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**Ngā amuamu tauira**  
**Study complaints**



# **Study Complaints |**

# **Ngā Amuamu**

# **Tauira – 2024**

# **Report summary**

First six months - 1 January 2024 to 30 June 2024

The logo on the top of the page is Study Complaints |  
Ngā Amuamu Tauira.

# Welcome

## Haere mai

Tūngia te ururua kia tupu whakaritorito te tupu o te harakeke.

Welcome to our first report for Study Complaints | Ngā Amuamu Tauira, the new Domestic Tertiary Student and International Student Contract Dispute Resolution Scheme which officially opened on 1 January 2024. While we have only been open for two quarters, we already have plenty of insights to share in this report.

Fair Way previously provided iStudent Complaints for international students, so we had significant experience to draw upon when designing our new service. But we chose to take a fresh approach to bringing this service to life, not only in name but in every aspect of delivery from our systems and processes through to our website. The *whakataukī* above - *clear away the undergrowth so the new shoots of the harakeke can spring up* - speaks to new beginnings and reflects our approach here which allowed us to stay true to the intent of this scheme, to the best practice principles (user focused and accessible, independent and fair, efficient, effective, and accountable) and to the feedback shared with us by learners during this journey.

We decided to open a few weeks early to enable a transition between the existing schemes to the new combined service for the 9 enquiries and 5 claims that remained on hand, and to support learners in raising issues before the summer holiday period. This approach paid off as we saw a higher than anticipated influx of calls during what is traditionally a quieter period over the summer holidays. From 1 January, when our jurisdiction formally took effect, we saw an initial surge. While we received 107 new enquiries across the six-month period, 47% of these were made in the first two months alone. Our case load has remained steady since then. Our team take an early resolution approach where possible, even during our enquiry phase. Of the 37 claims that were accepted through our process, 70% were resolved through consensual processes.

Reflecting on this journey, I would like to acknowledge the leadership of Richard Binner, GM Operations and Samantha de Coning, Head of Practice in shaping this service and the support of wider Fair Way team who enabled us to bring this service to life in a relatively short timeframe. Other key project members included Chris Pickering, Samantha Brennan and Solveig Bratland who shared their subject matter expertise and were hands-on in the design, development and delivery of Study Complaints | Ngā Amuamu Taurā. I would also like to recognise our wonderful team of Resolution Coordinators, Resolution Facilitators and Resolution Practitioners who are the faces

behind the delivery of this service. Our mahi makes a real difference for tauira as they navigate through their conflict, often with this being their first experience of having a dispute to work through. I share my heartfelt thanks with each of you.

I'm excited for this new chapter, as we begin the 2024/25 year and our first twelve months providing Study Complaints | Ngā Amuamu Tauira to domestic tertiary and international students.

Ngā mihi  
Jeanie Robinson

Operations Manager - Commercial Services at Fairway Resolution Limited (Fair Way). As part of her role, Jeanie is responsible for Study Complaints | Ngā Amuamu Tauira.

## **About us**

Study Complaints | Ngā Amuamu Tauira is a free and independent dispute resolution service.

If you are an international student or a domestic tertiary learner and you have an unresolved complaint about a New Zealand education provider, we can help.

## **What we do**

We help with:

- **Financial matters** – involve money, for example refunds
- **Contractual matters** – involve agreements, for example contracts to study
- **Redress claims** - involve requests for money or actions to set things right after a New Zealand Qualifications Authority (NZQA) investigation finds that there has been a breach of the Pastoral Code.

## How do I start?

You can contact us by:

- Free phone [0800 00 66 75](tel:0800006675)
- [help@studycomplaints.org.nz](mailto:help@studycomplaints.org.nz)
- Use our [online form](#)

## Our background

Study Complaints | Ngā Amuamu Taurira is provided by Fair Way – kia tau (Fair Way), an organisation that specialises in dispute resolution. Fair Way's team of expert Resolution Coordinators, Resolution Facilitators and Resolution Practitioners assist students and their education providers every step of the way.

Between 2016 and 2023, Fair Way provided iStudent Complaints, a dispute resolution scheme for international students.

In 2023, the Minister of Education appointed Fair Way as the operator of the new combined Domestic Tertiary Student and International Student Contract Dispute Resolution Scheme, established by the Education and Training 2020 Act. Under the name Study Complaints | Ngā Amuamu Tauira, Fair Way provides this new combined service, following the Education (Domestic Tertiary Student and International Student Contract Dispute Resolution Scheme) Rules 2023.

## **2024 in review**

### **How we helped**

Our process is designed to empower students and education providers to resolve matters early and through consensual means where possible. Our aim is to meet the needs of learners studying in Aotearoa, ensuring they have a voice in the process and their mana, identity and wellbeing is prioritised. If a student and their education provider are unable to reach an agreed outcome, Study Complaints | Ngā Amuamu Tauira can provide finality through adjudication where a binding decision is issued.

Here is an overview of how we helped tauira from 1 January to 30 June 2024:

# 1. Get started

*We find out more about you and arrange any support you may need.*

- We received 116 enquiries
- 10 students and providers resolved issues early
- 37 were accepted as claims
  - 30 claims were resolved or closed in steps 2 - 4
- 69 were declined, referred or unrelated enquiries
- 30 claims were resolved or closed in steps 2 - 4

# 2. Facilitation & negotiation

*We let your education provider know and get you talking.*

- **47%** resolved in our 2<sup>nd</sup> phase
- **14 claims** were resolved through facilitation and negotiation

# 3. Mediation

*Collaborate and reach an agreement together at mediation.*

- **23%** resolved at mediation
- **7 claims** reached an agreement at mediation
  - 67% resolved all matters

- 33% resolved some matters

## 4. Adjudication

*We consider the dispute and make a decision during adjudication.*

- **27%** needed a decision made
- **8 claims** were adjudicated
  - 1 was upheld
  - 0 were partially upheld
  - 7 were not upheld

## Other

- 3% of claims were closed
- 1 claim was later found to be outside of jurisdiction and referred to an appropriate dispute resolution pathway

## Overview of disputes

### Enquiries overview

For the period of 1 January to 30 June 2024 a total of 107 new enquiries were received.



To allow for a transition between the existing dispute resolution services to the new combined scheme, Study Complaints | Ngā Amuamu Taurira opened in December 2023. During the handover period, 5 enquiries were referred from the domestic scheme and 4 enquiries under consideration at the end of December 2023 were carried forward from the international scheme.

Of the total 116 enquiries, 72 were domestic (62%) and 44 were international students (38%).

### **Progression of enquiries (combined – total 116)**

- 32% were accepted as claims – progressing to our dispute resolution process
- 31% of the enquiries were determined as outside of jurisdiction and referred to various bodies. The top referrals were back to the education provider so the student could access their internal complaints process, to NZQA for complaints relating to the quality of the course or exams, to the NZQA for further investigation relating to pastoral care, and other referrals were made to the Ombudsman and Universities NZ
- 10% of enquiries were unrelated – for example, requests for resources or information
- 9% (10 enquiries) were resolved directly by the provider and student during the enquiry phase through our early resolution approach

- 9% were withdrawn by the student
- 9% remained on hand at the close of this period – under consideration by the team.

## **Nature of enquiries**

The Education and Training Act 2020 enables us to resolve disputes between students (including former and prospective students) and providers or signatory providers relating to:

- a) contractual and financial matters
- b) a claim for redress for any loss or harm suffered by a student as a result of a breach by a provider or signatory provider of a code issued under section 534.

The main theme of enquiries this period was:

- 39% - Financial/contractual
- 35% - Other
- 26% - Refund.

We provide a more detailed breakdown of categories below.

## Nature of enquiries (combined – total 121)

<b>Nature of dispute</b>	<b>Domestic</b>	<b>International</b>	<b>Total</b>
Compensation	1	0	1
Contractual/ Financial	29	18	47
Course assessment	1	0	1
General enquiry	18	2	20
Not SC Issue*	9	11	20
Refund - Course Closure	1	2	3
Refund - Quality of Provision (Academic)	2	0	2
Refund - Safety and Wellbeing	0	1	1
Refund - Student Support advice and services	0	1	1

Refund - Visa issues	0	3	3
Refund - Withdrawal	12	10	22
<b>Grand Total</b>	<b>73</b>	<b>48</b>	<b>121</b>

Please note the above total of 121 includes enquiries received during the transition period in December and from 1 January to 30 June 2024.

\*Not within jurisdiction for Study Complaints | Ngā Amuamu Taurira.

## **Claims overview**

Within 10 working days of receiving an enquiry, we will either accept it as a claim, decline it, or ask for further information to help us decide whether we can accept it or not.

Of the 116 enquiries on hand during this reporting period, 37 were accepted as claims. An additional 5 claims were carried over on 1 January 2024 from the previous student scheme.

## Overview of claims accepted (combined - total 42)

<b>Accepted claims</b>	<b>International</b>	<b>Domestic</b>	<b>Total</b>
<b>New claims accepted</b>	17	20	37
<b>Brought forward (ongoing claims from previous schemes)</b>	5	0	5
<b>Total claims received</b>	22	20	42
<b>Claims closed during period</b>	15	15	30
<b>Claims remaining on hand</b>	7	5	12

## Overview of how claims were resolved (combined - 30 total)

Of the total 42 claims on hand during this period, 30 were resolved as follows:

- 70% (21 claims) were resolved consensually
  - 14 through facilitation and negotiation (47%)
  - 7 through mediation (23%)
- 27% (8 claims) were adjudicated
  - 1 claim was upheld
  - 7 claims were not upheld.
- 3% (1 claim) was later deemed outside of jurisdiction, closed and referred to the Ombudsman.

## **Claims by provider type**

Across all providers, most claims accepted were in relation to Private Training Establishments (PTEs), followed secondly by universities.

- 23 claims - PTEs
- 8 claims – Universities
- 5 claims – Te Pūkenga
- 1 claim – Secondary school
- 0 claims – Primary school, Intermediate school, Wānanga

# Additional information

You can find a PDF of the full report [here](#)

If you have any questions, please get in touch with our team. You can contact us by:

- **Free phone:** 0800 00 66 75
- **Email:** [help@studycomplaints.org.nz](mailto:help@studycomplaints.org.nz)
- **Web:** [www.studycomplaints.org.nz](http://www.studycomplaints.org.nz)

**End of Study Complaints | Ngā Amuamu Tauira 2024  
Report summary**