

He huarahi whakatau tautohe hou mō ngā ākonga mātauranga matua nō Aotearoa

A new dispute resolution scheme
for domestic tertiary learners

April 2021

Consultation closes **21 May 2021**



What is this about?

The draft Code expects providers to contribute to a positive learning environment by ensuring learners receive a genuine and timely response to their concerns.

Providers must have practices so that the internal complaints system is timely and accessible for all learners, deal with complaints effectively, provide constructive feedback, and report annually on the number and nature of complaints.

If learners are not satisfied with the result of their complaint, they can use a new dispute resolution scheme set up in the Education and Training Act 2020.

The dispute resolution scheme aims to help settle contractual or financial disputes between learners and providers.



Why is the dispute resolution scheme needed? And what difference will it make?

Disputes can have big educational, financial and emotional impacts on learners and their whānau.

The new scheme will be able to resolve issues that cannot be resolved through providers' internal complaints processes and help make the tertiary education system fairer and more accessible for everyone.

The new scheme fills a gap for domestic tertiary learners. International learners can resolve disputes using [iStudent Complaints](#), but domestic learners cannot access this service.



The new dispute resolution scheme will:

be a place for learners to take their complaints that haven't been resolved with their provider

be accessible to all learners in tertiary education

support parents, whānau, and advocates to make complaints with or on behalf of learners who want extra support. Groups of learners will be able to make complaints together

deal with disputes in a way that maintains the mana of learners, and addresses the power imbalance between providers and learners

be consistent with principles of restorative and natural justice, enabling everyone to have an opportunity to present their case, be balanced and fair, using accessible evidence

provide flexible, timely, and accessible dispute resolution run by a culturally-safe and competent scheme operator



How will the dispute resolution scheme give effect to Te Tiriti o Waitangi?

Ensuring barrier free access and equitable outcomes for Māori is a key objective for the scheme.

The principles of Te Tiriti o Waitangi will be embedded in the scheme by resolving disputes in a way that:

- honours and gives effect to Te Tiriti o Waitangi,

- supports Māori-Crown relationships, and

- enables taurira Māori and their whānau to exercise their authority and agency in education.

This means that any particular cultural needs of learners must be met.

Appropriate tikanga must be drawn on during the dispute resolution process if requested by the learner, to meet the needs of taurira Māori and their whānau, in accordance with their rights under article 2 of Te Tiriti o Waitangi.



The system will change over time

From January 1 2022, the new dispute resolution scheme will be operating and changes to the code will come into effect

Some other changes to the law will be put in place during 2022 to, for example:

- strengthen the focus on learner wellbeing and safety, and

- minimise provider compliance and administrative costs

Further changes to the dispute resolution scheme and code are expected from 2022 onwards, to align with revised law changes.



Want to find out more and have a say?

[Find out more on the Kōrero Mātauranga website at](#)

conversation.education.govt.nz/conversations/wellbeing-and-safety

The deadline for submissions is midnight **21 May 2021**.



For more information...

See how this aligns with the Tertiary Education Strategy on our Education website at education.govt.nz/assets/Documents/NELP-TES-documents/FULL-TES-2020.pdf

See how this aligns with Ka Hikitia Ka Hāpaitia the Māori Education Strategy on our Education website at education.govt.nz/our-work/overall-strategies-and-policies/ka-hikitia-ka-hapaitia/ka-hikitia-ka-hapaitia-the-maori-education-strategy/

See how this aligns with the Action Plan for Pacific Education our Education website at education.govt.nz/our-work/overall-strategies-and-policies/action-plan-for-pacific-education-2020-2030/

See how this aligns with the Strategic Recovery Plan for International Education on our Education at [website education.govt.nz/news/rebuilding-international-education/](https://education.govt.nz/news/rebuilding-international-education/)