can you record demographics of diverse learner groups? This data will allow you to assess whether any learner groups are over- or under-represented.
- Why might this be? For example:
  - Do you know if there are groups of learners less likely to make complaints? Do you know the reasons for this?
  - How do you know that your complaints process is culturally responsive for different learner groups?
  - Does one learner group appear to be disproportionately affected by critical incidents? How do you mitigate potential risks and issues? How can you effectively support learners when critical incidents occur?
  - How could you work with learner groups to create an action plan that works towards improving systems and processes?

➡ What are learners' experiences with the complaints process?

Consider:

- How can your organisation work with learners to record and report their experience with the complaints process?
- Creating a feedback form with rating scales so you will have quantitative data to analyse across time. Make space for learners to suggest what changes they would like in the complaints process.
- Including questions in line with clause 13 to gain feedback that reflects Code requirements.
- Asking learners if they were advised of the complaints process, including the option to escalate their complaint to a Disputes Resolution Scheme operator, NZQA, the Ombudsman or any other appropriate complaints body. How clear did they find this information and process?
- Noting these findings in your self-review, and how and when you could implement any improvements. If you are unable to make any changes, explain why.
- Communicating a "you said, we did" feedback loop.

Including complaints data and information in self-review reporting

Providers must review and include the following in their published self-review report:

1. The definition of a complaint.
2. A description of complaints and appeals processes outlining how the requirements of **Outcome 2: Process 2: Learner Complaints** are being met. This must be supported with evidence if available, to cover the key requirements of clauses 13a–13d:

   o Make complaints and appeals procedures easily locatable and provide clear guidelines on the process to follow.

   o Make complaints and appeals processes easy for students to understand and navigate.

   o Demonstrate that you respond to complaints promptly and efficiently.

   o Inform the learner how you are handling their complaint and how it is being progressed.

   o Handle complaints according to the level of complexity or sensitivity and observe the principles of natural justice.

   o Have culturally responsive approaches.

   o Have processes for recording and reporting complaints data, including learners' experience of complaints, to key stakeholders.

Note: in your self-review report, you could include a link to where this information is available on your website.

3. As far as is practicable, outline the number, nature, and outcome of complaints, including learners' experience with processes (please refer to the Privacy section).
4. A review of the complaints and appeals process for the reporting period, identifying any common themes or issues.
5. Whether/how learners have been involved in developing or reviewing the complaint process or practices.
6. Planned or completed actions to improve processes, including:

   o when processes were last reviewed, and when the next review will be

   o whether the review is complete, and an outline of this process, including who was involved

   o any future work planned.

Including critical incidents data and information in self-review reporting

Providers must review and include the following in their published self-review report:

1. The definition of a critical incident.
2. How the provider gives effect to **Outcome 1: Process 4: Responsive wellbeing and safety systems** – supported with evidence where practicable:

   o Provide summary information where possible on critical incidents including the number and nature of incidents.

   o What plans does your organisation have for managing critical incidents? How effective are these plans? When were plans developed or last reviewed and who was involved?

   o Review how critical incidents data has been gathered, and how you have identified common themes, issues, improvements and priorities.

   o Work with staff and learners to review how effective current practices are. Ask staff if they are trained in these processes? Is the training effective?

   o Are your critical incident and emergency processes consistent across the organisation? If processes vary, consider why and if these differences are appropriate or necessary? Your check must cover student accommodation processes where appropriate, including those implemented by a third party.

3. An outline of any future work planned in this area.

Including learners in the self-review process

The Code requires providers to review their learner wellbeing and safety practices using input from diverse learner groups. You should include learners throughout your self-review processes – including at the outset.

This will look different in every provider, as learner representation and channels for gaining learner voice will differ. The extent to which learner representation and voice is established within an organisation or sub-sector will impact on the nature of information available to support self-review processes and reporting.

Examples of how different providers could involve learners in the self-review process:

→ **An education provider with a small number of learners that offers short courses may run a small, simple self-review process.**

Its data-gathering may be more qualitative, as it has fewer learners to consult and observe.

For example, learner voice, and learner input for self-review reports might be gathered through survey data or verbal feedback from learners at the end of their courses.

→ **An education provider with many learners that offers multiyear courses may incorporate a review of performance against the Code into wider organisational self-review processes and reporting.**

These organisations may have student associations, or organised learner groups. In these cases, consider how you can have proactive engagement with learners in the self-review process.

For example, you could ask learners to rate your organisation's implementation of each Code outcome, and how your organisation could work to address any improvements needed. Consider running focus groups or asking learners questions from the self-review toolkit to gather feedback.

Signing out self-review reports

Each provider will have a different process for developing, signing out and publishing self-review reports. Consider:

- Streamlining sign-out processes by using the same process you followed for annual attestations.
- Ensuring you provide enough time for staff and learners to discuss what is in the report before it is finalised, and for learners to provide feedback on the final report.

Where it has been challenging or not practicable to gain learner voice in the self-review process, comment on why. How could you improve this in the future?

Publishing self-review reports

The Code requires you to make self-review reports readily available. Reports must be in accessible formats and available to learners, staff and the general public, including on websites. If websites cannot be updated easily, ensure these documents are available on request. Make and begin to implement a plan to publish documents onto the website when possible.

The published self-review report can differ from your full internal report. This is so you can offer something tailored to your learners and stakeholders. Ensure the tailored summary for the public presents an accurate reflection of the full report. Be transparent about the improvements needed, and what your organisation will do in the future.

Other ways to make information accessible:

- use infographics and images to describe documents
- write in plain English
- present documents in a way that is readable for text-to-speech software.

Consider displaying self-review information through:

- a series of infographics of key information gathered from the self-review report
- an executive summary of the self-review report
- a short summary of the organisation's key strengths of Code implementation, and key actions the organisation will take to close any gaps in Code implementation.

If a summary is published, make it clear that the full report (excluding any sensitive information) can be made available on request.

Further information and advice

▶	**NZQA**	
	Code webpage	https://www.nzqa.govt.nz/providers-partners/tertiary-and-international-learners-code/ or read our Code Implementation Guidance
	Email	code.enquiries@nzqa.govt.nz
	Freephone (within New Zealand)	0800 697 296

As the Code is implemented, NZQA will:

- gather queries and answers to produce regularly updated FAQs, which will be available on our website
- provide more detailed or targeted information based on queries and feedback from the sector
- update this guidance as required.