

Stichting Openbaar Basisonderwijs (STIP) Complaints Procedure

Article 1 Definitions

1. For the purposes of this procedure, the terms below are defined as follows:

- a. competent authority: Stichting Openbaar Basisonderwijs Hilversum (STIP), represented by the director;
- b. school: a school as referred to in the Dutch Primary Education Act;
- c. committee means the committee referred to in Article 4;
- d. complainant: a (former) student, a parent/guardian/tutor of an underage (former) student, (a member of) the staff, (a member of) the management, (a member of) the competent authority or a volunteer who works for the school, as well as a person who is otherwise engaged in the school community and who has submitted a complaint;
- e. complaint: complaint regarding the conduct and decisions or the failure to conduct and take decisions on the part of the defendant;
- f. contact person: the person referred to in Article 2;
- g. confidential advisor: the person referred to in Article 3;
- h. defendant: an (former) student, parent/guardian/tutor of an underage (former) student, (a member of) the staff, (a member of) the management, (a member of) the competent authority or a volunteer who works for the school, as well as a person who is otherwise engaged in the school community, against whom a complaint has been lodged;

Article 2 Appointment and duties of the contact person for the complaints procedure

- 1. Each school must have at least one contact person who refers the complainant to the confidential advisor.
- 2. A detailed job description for the contact person is included in the appendix to this complaints procedure.
- 3. The competent authority shall appoint, suspend and dismiss the contact person. The appointment takes place on the recommendation of the management of the school in question. This appointment must be supported by the participation council and the school team.

Article 3 Appointment and duties of the confidential advisor

- 1. The competent authority has an external confidential advisor who, after referral by the contact person for complaints, performs the position of contact point for complaints.
- 2. The competent authority appoints, suspends and dismisses the confidential advisor. The confidential advisor is hired from an external service provider.
- 3. The confidential advisor will investigate the possibilities of a solution through mediation. The confidential advisor shall ascertain whether the event gives cause to submit a complaint. If necessary, he or she will assist the complainant through the further procedure and, if required, provide assistance in reporting the incident to the police or the judicial authorities.
- 4. The confidential advisor refers the complainant, where necessary or desirable, to other agencies specialising in support and follow-up care.
- 5. If the confidential adviser only receives indications, however, no specific complaints, he/she may bring them to the attention of the complaints committee or the competent authority.
- 6. The confidential advisor gives solicited or unsolicited advice about decisions to be taken by the competent authority.
- 7. The confidential advisor shall exercise the greatest possible care in the performance of his/her duties. The confidential adviser is bound to secrecy on all matters which come to his/her knowledge in that capacity. This obligation shall not cease after the person concerned has terminated his/her duties as confidential advisor.
- 8. The confidential advisor shall report on his/her activities in writing to the competent authority once a year.
- 9. The appendix to this complaints procedure includes a detailed description of the duties of the external confidential advisor.

Article 4 Establishment and tasks of the complaints committee

1. All schools of the competent authority have an external complaints committee (the National Education Complaints Committee in Utrecht), which investigates the complaint and advises the competent authority on the matter.
3. The complaints committee provides solicited or unsolicited advice to the competent authority on:
 - a. the validity or invalidity of the complaint;
 - b. taking action;
 - c. other decisions to be taken by the competent authority.
4. In order to protect the interests of all those directly involved, the complaints committee will exercise the greatest possible care in handling a complaint. The members of the complaints committee are obliged to observe confidentiality with regard to all matters they learn in that capacity. This obligation does not end once the person concerned has ceased to be a member of the complaints committee.
5. The complaints committee submits a written report on its activities to the competent authority every year.

Article 5 Composition of the complaints committee

1. The complaints committee consists of a chairman and at least two members.
2. The chairman is a lawyer, who does not perform work under the authority of a body or institution involved in the complaint.
3. The complaints committee is composed in such a way that it is considered to have sufficient expertise to deal with complaints.
4. Members of the staff, of the competent authority, as well as parents/guardians/tutors and students/participants of the school, the confidential adviser and contact person may not sit on the complaints committee.

Article 6 Filing a complaint

1. The complainant shall submit the complaint to:
 - a. the competent authority; or
 - b. the complaints committee.
2. The complaint must be submitted within one year after the respective conduct or decision, unless the complaints committee decides otherwise.
3. If the complaint is submitted to the competent authority, the competent authority shall refer the complainant to the confidential adviser or complaints committee, unless the fourth paragraph applies.
4. The competent authority may settle the complaint by itself if it believes it can do so without too many complexities. The competent authority notifies the complaints committee of such a settlement, at the complainant's request.
5. If the complaint is submitted to a body other than those referred to in the first paragraph, the recipient shall immediately refer the complainant to the Complaints Committee or to the competent authority. The recipient is obliged to maintain confidentiality.
6. The competent authority may make an interim provision.
7. The date of receipt shall be recorded on the complaint submitted.
8. After receiving the complaint, the complaints committee will notify the competent authority, the complainant and the defendant in writing within five working days that it is investigating a complaint.
9. The authority notifies the principal of the school concerned in writing that a complaint is being investigated by the complaints committee.
10. The complainant and the defendant may be assisted or represented by an authorised representative.

Article 7 Withdrawal of complaint

If the complainant withdraws the complaint during the procedure with the complaints committee, the complaints committee will notify the defendant, the competent authority and the director of the school concerned.

Article 8 The items to be included in the complaint

1. The complaint shall be in writing and signed.
2. A report on a complaint lodged verbally will be drawn up immediately by the recipient as referred to in Article 7, Paragraph 1, which the complainant will sign for approval and receive a copy of.
3. The complaint shall include at least:
 - a. the complainant's name and address;
 - b. the date;
 - c. a description of the complaint.
4. If the complainant fails to comply with the provisions of the third paragraph, he/she will be given the opportunity to rectify the omission within two weeks. If the provisions of the third paragraph have still not been complied with, the complaint may be declared inadmissible.
5. If the complaint is declared inadmissible, the complainant, the defendant, the competent authority and the director of the school concerned shall be notified.

Article 9 Preliminary investigation

The complaints committee is authorised to collect all information it requires with respect to the preparation of the handling of the complaint. It may call in experts for this purpose and, if necessary, invite them to the hearing. If costs are involved, prior permission from the competent authority is required.

Article 10 Hearing

1. The chairman determines the time and place of the hearing, during which the complainant and the defendant are given the opportunity to be heard in a non-public meeting. The hearing will take place within four weeks after receipt of the complaint.
2. The complainant and the defendant will be heard without each other's presence, unless the complaints committee decides otherwise.
3. The complaints committee may decide, whether or not at the request of the complainant or the defendant, that the confidential adviser is present during the hearing.
4. The hearing of the complainant may be omitted in case the complainant has stated that he/she does not wish to avail himself of the right to be heard.
5. A record of the hearing shall be made. The record must contain:
 - a. the names and positions of those present;
 - b. an objective record of what has been said on both sides.
6. The report shall be signed by the chairman and the secretary.

Article 11 Opinion

1. The complaints committee deliberates and decides on an opinion behind closed doors.
2. The complaints committee reports its findings in writing to the competent authority within four weeks after the hearing. This period may be extended by four weeks. The complaints committee will notify the complainant, the defendant and the competent authority of the extension, stating reasons.
3. In its opinion, the complaints committee shall give a reasoned assessment of whether or not the complaint is valid and communicates this assessment in writing to the complainant, the defendant and the director of the school concerned.
4. In its opinion, the complaints committee may furthermore make a recommendation as to the measures to be taken by the competent authority.

Article 12 Quorum

At least two members of the complaints committee, including the chairman, must be present in order to hold a hearing.

Article 13 Non-participation in the process of a complaint

The chairman and members of the complaints committee will not take part in the process of a complaint if their impartiality may be at stake.

Article 14 Decision on the opinion

1. Within four weeks after receipt of the opinion from the complaints committee, the competent authority will notify the complainant, the defendant, the director of the school in question and the complaints committee in writing, stating its reasons, whether it agrees with the opinion on the validity of the complaint and whether it will take measures in response to that opinion and, if so, which measures. The notification will be accompanied by the opinion of the complaints committee and the report of the hearing, unless there substantial interests are opposed to this.
2. This period may be extended by a maximum of four weeks. The competent authority will notify the complainant, the defendant and the complaints committee of the extension, stating reasons.
3. The decision referred to in the first paragraph is not taken by the competent authority until the defendant has been given the opportunity to defend himself verbally and/or in writing against the decision intended by the competent authority.

Article 15 Publicity

1. The competent authority shall provide this procedure for inspection at each school.
2. The competent authority shall inform all interested parties of this procedure.

Article 16 Review

This procedure will be reviewed by the competent authority, the contact person, the confidential adviser, the complaints committee and the (joint) participation council within four years after it has become effective.

Article 17 Amendment to the complaints procedure

This procedure may be amended or withdrawn by the competent authority, in consultation with the confidential adviser and the complaints committee, in compliance with the provisions in force.

Article 18 Other provisions

1. The competent authority shall decide in cases not provided for in the procedure.
2. The explanatory notes form part of the procedure.
3. This procedure may be cited as "Complaints procedure of Stichting Openbaar Basisonderwijs Hilversum".
4. This procedure will be effective from 1 January 2020.

After an affirmative opinion by the Supervisory Board of Stip Hilversum on 9 December 2019 and approval by the GMR on 16 December 2019, this procedure was adopted by the director on 16 December 2019.

Appendix 1. List of contact persons / complaints committee

The current contact persons per school/location are listed in the relevant school guide.

	External Confidential Advisor	
Stichting Openbaar Basisonderwijs Hilversum	Mrs H. (Heleen) de Jong	Heleen de Jong advies 06-25024555 info@heleendejongadvies.nl
	Confidential advisor	
Education Inspectorate		Education Inspectorate PO Box 2730 3500 GS Utrecht Tel. 0900-111 31 11
	Complaints committee	
National Education Complaints Committee		National Education Complaints Committee PO Box 85191 3508 AD Utrecht Telephone (030) 280 95 90 info@onderwijsgeschillen.nl www.onderwiisaeschillen.nl

Appendix 2. Time limits for the complaints procedure

1. Within 1 year after the conduct or decision: complaint to be submitted.
2. Within 3 weeks upon receipt of the complaint by the complaints committee: is the complaint admissible?
3. Within 6 weeks after the decision to handle the complaint, a hearing will be held.
4. Within 4 weeks after the hearing or written procedure: opinion from the complaints committee.
5. Within 4 weeks after opinion from the complaints committee: decision by the board.

Appendix 3: Job description for the contact person

THE CONTACT PERSON

Article: APPOINTMENT

1. The competent authority appoints one or more persons at each school as internal contact person on behalf of the students following consultation with the management, the school team and the participation council. Where possible, the students, for instance through the student council, shall also be involved in the choice of the internal contact person.
2. The management ensures easy access to the internal contact person.
3. The competent authority shall provide facilities for the internal contact person to enable him/her to professionally perform his/her tasks.

Article: DUTIES

1. The internal contact person is responsible for:
 - a. acting as the first point of care for the student (or his/her parents) who is confronted with sexual intimidation, aggression, violence, discrimination, bullying or a complaint in accordance with article 1 under d. of the current complaints procedure;
 - b. assessing whether the complaint should be passed on to the external confidential adviser, the management, the competent authority or can be solved in some other way;
 - c. making the initial contact, if required, with the external confidential advisor;
 - d. assisting the student and/or his/her parents, if desired, in reporting the complaint to the external confidential advisor;
 - e. providing follow-up care to the student in question once the complaint has been resolved;
 - f. in the case of any criminal offence, pointing out to the complainant the possibility of reporting the matter to the police;
 - g. maintaining contact with the complainant to see whether filing the complaint will not lead to repercussions for the complainant and to see whether, after the complaint has been dealt with, the reason for the complaint has actually been removed;
 - h. contributing to the improvement of the school climate in the form of advice at school level in consultation with the external confidential advisor
 - i. keeping abreast of developments in the area of preventing and combating sexual harassment, aggression and violence.

Article: CONFIDENTIALITY

The internal contact person shall observe secrecy with regard to everything that comes to his/her attention with respect to his/her duties as contact person. This obligation does not apply to the competent authority, the complainant (or his/her parents), the external confidential advisor, the complaints committee, the judicial authorities or doctors.

The obligation of confidentiality shall not be cancelled after the termination of the position as contact person.

Article: RESPONSIBILITY/PROTECTION

1. The internal contact person shall only report to the competent authority for the performance of his/her duties.
2. The internal contact person may not be dismissed, no disciplinary may be imposed on him/her and he/she may not suffer any other adverse treatment in the performance of his/her duties.
3. The internal contact person may be dismissed from his/her position as contact person in the case of gross negligence or fault in his/her performance as contact person.
4. The internal contact person who wishes to terminate his/her position shall do so by written notification to the competent authority and shall arrange for a transfer to his/her successor.

Appendix 4: Job description for the External Confidential Advisor

THE EXTERNAL CONFIDENTIAL ADVISOR

Article: APPOINTMENT

1. The competent authority appoints one or more persons as external confidential advisor(s) for students and staff within or involved with the (educational) institution, after consultation with the management, the school team and the participation council.
2. The confidential advisor is an expert in the field of abuse of power, i.e. sexual harassment, aggression, violence and discrimination.
3. The competent authority bears co-responsibility for ensuring easy access to the confidential advisor.

Article: DUTIES

1. The external confidential advisor has the following duties:
 - a. to assist and advise the complainant;
 - b. if necessary and desired, refer the person(s) involved to expert-assistance agencies;
 - c. with the consent of the complainant, to try to find a solution to the identified problems through mediation;
 - d. to support the complainant, at his/her request, in lodging a complaint with the complaints committee;
 - e. in the case of a criminal offence, to point out to the complainant the possibility of reporting the matter to the police;
 - f. maintaining contact with the complainant to make sure that filing the complaint will not lead to repercussions for the complainant and to ascertain that, after the complaint has been dealt with, the reason for the complaint has effectively been removed;
 - g. solicited and unsolicited advice to the competent authority on a policy to combat and prevent sexual harassment, aggression, violence and discrimination in education.
1. The external confidential advisor takes no action outside the organisation except with the knowledge of the complainant.

2. As soon as the confidential adviser considers the complaint as settled, he/she shall notify the complainant and the defendant accordingly.

Article: POWERS

The external confidential advisor has the following powers:

- a. the right to have discussions with staff members, students, the competent authority and other parties involved in the (educational) institution;
- b. the right to consult experts;
- c. the right of access to all departments of the (educational) institution;
- d. the right to access relevant documents;
- e. the right to be present during a session of the complaints committee, in support of the complainant;
- f. the right to advise the management, whether or not upon request, on the policy to be pursued and measures to be taken to prevent and combat sexual harassment, aggression, violence and discrimination.

Article: RESPONSIBILITY/PROTECTION

1. The external confidential advisor is only functionally accountable to the competent authority for the execution of his/her task.
2. The competent authority shall conclude an agreement with the external confidential advisor for a specific period. By the end of that period, the agreement may be extended.
3. The external confidential advisor can only be removed from his/her position in the case of gross negligence or fault in his/her functioning as a confidential advisor.
4. The external confidential advisor who wishes to terminate his/her position shall do so through a written notification to the competent authority and shall provide for a transfer to his/her successor.

Article: CONFIDENTIALITY/KEEPING A FILE

1. The confidential advisor shall observe secrecy regarding everything that comes to his/her attention with respect to his/her work as confidential advisor. This obligation does not apply to the competent authority, the complainant, the defendant (only if strictly necessary and with the complainant's consent), the complaints committee, the judicial authorities and doctors. The duty of confidentiality shall not be cancelled upon termination of the position of confidential advisor.
2. The external confidential advisor must keep a file of the complaints processed. This file is not accessible to anyone except the confidential advisors appointed by the competent authority.

Article: ANNUAL REPORT

1. The external confidential advisor shall annually submit an anonymous report to the competent authority on his/her activities, the number and nature of the complaints reported to him/her and the results of his/her activities.
2. If internal confidential advisors/contact persons have also been appointed, they may submit a joint annual report.

Appendix 5: Complaint form template

<i>name of school</i>	
<i>telephone</i>	
<i>school contact person</i>	
<i>email</i>	

<i>name of complainant</i>	
<i>Address</i>	
<i>Postal code/place</i>	
<i>telephone/email</i>	

Please tick whichever is applicable

Type of complaint:

Sexual harassment

Aggression

Violence

Bullying

Discrimination

Other, i.e.

Gemeld op:

Dag/maand/jaar .../.../...20...

(Previously) Reported to:

Contact:

Director:

Classroom teacher:

Competent authority

Any notes:

Concise description of the complaint:

<i>date</i>	<i>Action and time</i>

Arrangements made following the complaint (enter the date):

<i>date</i>	<i>Arrangements</i>

How was the complaint processed?

Complaint was resolved through mediation

Complainant only wanted to file a report

Complaint was taken up by management

Complaint is further processed by the external confidential adviser

Complaint is further processed by the competent authority

Complaint is further processed by the Confidential Inspectorate

Date of settlement of complaint:

Day/Month/Year...../...../.....

Name and initials of person settling the complaint:

Follow-up care, if any