

Te Ohu Whakahaere- Appeals¹

Terms of Reference

Current version	Previous Reviews	Next Review
27 April 2023	13 April 2022	27 April 2024

1. Ngā Tikanga | Purpose

There are two purposes for this Ohu:

i. Governance

Ensuring themes and patterns in respect of concerns, complaints and appeals across the motu are evaluated and reported to Te Poari Akoranga (academic appeals), and Learner and Employer Experience and Attraction Division (non-academic appeals) to identify best practice and for the purpose of making recommendations for improvement.

ii. Operations:

Te ohu to:

- Receive unresolved ākongā appeals that have been considered and determined by a Te Pūkenga Business Division, where ākongā are unsatisfied with the outcome of the decision(s) of the Business Divisions appeal process. **NOTE:** Prior to accepting an appeal, te ohu will assure itself that the Business Divisions appeal processes have been undertaken and concluded.
- Seek resolution by (where appropriate) initiating an inquiry and by facilitating a settlement and/or withdrawal of the appeal.

NOTE: An appeal to te ohu is the final internal appeal process for Te Pūkenga.

2. Ngā Mahi | Role

Te Poari Akoranga delegates to Te Ohu Whakahaere - Appeals authority to:

- Evaluate patterns, themes and outcomes of concerns, complaints and appeals from across the motu from all Business Divisions of Te Pūkenga.
- Request and receive reports from Regional Leadership Teams to enable overview of concerns, complaints and appeals activity and outcomes across the network.
- Enquire and determine the outcome of appeals escalated by ākongā as per Te Pūkenga Concerns, Complaints and Appeals policy.
- Require Business Divisions to review practices and procedures where gaps are identified and/or processes require strengthening.
- Overturn Business Division appeal decisions and offer remedial actions where specific appeal outcomes require such action.
- Provide advice and recommendations to Te Poari Akoranga on matters related to concerns, appeals and complaints.
- Make recommendations to improve Business Divisions practices and processes in collaboration with Te Ohu Whakahaere – Quality

¹ Appeals refers to all appeals – both academic and non-academic

3. Mematanga | Membership

Te Ohu Whakahaere - Appeals will consist of members drawn from across the network with relevant demonstrated skills, experience, and attributes. Appointments will be made by Te Poari Akoranga in accordance with recommendations from Te Ohu Whakahaere – Appeals membership, and the Terms of Reference for the Te Ohu Whakahaere - Appeals. Chair(s) appointments will be made by Te Poari Akoranga.

Membership will comprise the following:

- Two (2) Te Poari Akoranga members (Co-chairs)
- Two (2) kaimahi with tikanga Māori expertise
- Two (2) kaimahi with Moana Pasifica and/or Disability Sector expertise
- Four (4) academic kaimahi
- One (1) ākonga member nominated by Te Pūkenga Learner Advisory Committee
- One (1) Appeals Officer

(Total = 12 members)

Note: The Appeals Officer is a non-voting member of Te Ohu Whakahaere - Appeals and does not constitute a member of quorum.

Regional representation will be considered in membership selection.

4. Conflict of Interest

Conflicts of Interest must be declared and regularly updated. No person having a conflict of interest with respect to an appeal under consideration will be part of the process for that appeal. A register of Conflicts of Interest will be generated and maintained by Te Ohu Whakahaere – Appeals Officer.

5. Whakaingoatia | Representation

Members of Te Ohu Whakahaere - Appeals are expected, through the contribution of their expertise, experience, and perspectives, to be aware of the broad range of interests within Te Pūkenga network, and practices and processes necessary for both the governance and operational aspects of the role.

The appointment of new members will be based on gaining a balanced and broad representation from across the motu, and to ensure continuity of the mahi of Te Ohu Whakahaere - Appeals as membership changes.

Appointed members shall hold the position for two (2) years with option of renewal for a third year. Any decision as to renewal is to be made by Te Poari Akoranga. Consideration must be given to staggering membership selection to ensure continuity.

Membership of Te Ohu Whakahaere - Appeals may be revoked by either Te Poari Akoranga or the appointed member at any time by giving four (4) weeks' notice in writing.

The appointed members to Te Ohu Whakahaere - Appeals will be selected on the following criteria:

- a commitment to educational quality and ākonga achievement, wellbeing, and success.
- an ability to apply a fair, transparent and reasoned approach to academic and non-academic appeals.

- Knowledge, skills, and experience in academic regulation policy and relevant legislation (e.g., Privacy Act 2020, Human Rights Act 1993, Education & Training Amendment Act 2022).

For individual ākonga appeals, members may be co-opted where expertise is required. Co-opted members may be internal or external to Te Pūkenga. e.g., professional representation, hapu, iwi.

6. Tuku Mana | Delegations

Te Poari Akoranga to Te Ohu Whakahaere - Appeals

On occasion, Te Poari Akoranga may formally delegate specific tasks and/or responsibilities to Te Ohu Whakahaere - Appeals. In so doing it requires that:

- any policies related to the responsibilities are formally approved by Te Poari Akoranga
- major decisions made by Te Ohu Whakahaere - Appeals under delegation are reported to Te Poari Akoranga
- financial delegations (where given) will be managed appropriately, and expenditure reported to Te Poari Akoranga. **NOTE:** financial delegation may be required to ensure culturally appropriate practices are enabled.

From Te Ohu Whakahaere - Appeals to Business Divisions:

Te Ohu Whakahaere - Appeals formally delegates Business Divisions of Te Pūkenga the specific task and responsibility to process ākonga concerns, complaints and appeals with the view to early resolution using Business Division processes that align to Te Pūkenga policy.

All formal delegations are included on the Academic Delegations register which is updated annually.

7. Kōrama | Quorum

Half the membership plus one member of Te Ohu Whakahaere - Appeals constitutes a quorum (6).

If quorum is not reached the hui may proceed. Any recommended actions/motions requiring endorsement must be held over until such time as quorum can be met before they become binding.

If consensus cannot be reached the Chair of the hui will have the casting vote.

8. Hui | Meetings

Te Ohu Whakahaere - Appeals will determine the frequency with which it meets and will be responsible for maintaining records for reporting to Te Poari Akoranga. The schedule of hui will be approved for Te Ohu Whakahaere - Appeals by Te Poari Akoranga and conducted according to the agreed schedule. Hui business may be conducted electronically outside of the meeting schedule as and when required. Additional/urgent meetings may be called as required.

Meetings may be open or closed. Meetings where appeals are discussed will be closed. Observers are able to join open sessions only. Observers have no speaking or voting rights.

9. Pūrongo | Reporting

Te Ohu Whakahaere – Appeals report to Te Poari Akoranga on academic appeal matters meeting the requirements of the agreed reporting schedule. Reporting will include an annual self-assessment report.

Non-academic appeal themes and patterns will be reported to Learner and Employer Experience & Attraction Division.

Report from Regions to Te Ohu Whakahaere - Appeals

Formal reports to Te Ohu Whakahaere - Appeals will be required from Te Pūkenga Regional teams and are to meet the agreed reporting schedule. Approved, provided template only to be used.

Ohu Whakahaere - Appeals

Tikanga Whakahaere / Operating Procedures

Hui | Meetings

- The Ohu Whakahaere - Appeals will determine the frequency with which it meets with no fewer than six (6) hui per year.
- Schedule of hui will be determined and notified in advance.
- Length of hui will normally be two (2) hours
- Hui will be held on-line, or face-to-face where there is significant value in face-to-face hui.
- Hui will be held in accordance with the agenda.
- Member absence from hui to be advised to the Appeals Officer at the earliest possible opportunity prior to hui taking place.
- If consensus in hui cannot be reached the Chair of the hui will have the casting vote.
- Hui may be open or closed. Hui will be open to the public unless there is a need to protect the rights and privacy of persons or organisations. Hui where appeals are discussed will be closed. Observers may join open sessions only. Observers have no speaking rights or voting rights.

Attendance

- Half the membership plus one (1) equals quorum. If requirements for quorum are not met the hui may proceed, with any recommended actions/motions requiring endorsement to be held over until such time as quorum can be met before they become binding.
- At least 80% attendance at Ohu Whakahaere - Appeals for each member is required over the year or membership may be reviewed by the Co-chairs.
- Other contributors may attend hui for selected agenda items at the discretion of the Co-chairs. They will have speaking rights at the discretion of the Co-chairs.

Agendas and Minutes

- Agenda items of business, cover memo and associated papers must be received at least seven (7) days prior to hui wherever possible.
- Co-chairs will determine the agenda for hui.
- Closed agenda items will be specified on the agenda for a closed session.
- Late agenda items/extraordinary matters will only be included in exceptional circumstances. *Any matters related to a lodged appeal are considered exceptional.*
- Draft minutes will be reviewed and approved by Co-chairs within five (5) working days of receipt. Confirmed minutes will be circulated to all ohu members.
- Minutes will be recorded as a true and correct record at next hui.
- Open meeting minutes to be made available on the Te Pūkenga website.

NOTE: Additional requirements will be needed if on an Inquiry panel.