

Complaints procedure

Preface

The entry into force of the **Quality Act** on 1 August 1998 meant, among other things, that school boards were obliged to establish and introduce a complaints procedure for each of their schools .

The national parent organisations, trade unions, management organisations and school leaders' organisations subsequently reached an agreement on a single model complaints scheme to be introduced nationwide. In doing so, they hoped to achieve a careful handling of complaints for each sc, serving both the interests of those involved and the interests of the school. Nevertheless, it remains a model that can be adjusted if desired.

This complaints procedure only applies if you cannot go elsewhere with your complaint. After all, the vast majority of complaints about the day-to-day running of the school will initially be resolved in good consultation between those involved. If this does not result, consultation can then take place with, among others, the contact person, the school director or the general manager. Only when this handling has not led to satisfaction, one can then appeal to the accompanying complaints procedure.

The confidential adviser appointed for each board also first checks whether a solution can be reached through mediation. For example, did the complainant try to resolve the problem with the accused or with the director ?

The law obliges the boards to set up a complaints committee, or to join a complaints committee. The Amstelland Education Group has joined the national complaints committees of the Governing Council and the VBKO.

The legislator grants the joint participation council the right of consent with regard to the establishment of the complaints procedure to the school.

Contents

Preface

| | | |
|---|------|----|
| Chapter 1. Salutation | page | 4 |
| Chapter 2. Definitions | page | 5 |
| Chapter 3. Handling of complaints | page | 6 |
| Chapter 4. Final provisions | page | 10 |
| Chapter 5. General explanation | page | 11 |
| Chapter 6. Article-by-article explanation | page | 13 |
| Chapter 7. Attachments | | |
| 1. Schedule complaints procedure | page | 19 |
| 2. Addresses | page | 20 |
| 3. Legal provisions | page | 21 |

Chapter 1: Salutation

Complaints Procedure

Education

The competent authority of the Amstelland Education Group in Amstelveen, having regard to the provisions of the Primary Education Act Article 14; heard the joint participation council; establishes the following Complaints Procedure for Primary Education.

Chapter 2: Definitions

Article 1

1. For the purposes of these rules, the following definitions shall apply:

- a. school: a school as referred to in the Primary Education Act, the Centres of Expertise Act and the Secondary Education Act;
- b. 'committee' means the committee referred to in Article 4;
- c. complainant: a (former) pupil, a parent/guardian/carer of a minor (ex)apprentice, (a member of) the staff, (a member of) the management, (a member of) the competent authority or a volunteer who performs work for the school, as well as a person who is otherwise part of the school community, who has lodged a complaint;
- d. complaint: complaint about conduct and decisions or failure to conduct and failure to make decisions of the accused;
- e. 'contact person' means the person referred to in Article 2;
- f. 'confidential adviser' means the person referred to in Article 3;
- g. Defendant: a (former) pupil, parent/guardian/guardian of a minor (former) pupil, (a member of) the staff, (a member of) the management, (a member of) the competent authority or a volunteer who performs work for the school, as well as a person who is otherwise part of the school community, against whom there is a complaint Submitted;
- h. Appointment Advisory Committee: a committee set up by the competent authority consisting of members appointed by the parents/pupils, staff and competent authority sections.

Chapter 3: Handling of complaints

Paragraph 1: The contact person

Article 2: Appointment and task of contact person

1. There is at least one contact person at each school who refers the complainant to the confidential adviser.
2. The competent authority appoints, suspends and dismisses the contact person. The appointment takes place on the proposal of the appointment advisory committee.

Paragraph 2: The confidential advisor

Article 3: Appointment and duties of confidential adviser

1. The competent authority has at least one confidential adviser who functions as a point of contact in the event of complaints.
2. The competent authority appoints, suspends and dismisses the confidential adviser. The appointment takes place on the proposal of the appointment advisory committee.
3. The confidential adviser checks whether a solution can be reached through mediation. The confidential adviser checks whether the event gives rise to the submission of a complaint. If desired, he will accompany the complainant in the further procedure and, if desired, provide assistance in making a report to the police or judicial authorities.
4. The confidential adviser refers the complainant, if and to the extent necessary or desirable, to other bodies specialised in reception and aftercare.
5. If the confidential adviser receives only indications but no specific complaints, he may bring them to the attention of the complaints committee or the competent authority.
6. The confidential adviser shall give solicited or unsolicited advice on the decisions to be taken by the competent authority.
7. The confidential adviser shall take the greatest possible care in his work. The confidential adviser is obliged to maintain the confidentiality of all matters he hears in that capacity. This duty shall not lapse after the person concerned has already terminated his OR her confidential adviser.
8. The confidential adviser shall report annually in writing to the competent authority on his activities.

Paragraph 3: The complaints committee

Article 4: Establishment and tasks of the complaints committee

1. There is a complaints committee for all schools of the competent authority that investigates the complaint and advises the competent authority on this.
2. The competent authority may also, after obtaining the agreement of the joint participation council, join a regional or national committee.

3. The complaints committee provides **solicited** or unsolicited advice to the competent authority on:
 - a. (un)validity of the complaint;
 - b. taking measures;
 - 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 shall exercise the utmost care when dealing with a complaint. The members of the complaints committee are obliged to maintain the confidentiality of all matters they hear in that capacity. This obligation does not lapse after the person concerned has terminated his duties as a member of the complaints committee .
5. The complaints committee shall report annually in writing to the competent authority on its activities.

Article 5: Composition of the complaints committee

1. The complaints committee shall consist of a chairman and at least two members, who shall be appointed, suspended and dismissed by the competent authority. The appointment takes place on the proposal of the appointment advisory committee.
2. The competent authority shall appoint **the** alternate members in accordance with the first paragraph.
3. The complaints committee is composed in such a way that it must be considered **sufficiently competent** for the handling of complaints.
4. Members of staff, the competent authority, as well as parents/guardians/carers and apprentices/students/participants of the school community, the confidential adviser and contact person cannot sit on the complaints committee.
5. The complaints committee appoints a (deputy) chairman from among its members.
6. The competent authority appoints a (deputy) secretary .

Article 6: Term of office

1. The (alternate) members of the complaints committee are appointed for a period of four years and are immediately reappointable.
2. The President and members may resign at any time.

Paragraph 4: The procedure at the complaints committee

Article 7: Submission of a complaint

1. The complainant submits the complaint to:
 - a. the competent authority; or
 - b. the complaints committee.
2. The complaint must be submitted within one year of the 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 is applied.
4. The competent authority may deal with the complaint itself if it considers that the complaint can be dealt with in a simple manner. The competent authority reports such handling to **the** complaints committee at the request of the complainant.

5. If the complaint is lodged with a body other than that referred to in the first paragraph,

the recipient immediately refers the complainant to the complaints committee or to the competent authority. The recipient is obliged to maintain confidentiality.

6. The competent authority may grant interim relief.

7. The date of receipt shall be recorded on the complaint submitted .

8. After receipt of the complaint, the complaints committee informs the competent authority, the complainant and the accused in writing within five working days that it is investigating a complaint.

9. The competent authority shall inform the director of the school concerned in writing that a complaint is being investigated by the complaints committee.

10. The complainant and accused may be assisted or represented by an authorised representative.

Article 8: Withdrawal of the complaint

If the complainant withdraws the complaint during the procedure before the complaints committee, the complaints committee will inform the accused, the competent authority and the director of the school concerned.

Article 9: Content of the complaint

1. The complaint shall be submitted and signed in writing.

2. A complaint submitted orally shall be immediately made by the recipient as referred to in article 7, first paragraph, which shall be signed by the complainant for agreement and of which he shall receive a copy.

3. The complaint shall contain at least:

- a. the name and address of the complainant;
- b. the date;
- c. a description of the complaint.

4. If the provisions of the third paragraph are not complied with, the complainant shall be given the opportunity to remedy the default within two weeks. Even then, if the provisions of the third paragraph are not complied with, the complaint may be inadmissible.

5. If the complaint is declared inadmissible, this will be reported to the complainant, the accused, the competent authority and the director of the school concerned.

Article 10: Preliminary investigation

In connection with the preparation of the handling of the complaint, the complaints committee is authorized to obtain all desired information. It may call in experts and, if necessary, invite them to the hearing. If costs are involved, prior authorisation from the competent authority is required.

Article 11: Hearing

1. The Chairman shall determine the place and time of the session at which the complainant and the accused timeand a restricted meeting are given the opportunity to be heard. The hearing will take place within four weeks of receipt of the complaint.

2. The complainant and the accused shall be heard outside each other's presence, unless the complaints committee provides otherwise.

3. The complaints committee may determine, whether or not at the request of the complainant

or the accused, that the confidential adviser is present at the interrogation.

4. Hearing the complainant may be waived if the complainant has stated that no

to exercise the right to be heard.

5. A report is made of the hearing. The report shall contain:

- a. the names and function of those present;
 - b. a businesslike representation of what has been said back and forth.
6. The report shall be signed by the President and the Secretary.

Article 12: Advice

1. The complaints committee deliberates and decides on the advice behind closed doors.
2. The complaints committee shall report its findings in writing to the competent authority within weeks of the hearing. This period may be extended by four weeks. The complaints committee shall report this extension to the complainant, the accused and the competent authority on the grounds of the complaint.
3. In its opinions, the complaints committee gives a reasoned opinion on whether or not the complaint is well-founded and communicates this opinion in writing to the complainant, the accused and the director of the school concerned.
4. In its opinion, the complaints committee may also make a recommendation on the measures to be taken by the competent authority .

Article 13: Quorum

In order to hold a hearing, it is required that at least two members of the complaints committee, including the chairman, are present.

Article 14: Non-participation in the treatment

The chairman and the members of the complaints committee shall not participate in the handling of a complaint if their impartiality may be at stake.

Paragraph 5: Decision-making by the competent authority

Article 15: Decision on advice

1. Within four weeks of receipt of the opinion of the complaints committee, the competent authority shall inform the complainant, the accused, the director of the school concerned and the complaints committee in writing, with reasons of whether he shares the opinion on the merits of the complaint and whether he is taking measures in response to that opinion and, if so, which ones. The communication shall be accompanied by the opinion of the Complaints Committee and the report of the hearing, unless compelling interests oppose it .
2. This period may be extended by a maximum of four weeks. The competent authority shall report this extension with reasons to the complainant, the accused and the complaints committee.
3. The decision referred to in the first paragraph shall not be taken by the competent authority until after the accused has been given the opportunity to defend himself orally and/or in writing against the decision envisaged by the competent authority.

Chapter 4: Final provisions

Article 16: Public access

1. The competent authority shall make these regulations available for inspection at each school.
2. The competent authority shall inform all interested parties of this arrangement.

Article 17: Evaluation

The scheme is evaluated within four years after entry into force by the competent authority, the contact person, the confidential adviser, the complaints committee and the (joint) participation council.

Article 18: Amendment of the rules

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

Article 19: Other provisions

1. In cases not provided for in the scheme, the competent authority shall decide.
2. The explanatory statement is part of the scheme.
3. This regulation can be cited as 'education complaints procedure'.
4. This arrangement shall enter into force on 1 August 1998.

The scheme was adopted on 11 November 1998.

Chapter 5: General explanation

The education legislation will be amended with effect from 1 August 1998 in connection with the introduction of the school plan, the school guide and the right of complaint, also known as the Quality Act (Bill 25.459).

The entry into force of the Quality Act means, among other things, that school boards are obliged to adopt and introduce a complaints procedure by 1 August 1998 at the latest. Under the proposed legislation, parents and pupils can lodge complaints about conduct and decisions or the failure of the competent authority and staff to do so. The right of complaint has an important signal function with regard to the quality of education. Through the complaints procedure, the competent authority and the school receive signals in a simple way that can support them in improving education and the smooth running of school.

An agreement has been reached between the national parent organizations, trade unions and administrative organizations on the scheme presented here.

The scheme aims to ensure that complaints are handled carefully, which serves the interests of those involved, but also the interests of the school (a safe school climate). The model scheme is a guide that can be adjusted if desired.

The regulation presented here is broader than the Quality Act prescribes. Quite a few school boards have adopted a sexual harassment scheme and are currently in the process of taking measures to prevent bullying, for example. In order to prevent education from having to deal with various complaints procedures, it has been decided at national level to arrive at a single model complaints procedure for primary and secondary education. In addition to parents and pupils (Quality Act), anyone who is part of the school community can file complaints. These may relate to conduct and decisions of the competent authority and staff or failure to do so and also to conduct of others who are part of the school community.

This complaints procedure only applies if one cannot go elsewhere with his complaint. The vast majority of complaints about the day-to-day running of the school will be handled correctly by mutual agreement with parents, pupils, staff and school management. However, if this is not possible in view of the nature of the complaint, or if the handling has not been carried out satisfactorily, an appeal can be made to this complaints procedure. As regards the nature of the complaints for which this regulation is intended, reference is made to the article-by-article explanation of Article 1(d) and Article 7, first paragraph. Furthermore, complaints for which there is a separate arrangement and procedural possibility before a committee should be dealt with along those lines. For example, a complaint that must be submitted to the committee of appeal for examinations cannot be submitted via the education complaints procedure. The same applies to a complaint that can be submitted through a disputes committee.

This regulation also does not apply if it concerns a complaint against a decision of the competent authority of a public school within the meaning of the General Administrative Law Act (Awb). For example, if a competent authority of a public school rejects a request from a teacher for special leave, the teacher concerned can lodge an objection and appeal on the basis of the AWB.

This regulation has been drawn up for primary and secondary education, but can also be applied to other types of education. The regulation refers to competent authority. Depending on the division of tasks and division of powers between the Director and the competent authority laid down in the Management Statute, it should, where appropriate, be read "the Director" instead. There is no need to amend the scheme because in that case the Director acts on behalf of the competent authority.

) These organisations are: ABB/VO, AOB, AVS, BPCO, LOBO, NKO, Onderwijsbonden CNV, Ouders en Coö, PCSO, VBKO, VBS, VNG, VOO, VOS and VVO.

There are already many boards that work with a complaints committee, confidential advisor and a contact person. These boards must also establish a complaints procedure that complies with the Quality Act. The regulation mentioned here can also be adopted. Furthermore, these boards must ensure that the complaints committee is composed in such a way that it can deal with all complaints contained in the regulations. It goes without saying that the aim should and should be to have a maximum of one complaints committee per competent authority.

Instead of setting up a complaints committee itself, a competent authority can join a regional or (perhaps yet to be set up) national complaints committee. In that case, too, the scheme presented here can be adopted.

The legislator grants the (G)MR the right of consent to the establishment of the complaints procedure. Furthermore, the (G)MR is given the right of consent with regard to the procedure to be determined by the board for the appointment of a contact person and a request person respectively the procedure for joining or setting up a complaints committee. The appointment advisory committee shall be set up by the competent authority. This committee consists of members appointed by the parents/pupil sections and, staff and competent authority. The contact person, the confidential adviser and members of the complaints committee are appointed by the competent authority on the proposal of the appointment advisory committee. The competent authority may derogate from this proposal. However, this possibility will have to be used very cautiously. The committee's opinion should be regarded as a weighty opinion.

Maximum time limits are laid down in the scheme. It goes without saying that everyone benefits from a klacht being handled as carefully as possible, but also as quickly as possible.

Chapter 6: Article-by-article

explanation Article 1(c)

An ex-pupil is also authorised to file a complaint. As the time lag between the facts, where complaints are made and the filing of the complaint, increases, it becomes more difficult for the complaints committee and the competent authority to reach an opinion. In addition, the second paragraph of Article 7 provides that a complaint must be lodged within one year of the conduct or decision, unless the complaints committee provides otherwise. This includes (very) serious complaints about sexual harassment, aggression, violence and discrimination.

People who are otherwise part of the school community can include, for example, interns and teachers in training.

Article 1(d)

Complaints can concern, for example, guidance of pupils, application of punitive measures, assessment of pupils, the organisation of the school organisation, sexual harassment, discriminatory behaviour, aggression, violence and bullying.

Sexual harassment is understood to mean: unwanted sexual attention that is expressed in verbal, physical and non-verbal behavior.

This behaviour is perceived as undesirable by the person undergoing it, regardless of sex and/or sexual preference, or, in the case of a minor pupil, is considered undesirable by the pupil's parents, guardians or guardians. Sexually harassing behavior can be both intentional and unintentional.

Discriminatory conduct means any form of unjustified discrimination within the meaning of Article 2 of the General Equal Treatment Act, any exclusion, limitation or preference which has the object or may have the effect of ensuring the recognition, enjoyment or exercise on an equal basis of human rights and fundamental political freedoms, economic, social or cultural sphere or in other areas of public life is nullified or affected. Discrimination can be both intentional and unintentional.

Aggression, violence and bullying are understood to mean acts and decisions or the omission of behaviour and failure to take decisions that intentionally or unintentionally involve mental or physical abuse of a person or group of persons who are part of the school community.

Article 2

The contact person is accessible to all those involved in the school. It is important that this person enjoys the trust of all parties involved in the school. He shall be solely accountable to the competent authority for the performance of his duties. The contact person may not be disadvantaged in the performance of his duties.

Article 3

It is advisable to appoint an independent confidential advisor for each board and an internal contact person for each school.

The confidential advisor must have insight into the education and the participants in it and must be competent in the field of reception and referral. The competent authority shall take into account the diversity of the school population when appointing the confidential adviser. The confidential advisor is accessible to all those involved in the school. It is important that he enjoys the trust of all parties involved in the school. The confidential advisor has skills to lead counselling interviews. Consideration may be given to choosing two confidants: one woman and one man. In some cases, it may be a barrier to complaining to a person of the opposite sex.

Article 3, second paragraph

The confidential adviser shall be accountable only to the competent authority for the performance of his or her duties . The confidential adviser may not be prejudiced in the performance of his or her duties .

Article 3, third paragraph

The confidential adviser shall first check whether the complainant has tried to resolve the problems with the accused or with the principal of the school concerned. If that is not the case, that path can be chosen first.

The confidential adviser may suggest to a complainant, in view of the seriousness of the matter, not to file a complaint, to submit the complaint to the complaints committee, to submit the complaint to the competent authority, or to report it to the police/judicial authorities. Counselling the complainant also means that the confidential adviser checks whether the submission of the complaint does not lead to repercussions for the complainant. Finally, he shall ensure that the cause of the complaint has actually been removed.

If the complainant so wishes, the confidential adviser will guide him in submitting a complaint to the complaints committee or to the competent authority and, if desired, provide assistance in making a report to the police or judicial authorities.

If the complainant is a minor learner, the parents/ guardians shall be informed by the confidential adviser with the knowledge of the complainant, unless, in the opinion of the confidential adviser, the minor's interests preclude this.

Article 3, seventh paragraph

The duty of confidentiality does not apply to the complaints committee, the competent authority and the police/judicial authorities.

Article 4

The committee shall be set up by the competent authority. The complaints committee functions jointly for all schools of the competent authority .

The committee shall ensure timely and sound information to the competent authority on the progress of the handling of a submitted complaint.

It goes without saying that the competent authority gives the committee the opportunity to carry out its tasks properly. The competent authority shall appoint a secretary in support of the committee and shall make meeting room available. The secretary, by appointing, is obliged to maintain the confidentiality of all matters which he hears in that capacity. This obligation does not apply to the members and alternate members of the complaints committee.

Instead of setting up its own complaints committee, the competent authority can join a regional or national complaints committee.

Article 4, fourth paragraph

This duty of confidentiality does not apply to the competent authority, secretary of the complaints committee, the complainant and the accused, the counsel of the parties and the police/judicial authorities.

Article 5

The competent authority strives as much as possible for an equal number of male and female members of the complaints committee. The composition of the committee takes into account the possible diversity of the school population. Various experts must be represented in the complaints committee. In any case, the committee has legal, socio-medical and educational expertise.

The committee determines its own working method. A number of possibilities are at issue:

- a. The full committee handles all complaints.
- b. The committee sets up several chambers :
 - sexual harassment;
 - aggression and violence;
 - school organizational matters;
 - etc.
- c. For each complaint, it is examined which committee members deal with the complaint.

The method to be chosen depends on the size of the complaints committee and the cases to be dealt with .

Article 5, fourth paragraph

The committee must function independently. The members of the committee should therefore have no connection with the school community concerned.

Article 5, sixth paragraph

The secretary is in charge of the administrative work, similar to that of the secretary of the objection and appeal committee, of the ombuds committee, disputes committee, etc.

Article 7, first paragraph

The complainant himself decides whether to submit the complaint to the competent authority or to the complaints committee (a complaint cannot be submitted to the confidential adviser). The complaint will not always be submitted to the complaints committee, for example if, in the opinion of the complainant, there is a serious complaint. This does not alter the fact that in the latter case the complainant still has the right to submit his complaint to the complaints committee, if he sees reason to do so. On the other hand, care must be taken to ensure that the position of the addressee is compromised by the failure to involve the complaints committee. In complicated situations or if the competent authority is considering drastic measures, it is desirable to first seek advice from the complaints committee. Even in the event of reasonable doubt or in the event of a serious complaint, it is advisable to first seek advice from the complaints committee. This ensures that the utmost care is taken and avoids giving the impression that the complaint has been dealt with 'in private'.

Article 7, fourth paragraph

If the complainant so wishes, the competent authority must inform the complaints committee that he has handled a complaint himself.

Article 7, sixth paragraph

The competent authority may, if it so wishes, grant a preliminary injunction. This includes suspending teaching staff, suspending pupils or stipulating that the accused may not have contact with the complainant. The competent authority must then also determine until when the interim injunction remains in force. Usually this is until the competent authority has decided on the complaint.

Article 7, eighth paragraph

The complaints committee may, in the interest of the investigation and/or in the interest of the complainant's position, send the complaint to the accused, in which the complainant's address is missing. This fact is not of direct interest to the accused. In that case, the written notification suffices: 'address details known to the committee'. The committee must then have this information .

Article 7, tenth paragraph

The complainant and the accused have the right to be assisted by counsel or to be represented in the proceedings on any desired basis.

Article 8

If the complainant withdraws the complaint, the committee can decide whether or not to continue the procedure . This decision shall be notified to the complainant, the accused and the competent authority as soon as possible .

If there are indications that the complainant has withdrawn the complaint under pressure, it is obvious that the procedure should continue. In that case, the committee shall issue an unsolicited opinion to the competent authority.

Article 9, fourth paragraph

An anonymous complaint will not be dealt with, unless the complaints committee or the competent authority decides otherwise.

Article 10

Staff employed by the competent authority shall be obliged to provide the information requested by the Committee and to observe confidentiality with regard to requests and information . These obligations also apply to the competent authority.

The investigation may require witnesses or experts to be heard by the committee. The question that then arises is how the committee should deal with the information obtained to the complainant and the accused. The committee determines which information is included in the report to the competent authority.

With regard to confidentiality, the parents and pupils involved must also be asked in advance to commit themselves to observe this confidentiality .

Article 11, second paragraph

The complaints committee may determine that the complainant and the accused shall be heard in each other's presence. If either party does not wish to do so, the complainant and the accused are heard separately.

Article 15

The competent authority shall inform the complainant and the accused of the opinion of the complaints committee, unless, in the opinion of the competent authority, whether or not at the direction of the committee, important interests oppose it. The competent authority shall send a copy of the entire opinion to the complainant and the accused. Parts of the opinion may be omitted exceptionally, if justified. For example, a student has filed a complaint about sexual harassment. The complaints committee hears through experts that something similar has also happened in the private life of the accused . Such information is of no interest to the complainant. From

Privacy considerations may be decided not to disclose the relevant passage from the opinion to the complainant.

If the complaint is declared unfounded by the competent authority, the competent authority may, at the request of and in consultation with the accused, provide for appropriate rehabilitation, if necessary after obtaining the opinion of the complaints committee.

Article 15, third paragraph

If this decision includes a legal measure, the rules in force in this regard to adversarial hearings shall be observed. The provisions laid down in Title II of the Legal Status Decree on educational staff and the AWB apply to a decision of the competent authority of a public school for primary education. For special primary education, the other conditions relating to the instrument of appointment of application.

In the case of public and special secondary education, the provisions of the COLLECTIVE LABOUR AGREEMENT must be observed.

The competent authority of public education is obliged to report a crime to the public prosecutor or to one of his auxiliary prosecutors.

School boards are required to contact the trust inspector if it is suspected that a pressmember has committed a sex crime with a minor student. If the consultation with the confidential inspector shows that there is a reasonable suspicion of a criminal offence, the competent authority is obliged to report it to the police/judicial authorities. The Secretary of State will lay down this obligation in the education legislation, as an elaboration of her proposals made in her policy letter "Prevention and combating sexual harassment".

In the case of a criminal offence, it is strongly discouraged to await the outcome of the criminal proceedings before taking action by the competent authority against the accused. The competent authority has its own responsibility in this regard.

Article 16

Information about this scheme is included in the school guide. Names and telephone numbers of the chairman and secretary of the complaints committee, of the confidential advisor and of the contact person can be mentioned in the school guide. This can also be included in a leaflet.

Chapter 7: Annex

Annex 1 Complaints procedure

| accuser | ←————→ | accused |
|----------------------------|--|---------|
| 1. contact person | | |
| 2. Confidential advisor | Confidential advisor can resolve complaint through mediation . | |
| 3. Complaints Committee -> | 1. notification to (within five working days of receipt of complaint): <ol style="list-style-type: none"> a. accuser b. accused c. competent authority 2. within four weeks of receipt of the complaint: hearing 3. within four weeks of the hearing: advice to the competent authority Competent authority: Within four weeks of receipt of the decision on advice (including the possibility of responding to the accused) decision to: <ol style="list-style-type: none"> a. accuser b. accused c. complaints committee d. School Management | |
| 4. Competent authority | Competent authority can handle the complaint itself | |

Appendix 2 Addresses

National Complaints Committees

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Annex 3: Legal provisions

ARTICLE 14 OF THE PRIMARY EDUCATION ACT

Complaints procedure

1. Parents or carers, and staff members may lodge a complaint with the complaints committee referred to in subparagraph (a) of the second paragraph about the conduct and decisions of the competent authority or staff, including discrimination, or the omission of conduct and the failure of decisions by the competent authority or staff.
2. The competent authority shall make arrangements for dealing with complaints. In any event, this regulation shall state:
 - a. the establishment of a complaints committee, which handles complaints,
 - b. the way in which the complaints committee carries out its work
 - c. the period within which the complainant may lodge a complaint, and
 - d. the period within which the judgment referred to in the sixth part of the period is communicated and how action is taken in the event of a necessary deviation from that period.
3. This arrangement is intended to replace complaints procedures based on rules other than this Article and does not replace any other provision which is or has been open to the complainant on the basis of a statutory regulation, other than a complaints procedure.
4. This arrangement
 - a. provides that complaints are dealt with by a complaints committee composed of at least three members, including a chairman who is not part of the competent authority and does not work for or with the competent authority and
 - b. ensures that a person to whose conduct the complaint relates directly is not participated in the handling of a complaint .
5. The complainant and the person complained about are given the opportunity
 - a. explain their views orally or in writing, and
 - b. to be assisted in the handling of the complaint.
6. The complaints committee forms an opinion on the merits of the complaint and communicates this opinion, whether or not accompanied by recommendations, in writing to the complainant, the person complained about and the competent authority.
7. The competent authority shall inform the complainant and the complaints committee referred to in subparagraph (a) of the second paragraph, in writing within 4 weeks of receipt of the opinion of the complaints committee referred to in the sixth paragraph, whether it shares the opinion on the merits of the complaint and whether it will take action in response to that opinion and, if so, Which one. In the event of a derogation from the period referred to in the first sentence, the competent authority shall inform the complainant and the complaints committee thereof, stating the period within which the competent authority will make its views known.
8. A person involved in the implementation of this Article and thereby becomes available to supply information of which he knows or should reasonably suspect the confidential nature shall be obliged to maintain its confidentiality, except in so far as any legal provision obliges

him to communicate or the need for communication arises from his task.

9. Data relating to a complaint will be kept in a place that is only accessible to the members of the complaints committee.

