



COMPLAINTS PROTOCOL

PRIMARY EDUCATION

STICHTING HAAGSCHE SCHOOLVEREENIGING

The Authority of the Stichting Haagse Schoolvereniging,

Concerning the stipulations of the Primary Education Laws, the Center for expertise Laws and the Secondary Education Laws;

With the understanding of the communal Participation Council;

Have determined the following Complaints Protocol during the meeting on 28th March 2017.

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General information

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Attachment: Regulations of the National Complaints Board

1. UNDERSTANDING THE PROVISIONS

ARTICLE 1.

1. This regulation includes:
 - a. The school: a school as stipulated in the Primary Education Law
 - b. The Committee: the committee as stipulated in Article 4;
 - c. The complainant: an (ex)pupil, a parent/guardian/carer of a minor (ex)pupil, (a member of) the Board, (a member of) the Authority or a volunteer working for the school, or any other person involved in the schoolcommunity who puts in a complaint ;
 - d. The complaint: complaints about conduct and decisions or the lack of conduct and the lack of making decisions by those being accused;
 - e. The contact person: the person as stipulated in article 2 ;
 - f. The counsellor: the person as stipulated in article 3;
 - g. The accused: an (ex)pupil, parent/guardian/carer of a minor (ex)pupil, (a member of) staff,(a member of) the Board, (a member of) the Authority or a volunteer working for the school, or any other person involved in the schoolcommunity against whom a complaint has been made.

2. DEALING WITH THE COMPLAINT

2.1 The contact person

Article 2 Appointment and task of the contact person.

1. At each location there is a contact person. One of the contact persons fulfils a coordinating role and is intermediary between the contact persons and the counsellor.
2. The Authority nominates, suspends and dismisses the contact persons.
The nomination takes place on a proposal from the board of directors.

2.2.

ARTICLE 3 Appointment and tasks of the counsellor

1. The Authority has a counsellor who functions as a point of address for complaints.
2. The counsellor is recruited externally; members of the Authority, of the staff and parents/guardians/carers may not be chosen for this position.
3. The Authority nominates, suspends and dismisses the counsellor. The board of directors proposes the nomination.
4. The counsellor evaluates whether a solution can be achieved through mediation. The counsellor evaluates whether the occurrence justifies the lodging of a complaint. If necessary he assists the complainant with further procedures and with the report to the police or judiciary.
5. If and as far as necessary or desirable, the counsellor refers the complainant to other agencies specializing in assistance and after-care.
6. If the counsellor only receives vague indications and no concrete complaints, then he may inform the Complaints Commission or the Authority.
7. The counsellor may give advice on the decisions which the Authority has to make.
8. The counsellor takes the utmost care during his work. The counsellor is obliged to confidentiality in all matters he deals with in this function. This obligation does not expire after the counsellor has ended his duties.
9. The counsellor gives a yearly written report to the Authority on his work.

2.3 THE COMPLAINTS COMMITTEE

ARTICLE 4 SETTING AND TASKS OF THE COMPLAINTS COMMITTEE

1. There is a complaints committee for all the schools connected to the Authority which investigates the complaint and informs the Authority on the matter.
2. The Authority is linked to
(The National Complaints Board for Education)
De Landelijke Klachtencommissie Onderwijs(geschillen)
Postbus 85191
3508 AD Utrecht
info@onderwijsgeschillen.nl.
3. The complaints committee gives advice to the Authority on:
 - a. (non)justification of the complaint;
 - b. The taking of necessary measures;
 - c. Other decisions which the Authority has to make.
4. The Complaints Committee takes the utmost care whilst dealing with a complaint for the protection of those directly involved. The members of the Complaints Committee are obliged to confidentiality on all matters in which they are involved within this function. This obligation does not expire after the person involved has ended his duties as a member of the Complaints Committee.
5. The Complaints Committee gives a yearly written report on its work.

2.4 THE PROCEDURE OF THE COMPLAINTS COMMITTEE.

ARTICLE 5 THE LODGING OF A COMPLAINT

The regulations of the National Complaints Committee apply and are attached herewith.

2.5 THE AUTHORITIES' DECISIONS

ARTICLE 6 DECISION UPON ADVICE

1. Within four weeks of receiving the advice of the Complaints Committee, the Authority informs the complainant, the director of the school involved and the Complaints Committee with motives whether they judge the complaint to be justified, whether or not measures should be taken, and if so which ones. The statement should include the advice of the Complaints Commission and the report of the hearing, unless important interests oppose.
2. This period may be lengthened by a maximum of four weeks. The Authority informs the complainant, the accused and the Complaints Committee on this lengthening with motivations herefore.
3. The decision as referred to in the first paragraph is taken by the Authority only after the accused has received the opportunity to respond orally and/or in writing to the decision taken by the Authority.

4. FINAL DECISIONS

ARTICLE 7 PUBLICITY

1. The Authority ensures that these rules can be seen at every school.
2. The Authority informs all those concerned about these rules.

ARTICLE 8 EVALUATION

The regulations are evaluated by the Authorities, the contact person, the counsellor, the Complaints Committee and the (general)participation Council within four years of coming into force.

ARTICLE 9 ALTERATIONS IN THE RULES

These regulations can be modified or withdrawn by the Authority after consultation with the counsellor and the Complaints Committee, following the rules which are in force.

ARTICLE 10 OTHER PROVISIONS

1. The Authority decides on matters not covered by the regulations.
2. The explanation is part of the regulations.
3. These regulations can be cited as “complaint rules PO”.
4. These regulations come into force on.....

The regulations have been drawn up on 28th March 2017.

GENERAL EXPLANATION

The complaints regulation only applies if one cannot turn to anywhere else. The majority of complaints on the daily running of the school will be dealt with correctly in mutual consultation with parents, pupils, staff and schoolmanagement . If however this is not possible due to the type of complaint, or if the matter has not been satisfactorily settled, then one can appeal to these complaints regulations.

These regulations are stipulated for primary school education.

In the regulations one refers to the Authority. Depending on the division of responsibilities and authority division as stipulated in the director regulations between the director and the Authorities, this will be replaced as “the director”. Adjustment of the regulations is not necessary as the director then acts as the Authority.

The legislator has the right of consent to the (general) participation council regarding the establishment of the complaints regulations. Furthermore the (general) participation council has the right of consent regarding the procedure stipulated by the board for the nomination of a contact person and a councillor and also concerning the procedure for contacting and/or nominating a Complaints Committee.

The regulations include maximum periods. It is obvious that for all parties concerned it is best if the complaint is dealt with as carefully as possible and as quickly as possible.

EXPLANATION ON THE ARTICLES

ARTICLE 1 UNDER C

An ex-pupil is also entitled to lodge a complaint. It becomes more difficult for the Complaint Committee to make a judgement as the time elapses between the facts complained of and the lodging thereof. Moreover in article 7, paragraph 2, it is stated that a complaint must be submitted within a year after the conduct or decision, unless otherwise stipulated by the Complaints Committee. Examples of this can be (very) serious complaints on sexual intimidations, aggression, violence and discrimination.

People also involved in the school community could for instance be trainees.

ARTICLE 1 UNDER d

Complaints could be about the guiding of pupils for instance, the application of punishment, the judgement of pupils, the establishment of the school organisation, sexual intimidation, discriminating behaviour, aggression, violence and teasing.

With sexual intimidation we understand: undesirable sexual attention in either verbal, physical or non-verbal conduct.

This conduct is experienced by the victim as undesirable, whatever sex and/or sexual preference, or if it concerns a minor, is considered as undesirable by the parents, guardians or carers of the pupil. Sexual intimidating behaviour can be intentional or non-intentional.

Discriminatory conduct means: any form of unjustifiable distinction, as mentioned in article 2 of the General Law for equal rights, any form of exclusion, restriction or preference which has the purpose or effect that the recognition, the enjoyment or pursuit of equal rights and fundamental freedom on political, economical, social or cultural fields or in other areas of public life is being destroyed or affected.

Discrimination can be intentional or non-intentional.

Under aggression, violence and bullying are understood: behaviours and decisions or the omission of behaviours and the making of decisions involving or inadvertently involving mental or physical abuse of a person or group of people belonging to the school community.

ARTICLE 2

The contact is accessible to all involved in the school. It is important that this person has the trust of all parties involved in the school. For the execution of his task he only has to report to the Authorities. The contact cannot be harmed by virtue of the performance of his duties.

ARTICLE 3

The counsellor must have insight in education and the participants and should be knowledgeable in the area of assistance and referral. The Authority takes the diversity of the school population into account when nominating the counsellor. The counsellor is accessible for all those involved with the school. It is important that all parties connected with the school can rely upon him. The counsellor holds the skills to conduct guidance talks.

ARTICLE 3, THIRD POINT

For the execution of his task he only has to report to the Authorities. The counsellor cannot be harmed by virtue of the performance of his duties.

ARTICLE 3, FOURTH POINT

The counsellor will firstly see whether the complainant has tried to solve the problems together with accused or with the director. If this is not the case, then this should be attempted first.

The counsellor may suggest to the complainant, depending on the seriousness of the case, not to lodge a complaint, to lodge the complaint to the Complaints Committee, to the Authority or to file the complaint to the police/justice. Accompaniment of the complainant also means that the counsellor is to determine whether the lodging of the complaint does not lead to repercussions of the complainant. Finally he ensures that the motive for the complaint has actually been removed.

If the complainant wishes, the counsellor assists him with the lodging of a complaint to the Complaints Committee or to the Authority and if necessary helps him with the filing of the complaint to the police or justice.

If the complainant is a minor, the parents/carers are updated on the matter, unless the counsellor is of the opinion that the minor's interest is opposed.

ARTICLE 3, EIGHTH POINT

The necessity to confidentiality does not apply to the Complaint Committee, the Authority or police/justice.

ARTICLE 6

The Authority informs the complainant and the accused on the advice of the Complaint Committee, unless the counsellor believes that it is best not to do so due to major interests. The Authority sends a written report to the complainant and the accused on the entire advice. Parts of the advice may be omitted if this is motivated. For instance: a pupil has lodged a complaint on sexual intimidation.

The Complaints Committee hears via experts if such matters have also occurred in the private life of the accused. The complainant need not receive such information. On private grounds one can decide to omit the relevant passage from the advice sent to the complainant.

If the complaint is found not grounded by the Authority then the Authority can help with a suitable rehabilitation in consultation with the accused.

ARTICLE 7

Information on these regulations are included in the school guide.

REGULATIONS OF THE NATIONAL COMPLAINTS COMMITTEE.

EDUCATION

The rules of the National Complaints Commission (LKC) are determined by the Committee. The rules contain the provisions on the method of work of the Committee.

CHAPTER 1 ; DEFINITIONS.

ARTICLE 1

These regulations fall under:

1. "LKC": the National Complaints Commission for Education, as set up by the Foundation for Education Disputes.
2. "Committee": three members of the LKC composed as Complaints Committee for the dealing of a complaint on the ground of article 14 of the Law for Primary Education, article 23 of the Law for expertise centers and article 24b of the Law for Secondary Education; article E-26CAO-BVE and article U-1 cao-HBO;
3. "advice": the opinion in writing of the Commission on the merit of a complaint including any recommendations to the Authority;
4. "complaints regulations": the regulations set up by the Authority for the handling of complaints;
5. "complaint": the definition of a complaint as stated in the complaints regulations or (in the absence thereof) a complaint about behaviour and/or decisions or the omission of conduct and/or failure to make decisions of a person or body involved in the complaint;
6. "complainant": an (ex-)pupil/participant/student, a parent/guardian/carer of a minor (ex-)pupil/participant/student, (a member of) staff, (a member of) the board, the Authority or others personally involved in the school or organisation;
7. "defendant": (member of) staff, (a member of) the board, the Authority or a person or organisation involved in the school in whichever function, against whom the complaint is lodged;
8. "Chairman": the chairman of the LKC;
9. "chairman": the chairman of the Committee dealing with the complaint;
10. "secretariat": the office which supports the Commission's works;
11. "secretary": the employer in the secretariat dealing with the complaint, whom the Committee supports during the proceedings;

12. “witness”: a person who can declare through own perception regarding a certain occurrence or behaviour;
13. “informer”: a person who may provide information on the basis of involvement in the behaviours raised in the complaint, as well as the person having specific expertise on the basis of training or experience and thus being able to provide information relevant to the complaint;
14. “proxy”: a person acting on behalf of the defendant or complainant in the complains procedure;
15. “counsellor”: a person who accompanies a party to the hearing for personal support, but may not speak.

COMPOSITION OF THE COMMITTEE

ARTICLE 2 COMPOSITION OF THE COMMITTEE

1. The Committee is composed of one chairman and 2 members for the dealing of each lodged complaint.
2. The chairman is a lawyer who is not employed within the Authority of an organisation or institution dealing with the complaint.

LODGING A COMPLAINT

ARTICLE 3 LODGING A COMPLAINT

1. The complainant lodges a complaint in writing to the LKC. If the complaint is written in a foreign language and a translation is necessary to enable a good handling, then the complainant must arrange a translation.
2. If it is reasonable that the complainer cannot lodge the complaint in writing, then the secretariat makes a report of the oral complaint which the complainant must sign for agreement and of which the complainant receives a copy.
3. The written complaint must include:
 - a. The name and address of the complainant and if necessary the chosen address for the length of the procedure;
 - b. The name of the defendant;
 - c. A decription of the complaint and the facts and circumstances, such as the complainant has experienced;
 - d. The date and signature;
 - e. Copies of documents relating to the complaint;
4. If the complaint is lodged by a proxy, then the complaint must be accompanied by a written authorization or the complainant must also sign the complaint for agreement. There is no authorization necessary when it is lodged by a lawyer.
5. The secretariat confirms in writing to the complainant the receipt the complaint.
6. If the complaint is clearly to be lodged with another Complaints Committee, then the secretariat sends the written complaint after consultation with the complainant, after having signed and dated the document as having been received, as soon as possible to the relevant Complaints Committee.

ARTICLE 4 DECISION ON THE SUSCEPTIBILITY OF THE COMPLAINT

1. If it is deemed to be non-compliant with the provisions of the first, second, third or fourth paragraph of article 3, then the complainant receives the opportunity within a specified period to recover the failure, stating that if this request is not met, the Committee will declare the complaint as inadmissible.
2. The LKC will not deal with the complaint if:
 - a. The first paragraph of this article is not fulfilled on time or insufficiently;
 - b. The complaint relates to a matter which occurred more than a year ago before the complaint was lodged unless there is an excusable reason for the exceeding of the year limit.
3. The complainant is notified as soon as possible on the decision whether the complaint will be considered further and in any event within three weeks after the complaint has been lodged. If the complaint is not considered further, then the complainant is informed in writing with the motivations. The complainant may object to this decision following article 11, second paragraph.
4. After having received the written complaint or after having received the amended written complaint, the secretariat informs the board and/or the director of the institution concerned that a complaint has been lodged to the Committee.

ARTICLE 4a REFERENCE TO THE AUTHORITIES

If it appears that no or insufficient attempts have been made to address the complaint at the level of the school, the institution or the Authority, then the Committee may send the complaint to the Authority of the school or institution, with the request whether the Authority seeks to come to a solution at the level of the school, the institution or the Authority. The Committee addresses the complaint if there is no answer within two weeks or if no solution has been achieved within four weeks.

ARTICLE 5 SUMMARY OF THE COMPLAINT

1. In parallel with the handling of the complaint, the Committee makes a summary describing the core of the complaint. This résumé is shown in writing at the beginning to the complainant for agreement.
2. The contents of the summary of the complaint forms the base for the handling of the complaint.

ARTICLE 6 WITHDRAWAL OF THE COMPLAINT

1. The complainant may notify the withdrawal of the complaint in writing, with date and signature, or orally to the Committee. The withdrawal should however preferably take place at least two weeks before the date of hearing.
2. If the Committee has received the withdrawal of the complaint, the Committee will immediately inform the defendant, the Authority of the school involved and the director of the school involved or the board of the institution involved.

3. Withdrawal of the complaint is no longer possible if the complaint has been dealt with in a hearing, unless parties have agreed on this amicably.

PREPARATORY INVESTIGATION

ARTICLE 7 PRACTISING DEFENCE

1. Once it is decided that the complaint will be handled, the Committee invites the defendant in writing to issue a written defence within a period of three weeks including any necessary enclosures in multiple of six to the Committee.
2. The chairman may extend this period with a maximum of two weeks in a timely manner and by request of the defendant stating the reasons. A longer postponement may only be granted in agreement with the complainant.
3. The Committee sends a copy of the defence with the enclosures to the complainant, subject to the points in article 10.

ARTICLE 8 THE GATHERING OF INFORMATION

1. In order to prepare for the handling of the complaint, the Committee may gather information from the complainant, the defendant and others either orally or in writing. The complainant and the defendant are informed on this.
2. The complainant and the defendant may submit further documents up to three working days before the hearing. Documents submitted late will not be accepted in the file, unless the chairman judges that this does not prejudice the interests of the other party.
3. Written reports are made of all proceedings between the complainant, the defendant and others nominated by the Committee based on the contents of the complaint.
4. The complainant and the defendant receive a copy of the reports of the received information.

ARTICLE 9 NOTIFICATION OF DOCUMENTS SUBMITTED TO THE COMMITTEE.

1. Without prejudice to the provisions of article 10, all documents submitted to the Committee concerning the handling of the complaint are sent to parties in duplicate.
2. The chairman may decide that a document has no relevance to the handling of the complaint and may send it back to the relevant person.

ARTICLE 10 CONFIDENTIALITY OF THE DOCUMENTS SUBMITTED TO THE COMMITTEE

1. At the request of the complainant or the defendant the chairman may decide that a submitted document will not be notified to the other party for very important reasons. The chairman may also do this officially. This decision is made known to both parties.
2. If a request for confidentiality of documents is rejected, the relevant documents are returned to the petitioner and these are then not considered in the Committee's assessment.
3. The above also applies to documents and information received from other parties.
4. If the chairman has decided on confidentiality of a document or information, then this is notified in the written advice of the Committee, specifying the nature of the document and the consequences that the Committee has attached to it.

COMPLAINTS TREATMENT

ARTICLE 11 SIMPLIFIED TREATMENT

1. The chairman may close the examination of the complaint without a hearing until the complainant and the defendant have been invited for the oral handlings of the complaint if:
 - a. The Committee is apparently unauthorised to deal with the complaint,
 - b. The complainant is apparently not entitled to his complaint,
 - c. The complaint is apparently unfounded or
 - d. The complaint is apparently grounded.
2. In the decision to close the examination the complainant will be informed that he may object to the decision in writing to the Chairman within 7 calendar days.
3. If the examination is closed fort he manifest reasoning of the complaint then the defendant is entitled to object in writing to the Chairman within 7 calendar days.
4. If the Chairman has made the decision of closure, then another chairman deals with the objection.
5. If the Chairman decides that the complainant or the defendant have grounded objections against the decision of the chairman, then the complaint will be heard after all.

ARTICLE 12 WRITTEN DEALINGS

1. The complaint may be dealt with in writing on request of both parties.
2. The chairman may also decide to deal with a complaint only after receiving in writing the written defense. The chairman informs the complainant and the defendant of this decision with motives. The complainant and the defendant may object to this decision in writing within 7 days. The Chairman deals with this objection.
3. If the chairman mentioned in the previous sentence in the previous paragraph decides that the objection is grounded then the complaint will be dealt with in a hearing after all.
4. If the complaint is dealt with in writing only, the chairman sets deadlines for the submission of the written comments of the complainant (counter-plea), or the defendant (rejoinder).
5. If the contents of the counter-plea or rejoinder gives rise to this, the Committee may still decide to proceed tot he oral hearing of the complaint.

ARTICLE 13 ACCELERATED DEALINGS

1. If in the light of the interests in question, prompt handling of the complaint is required, the complainant may request this when lodging the complaint in writing to the LKC. The Chairman decides on this request officially or non-officially.
2. If the complainant requests the Committee for an accelerated dealing, he will have to submit his written complaint to the LKC in accordance with the provisions of the articles 3 and 4 of these Regulations. In case of default the complainant will be given the opportunity to restore this immediately.
3. The Chairman informs the complainant (this may be by telephone) on the third working day after receipt of the written complaint at the latest if this request is will be met.
4. If the Chairman has decided on an accelerated handling of the complaint, then the defendant is informed of this as soon as possible (by telephone). A copy of the written complaint is sent to him , with the invitation for him to issue his defence as soon as possible but within at least two working days of the hearing.
5. The hearing of the Committee takes place for accelerated dealings within two to four weeks after receipt of the complaint.
6. Within two weeks of the conclusion of the hearing the Committee shall adopt the written opinion. The Committee may inform the parties orally of the advice in advance.
7. If it appears tot he Committee from the written defence or from the hearing that the case is not sufficiently urgent to justify an accelerated dealing or that the case demands a normal dealing, the Committee determines that the complaint is further dealt in the usual manner.
8. Article 27 of these rules does not apply to the period stated in this article paragraph 6.

THE HEARING

ARTICLE 14 DETERMINATION OF THE DAY OF HEARING AND INVITATION TO THE HEARING

1. The chairman defines the day, place and time of the hearing. The hearing takes place within six weeks of having decided to deal with the complaint.
2. The Committee invites the complainant and the defendant in writing to the hearing. The invitation includes the composition of people forming the Committee.

ARTICLE 15 REQUIRED PRESENCE AT THE HEARING

1. The hearing must take place in the presence of at least one member of the Commission accompanied by a clerk. If two members are present then one of them acts as chairman.
2. The advice should be determined in a deliberation by the chairman and two members, in the presence of the clerk.

ARTICLE 16 PROCEDURE OF THE HEARING

1. The hearings of the Committee are not public.
2. The chairman decides on the course of the hearing.
3. The clerk sees to the written account of the hearing.
4. During the hearing the complainant and the defendant have the opportunity to:
 - a. Give their opinion
 - b. Have the assistance or representation of an authorized person;
 - c. Let the Commission hear witnesses and informers;
 - d. Have the accompaniment of a counsellor allocated to them.
5. The Committee hears the complainant and the defendant – in accordance with paragraph 6 of this article – in each others presence, unless overpowering reasons oppose it.
6. If a party is a minor, the Committee initially hears the parties away from each others presence.
7. If the parties are not heard in each other's presence on the basis of the previous paragraphs of this article, the authorised representative of each party is allowed to be present at the hearing.
8. The Committee initially hears a minor witness without the presence of other parties. The authorised representatives of the parties are allowed to be present at the hearing of this witness.
9. If (one of) the parties is not accompanied by an authorised representative then the chairman will give a summary of what has been discussed outside each others presence.

ARTICLE 17 WITNESSES AND INFORMANTS.

1. The Committee may determine to invite people as witness or as informant to the hearing.
2. The name and the capacity of the witness or informants invited by the Committee is given in writing tot he complainer and the defendant at least two working days before the date of the hearing.
3. The complainant and the defendant may bring along witnesses or informers whom they wish the Committee to hear at their own costs. The written notification of this must be received by the secretariat at least two working days before the hearing, with mention of the name and capacity of this person.
4. Witnesses or informants who have not been introduced or are introduced too late will not be allowed to appear before the Committee other than with the consent of the parties.
5. The Committee may decide during a hearing not to hear a witness or informant.

ARTICLE 18 TRANSLATION

If the complainant, the defendant, a witness or an expert do not speak the Dutch language sufficiently, then they may be assisted at their own cost by a translator.

ARTICLE 19 HEARING

1. After the opening of the hearing by the chairman both parties and their authorised representatives receive the opportunity to have their say.
2. The Committee will then hear the admitted witnesses and informants in principle outside each other's presence, with the parties being able to give the Committee proposals regarding the questions asked..
3. After the hearing of the witnesses and informers the parties once more receive the opportunity to have their say.
4. The chairman concludes the investigation of the hearing, unless it appears that the investigation has not been complete and should not be concluded. In this case the Committee may decide that the dealing should be continued either in writing or in another hearing at a time determined by the Committee. Directions may be given to the parties regarding the evidence.

CHALLENGE AND EXCUSING

ARTICLE 20 CHALLENGE AND EXCUSING

1. A member of the Committee, including the chairman, may be challenged by either parties on the basis of facts or circumstances which could damage the impartiality of the Committee. On the grounds of such facts or circumstances a member of the Commission may be excused.
2. The request for challenge is presented in writing as soon as the facts or circumstances are known to the requesting party. At the hearing the request may also be done orally.
3. A member who is being challenged may relent in it.
4. In the case of a request for a challenge, the dealing of the case is suspended by the Committee, notifying the parties that the challenge request will be dealt with as soon as possible by the challenge room of the Stichting Onderwijsgeschillen (Foundation for Educational Disputes) and that the investigation of the Committee will continue in compliance with the decision of the challenge room.
5. The challenge room decides as soon as possible if the request for challenge is allowed.
6. The rules of the challenge room are abided by during the dealing of the challenge request.

ADVICE

ARTICLE 21 DECISION IN THE COUNCIL CHAMBER

1. After closure of the investigation the Committee consults in the council chamber on the advice to be given.
2. The advice should be determined in a deliberation of the chairman and two members.
3. The Committee determines with a majority of votes.
4. The Committee may determine in the council chamber to reopen the dealing of the complaint and informs both parties on this.
5. The Committee shall deliver its opinion within four weeks after the conclusion of the dealing or after completion of the written dealing referred to in article 12. The chairman may prolong this period by four weeks.
6. If with the agreement of the parties it is decided that the parties will still seek an amicable solution outside the Committee, the Committee will suspend the adoption of the opinion. If it turns out that the parties have reached an amicable agreement then the Committee will not deliver an opinion. If it turns out that the parties have not managed to reach an amicable agreement then the Commission is informed of this and the Committee will still deliver an opinion in accordance with the time limit as mentioned in paragraph 5 of this article.

ARTICLE 22 CONTENT ADVICE

1. The Committee delivers a motivated opinion in its advice over the justification of the complaint.
2. The Committee may give recommendations in its advice.
3. The advice states the members of the Committee, the date of provisions and is signed by the chairman and the secretaris.

ARTICLE 23 DISCLOSURE OF THE ADVICE

1. The Committee sends the advice (via the authorised representative) to the Authority, complainant and defendant.
2. The advice of the Commission is published on the website of the Institution in an anonymous summary form: www.onderwijsgechillen.nl.

OTHER PROVISIONS

ARTICLE 24 COMPLAINTS ABOUT THE COMPLAINT DEALINGS OF THE COMMITTEE

1. A complaint by a party or the Authority about the dealing of the LKC in a file relating hereto, will be treated by the Chairman of the LKC or his deputy.

2. The Chairman will make further investigations on the member concerned and the secretaris and if necessary the other committee members. The Chairman (or deputy) will inform the complainant as soon as possible on his findings with a copy to the members and the secretaris of the Committee in question.

ARTICLE 25 SECONDARY FUNCTIONS OF MEMBERS OF THE COMMITTEE

A list of secondary functions of members of the Committee is sent at the request of either parties.

ARTICLE 26 CONFIDENTIAL DEALING

It is forbidden for the members of the Committee and the clerk:

- a. To make public any information which they have acquired or to tell any other parties;
- b. To make known any feelings which the Committee has expressed in closed meetings or hearings about pending complaints;
- c. To contact anyone or receive any information on pending complaints or complaints which they suspect will be alleged to them, other than in their role on the Committee.

ARTICLE 27 SCHOOL HOLIDAY PERIODS

1. With the exception of the limitation period stipulated in article 4.2b of these rules, the calculation of the periods specified in these rules exclude the school holidays applicable to the relevant the institution or school.
2. In case of serious reasons, the chairman may extend the periods mentioned in these rules.

ARTICLE 28 COINCIDENCE

In contravention of these rules with the complaint system applicable tot he institution or school, the provisions in these rules shall apply.

ARTICLE 29 UNEXPECTED SITUATIONS

The chairman decides on matters not mentioned in these rules

ARTICLE 30 QUOTATION

These rules may be quoted as Reglement Landelijke Klachtencommissie onderwijs (National Complaints Committee Education)

ARTICLE 31 ENTRY INTO FORCE

These rules entered into force on 1st February 2011 and substitute the rules of the LKC PO/VO dated 1st May 2007 and the rules of the LKC BVE dated 1st January 2001 and the rules of the LKC HBO dated 1st June 2005 and has been modified on 30th October 2015.