

E9

Model Complaints Procedure for primary and secondary education

When the Education Quality Act entered into force on 1 August 1998, this meant, among other things, that school boards were forced to adopt and implement a Complaints Procedure for each of their schools.

The national parents' organisations, trade unions, governing bodies and school leaders' organisations subsequently reached an agreement on a single national Model Complaints Procedure.

The intended result was a careful processing of complaints at every school, serving both the interests of the people involved and those of the school. The Procedure applies to both primary and secondary education. This model can be adapted if required.

The legislator grants the (joint) participation council the right of consent regarding the adoption of the school's Complaints Procedure.

The competent authority of Montessori-onderwijs Zuid-Holland, taking into consideration the provisions of the Primary Education Act (WPO), the Expertise Centres Act (WEC), and the Secondary Education Act (WVO), having heard the participation council/joint participation council, adopts the following Complaints Procedure for primary and secondary education.

CHAPTER 1: DEFINITIONS

Article 1

1. For the purpose of this Complaints Procedure, the following definitions apply:
 - a. school: a school as referred to in the Primary Education Act (WPO), the Expertise Centres Act (WEC), and the Secondary Education Act (WVO);
 - b. committee: the committee referred to in Article 4;
 - c. complainant: a student or former student, the parent/guardian/carer of a student or former student, (a member of) staff, (a member of) management, (a member of) the competent authority, a volunteer who works for the school, or a person who is otherwise part of the school community, who has submitted a complaint;
 - d. complaint: a complaint about the conduct and decisions or failure to act and failure to take decisions of the respondent;
 - e. contact person: the person referred to in Article 2;
 - f. confidential advisor: the person referred to in Article 3;
 - g. respondent: a student or former student, the parent/guardian/carer of a student or former student, (a member of) staff, (a member of) management, (a member of) the competent authority, a volunteer who works for the school, or a person who is otherwise part of the school community, against whom a complaint has been lodged;

- h. Appointments Advisory Committee: a committee set up by the competent authority, consisting of members appointed by the parents/students, staff, and the competent authority.

CHAPTER 2: COMPLAINT HANDLING

Section 1: The contact person

Article 2: Appointment and duties of the contact person

1. Every school has at least one contact person who can refer a complainant to the confidential advisor.
2. The competent authority may appoint, suspend, or dismiss the contact person. The appointment is made on the recommendation of the Appointments Advisory Committee.

Section 2: The confidential advisor

Article 3: Appointment and duties of the confidential advisor

1. The competent authority has at least one confidential advisor who acts as a contact point for complaints.
2. The competent authority may appoint, suspend, or dismiss the confidential advisor. The appointment is made on the recommendation of the Appointments Advisory Committee.
3. The confidential advisor ascertains whether a solution could be reached through mediation. The confidential advisor ascertains whether the event justifies the complaint. If necessary, they guide the complainant through the Procedure and assist in filing a report with the police or the judicial authorities, if required.
4. The confidential advisor refers the complainant, if and to the extent necessary or desirable, to other authorities specialised in assistance and aftercare.
5. If the confidential advisor becomes aware of wrongdoing, but no complaints are filed, they may bring the situation to the attention of the Complaints Committee or the competent authority.
6. The confidential advisor gives solicited and unsolicited advice on decisions to be taken by the competent authority.
7. The confidential advisor exercises the greatest possible care in carrying out their duties. The confidential advisor is bound to secrecy in respect of all matters that come to their knowledge in this capacity. This duty does not cease after the person concerned has ceased to be a confidential advisor.
8. Every year, the confidential advisor submits a written report on their activities to the competent authority.

Section 3: The Complaints Committee

Article 4: Creation and duties of the Complaints Committee

1. The competent authority joins the National Education Complaints Committee.

Article 5: Filing a complaint

1. The complainant may submit the complaint to:
 - a. the competent authority; or
 - b. the Complaints Committee.
2. The complaint must be filed within one year of the disputed conduct or decision unless the Complaints Committee decides otherwise.
3. If the complaint is filed with the competent authority, the competent authority refers the complainant to the confidential advisor or the Complaints Committee, unless the fourth paragraph applies.
4. The competent authority may deal with the complaint itself if it is of the opinion that it can be dealt with straightforwardly. The competent authority notifies the Complaints Committee of such a settlement at the request of the complainant.
5. If the complaint is filed with a body other than those mentioned in the first paragraph, the receiver must promptly refer the complainant to the Complaints Committee or the competent authority. The recipient is bound by confidentiality.
6. The competent authority may make provisional arrangements.
7. The date of receipt is recorded on the complaint submitted.
8. The competent authority then informs the school's headmaster in writing that a complaint is under investigation by the Complaints Committee.
9. The complainant and the respondent may be assisted or represented by a legal representative.

Article 6: The substance of the complaint

1. The signed complaint must be submitted in writing.
2. Orally submitted complaints are promptly laid down in writing by the recipient referred to in Article 7(1) and signed for approval by the complainant, who receives a copy.
3. The complaint contains at least:
 - a. the name and address of the complainant;
 - b. the date;
 - c. the substance of the complaint.
4. If the provisions of the third paragraph are not met, the complainant will be allowed to rectify the omission within two weeks. If the provisions of the third paragraph are still not satisfied, the complaint may be declared inadmissible.
5. If the complaint is declared inadmissible, the complainant, the respondent, the competent authority, and the school's headmaster are notified.

Section 4: Decision-making by the competent authority

Article 7: Decision on recommendations

1. Within four weeks of receiving the recommendations of the Complaints Committee, the competent authority notifies the complainant, the respondent, the headmaster of the school concerned, and the Complaints Committee in writing of its reasoned decision about the recommendations regarding the merits of the complaint, whether it will take measures based on the recommendations and, if so, which ones. The recommendations of the Complaints Committee and the report of the hearing are attached to the notification unless there are compelling reasons against this.
2. This period may be extended by a maximum of four weeks. The competent authority notifies the complainant, the respondent, and the Complaints Committee of such an extension, stating the reasons.
3. The decision referred to in the first paragraph is not made by the competent authority before the respondent has had the opportunity to defend themselves verbally or in writing against the intended decision.

CHAPTER 3: FINAL PROVISIONS

Article 8: Public access

1. The competent authority makes this Complaints Procedure available for inspection at every school.
2. The competent authority notifies the interested parties of this Complaints Procedure.

Article 9: Evaluation

Within four years after the Procedure has entered into force, it must be evaluated by the competent authority, the contact person, the confidential advisor, the Complaints Committee and the (joint) participation council.

Article 10: Amendment of the Procedure

This Procedure may be amended or repealed by the competent authority after consultation with the confidential advisor and the Complaints Committee, with due observance of the provisions in force.

Article 11: Other provisions

1. In events not provided for in the Complaint Procedure, the competent authority decides.
2. The explanatory notes form part of the Complaints Procedure.
3. This Procedure may be cited as 'Complaints Procedure for Schools'.