



## **COMPLAINTS PROCEDURE**

The competent authority of Stichting Haagsche Schoolvereniging adopts the following Complaints procedure with the consent of the joint participation council.

### **Article 1**

In these regulations, the following definitions apply:

1. school: the school and all its sites falling under Stichting Haagsche Schoolvereniging;
2. competent authority: executive director Stichting Haagsche Schoolvereniging;
3. director: the person(s) with whom, under the responsibility of the competent authority, the educational, organisational and administrative management of the school is entrusted;
4. head of school: the person(s) with whom, under the responsibility of the director, the educational, organisational and domestic management of the school site rests;
5. complaints committee: the committee referred to in Article 9;
6. complainant: a parent/guardian/carer of a minor (former) pupil, (a member of) the staff, (a member of) the directors, (a member of) the competent authority or any person or body otherwise functionally involved with the school;
7. contact person: person referred to in Article 3;
8. confidential adviser: person referred to in Article 4;
9. respondent means (a member of) the staff, (a member of) the directors, (a member of) the competent authority or any person or body otherwise functionally involved with the school, against whom a complaint has been made;
10. complaint: complaint about the conduct (omission) and/or decisions of the respondent.

### **Article 2: Preliminary complaint process**

1. A complainant who experiences a problem at or with the school contacts the person who caused the problem, unless the nature of the problem prevents this.
2. If that contact does not lead to a solution, the complainant submits the problem to the head of school for resolution, unless the nature of the problem prevents this.
3. If contact with the site manager does not lead to a solution, the complainant submits the problem to the director for resolution, unless the nature of the problem prevents this.
4. The complainant can contact the contact person or confidential adviser about the problem.
5. If the problem has not been or is not resolved, a complaint can be submitted to the competent authority or the complaints committee referred to in Article 9.

### **Article 3: Appointment and tasks of the contact person**

1. The school's competent authority appoints a contact person at each site. It also appoints a contact person at foundation level.
2. The contact person informs the complainant about the route in case of complaints (see Appendix 3/3) and the possibilities offered by the complaints procedure. If the complainant wants to file a complaint, the contact person refers the complainant to the confidential adviser.



**Article 4: Appointment and duties of the confidential adviser**

1. The school's competent authority appoints at least one internal confidential adviser at each site and one external confidential adviser at foundation level.
2. The confidential adviser functions as a point of contact in case of complaints.
3. An in-house confidential adviser must not be disadvantaged by virtue of the performance of his duties.
4. The external confidential adviser is independent and is not in a hierarchical (dependency) relationship with (a member of) staff, (a member of) the directors, (a member of) the competent authority or any person otherwise functionally involved with the school.
5. The confidential adviser considers whether the complaint can be resolved through mediation.
6. The confidential adviser can guide the complainant in filing the complaint and in the further complaint procedure if requested by the complainant.
7. The confidential adviser informs the complainant about bodies or institutions that may be helpful to the complainant in solving problems related to the complaint and, if necessary, guides the complainant in making contact.
8. The confidential adviser is obliged to maintain confidentiality unless there is suspicion of a sex offence or suspicion of child abuse.
9. The confidential adviser can advise the competent authority, solicited and unsolicited, if signals reaching him/her give reason to do so.
10. The confidential adviser submits an annual written report on his work to the competent authority.

**Article 5: Publicity of the complaints procedure**

1. The competent authority ensures that the complaints procedure, the address of the complaints committee and the names and contact details of the contact person and confidential adviser are sufficiently known by publishing them in the school guide and on the school's website and the website of the competent authority.

**Article 6: Filing a complaint**

1. The complainant can submit a complaint to the complaints committee or to the competent authority.
2. The notice of complaint contains at least:
  - a. the name and address of the complainant;
  - b. the name of respondent and the name and address of the school site to which the complaint relates;
  - c. a description of the complaint, the facts and circumstances as alleged by the complainant and the date/period to which the complaint relates;
  - d. the date and signature;
  - e. legible copies of the documents relating to the complaint.
3. If the complaint is in a foreign language and a translation is necessary for the proper handling of the complaint, the complainant must arrange for translation.
4. The complaint must be filed within one year of the conduct or decision, unless the complaints committee decides otherwise, or the competent authority decides otherwise if the complaint was filed there and the competent authority handles the complaint itself.



5. The complainant may be assisted by an authorised representative when lodging and handling the complaint. If a complaint is submitted by an authorised representative, the complaint must be accompanied by a written authorisation or the complainant must co-sign the complaint to confirm approval.
6. The competent authority or the complaints committee (depending on where the complaint was filed) confirms receipt of the complaint in writing to the complainant.

#### **Article 7: Decision on the admissibility of the complaint**

1. If the provisions of the second, third, or fourth paragraph of Article 6 are not complied with, the complainant will be given an opportunity to remedy the default within a period to be determined. If this request is not complied with, the complaint may be declared inadmissible.
2. The competent authority or complaints committee will not consider the complaint if:
  - a. a request referred to in the first paragraph of this article has not been complied with in a timely or adequate manner;
  - b. the complaint relates to conduct that occurred more than one year before the complaint was filed without there being grounds to accept the excusability of exceeding the one-year time limit;
  - c. the case is filed anonymously.
3. Complainant will be informed as soon as possible and in any case within three weeks after the complaint has been filed, or complainant has complied with the request to remedy the default, whether the complaint will be further considered. If the complaint will not be considered further, the complainant will be informed in writing with reasons.

#### **Article 8: Handling of the complaint by the competent authority**

1. If complainant submits its complaint to the competent authority, it can handle the complaint itself.
2. In this case, the competent authority notifies complainant and respondent of the steps it will take to deal with the complaint.
3. If, in the complainant's opinion, the competent authority's handling of the complaint did not lead to a solution, the complainant may submit the complaint to the complaints committee.
4. If the competent authority does not handle the complaint itself, the competent authority will refer the complainant to the complaints committee to which the school is affiliated.

#### **Article 9: The complaints committee**

1. There is a complaints committee for all schools of the competent authority, which investigates the complaint and advises the competent authority accordingly.
2. The competent authority has affiliated its schools to the independent National Complaints Committee for Education (LKC), Postal address: Stichting Onderwijsgeschillen, Postbus 85191, 3508 AD Utrecht, Telephone: 030 - 280 95 90 Email: [info@onderwijsgeschillen.nl](mailto:info@onderwijsgeschillen.nl), Website: [www.onderwijsgeschillen.nl](http://www.onderwijsgeschillen.nl) The composition of the Committee, the handling of complaints submitted to the Committee and the deadlines with which it must comply are governed by the LKC Regulations. These regulations can be found at: <https://onderwijsgeschillen.nl/commissie/landelijke-klachtencommissie-onderwijs-lkc/reglement>



**Article 10: Provision of information to the complaints committee**

1. Staff members employed by the competent authority are obliged to provide information requested by the complaints committee and to observe confidentiality regarding the request and the provision of information. These obligations also apply to the competent authority.

**Article 11: Decision of the competent authority on the opinion of the complaints committee**

1. Within four weeks of receiving the complaints committee's opinion, the competent authority will inform the complainant, the respondent, the director of the school concerned and the complaints committee, in writing and with reasons, 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, what action.
2. This period may be extended by a maximum of four weeks. The competent authority will notify the complainant, the respondent and the complaints committee of any such extension, giving reasons.

**Article 12: Informing participation body**

1. The competent authority will immediately inform the participation bodies of any opinion of the complaints committee finding the complaint to be well-founded and of any action it will take as a result of that opinion.

**Article 13: Confidentiality**

1. Everyone involved in the filing and handling of the complaint (or prior to it) is obliged to observe confidentiality.
2. The obligation of confidentiality continues to exist even if the person concerned is no longer covered by the complaints procedure.

**Article 14: Evaluation**

1. The procedure will be evaluated by the competent authority, the contact person, the confidential adviser and the (joint) participation body within four years of its entry into force.

**Article 15: Amendment of the complaints procedure**

1. This procedure may be amended by the competent authority in accordance with the provisions relating to participation applicable to the school or institution.

**Article 16: Other provisions**

1. In cases not covered by the regulations, the competent authority will decide.
2. These rules may be cited as 'complaints procedure HSV'.
3. This scheme will enter into force on 17 April 2023
4. The scheme was adopted on 4 April 2023 with the consent of the GMR.



**Appendix 1/3. General notes**

In primary education, the school board (competent authority) is required to draw up a complaints procedure (section 14, subsection 2 Primary Education Act)

The vast majority of complaints about the day-to-day running of the school will be able to be settled by mutual agreement between parents, pupils, staff and school management. However, if this is not possible given the nature of the complaint, or if the handling of the complaint has not been satisfactory, a complaint can be made using these regulations.

Complaints which are the subject of separate regulations and procedures with a committee should be handled in that manner. For example, a complaint or suspicion of a sexual offence committed by a staff member against a minor pupil cannot be dealt with through this complaints procedure. Furthermore, the Disputes Committee for Appropriate Education is primarily the designated committee to handle disputes between parents and the competent authority on the admission of pupils with an extra support need, the establishment and adjustment of development perspectives and the expulsion of pupils.



## **Appendix 2/3. Article-by-article notes**

### **Article 1 sixth and ninth paragraphs**

Persons or bodies otherwise functionally involved in the school community may include, for example, volunteers, internees and trainee teachers.

### **Article 1 ninth paragraph**

Complaints can be made about persons and bodies functionally involved with the school. This means that, in principle, no complaint can be made against a parent or a pupil. A parent or a pupil can only qualify as a respondent to the extent that the conduct or decisions in question arose from their functional involvement with the school (e.g. as a childcare worker, or member of the parents' council or participation council).

### **Article 2**

The vast majority of complaints about the day-to-day running of the school will be dealt with by mutual agreement between parents, pupils, staff and school management. It is preferable to discuss problems at the level where they arise and with the person who is causing (caused) the problem. However, if this is not possible given the nature of the complaint, or if the handling has not been satisfactory, a formal complaint may be filed.

### **Article 3**

The contact person is accessible to all those involved in the school. It is important that this person enjoys the confidence of all parties involved in the school. The contact person performs his/her duties independently. The contact person is not expected to play a mediating role between complainant and respondent. The contact person should not be disadvantaged due to the performance of his/her duties.

### **Article 4**

Although the position of confidential adviser by its nature (and name) entails a high degree of confidentiality, the confidential adviser cannot be required to maintain confidentiality in all cases.

The confidential adviser has no legal duty of confidentiality. If he considers that the complainant relates to such a serious situation that it is necessary to inform other persons/bodies, he may decide not to maintain confidentiality.

If there is no external confidential adviser but an internal confidential adviser, they fall under the duty to report and make an official report in case of suspected sexual offences (section 4a Primary Education Act). In addition, the "reporting code for domestic violence and child abuse" applies to both the internal and external confidential adviser.

A confidential adviser will therefore never have to promise a complainant confidentiality in advance. He can, however, make it clear that he will handle the information to be given with great caution and confidentiality. If the confidential adviser does decide to share the information received with third parties, he will discuss this with the complainant beforehand.

It is recommended to appoint an independent, preferably external confidential adviser per board and an internal confidential adviser per school. Depending on, among other things, the size of the



school, an internal confidential adviser can be appointed in addition to an external confidential adviser. This can lower the threshold.

The confidential adviser should have an understanding of education and those who participate in it and be skilled in the field of reception and referral. The competent authority takes into account the diversity of the school population when appointing the confidential adviser. The confidential adviser is accessible to all those involved in the school. It is important that he enjoys the confidence of all parties involved in the school. The confidential adviser possesses skills to conduct counselling interviews.

Consideration could be given to having two confidential advisers: one woman and one man. In some matters, having to complain to a person of the opposite sex can be a barrier.

Consideration could also be given to appointing multiple confidential advisers so that, where appropriate, a respondent could also be assisted by a confidential adviser.

#### **Article 4, first paragraph**

The confidential adviser is solely accountable to the competent authority for the performance of his duties.

#### **Article 4, second paragraph**

The confidential adviser initially checks whether the complainant has tried to resolve the issues with the respondent or with the director of the school concerned. If this is not the case, this can still be opted for.

The confidential adviser may suggest to a complainant that, in view of the seriousness of the matter, he/she should not file a complaint, should submit the complaint to the complaints committee, should submit the complaint to the competent authority, or should report the matter to the police/justice. The confidential adviser refrains from investigating the complaint and giving an opinion. That goes beyond his duties and is reserved for the competent authority and the complaints committee. In addition, giving an opinion may weaken his support within the school community.

Although the confidential adviser investigates whether a solution can be reached through mediation, it is not advisable for the confidential adviser to mediate personally. Indeed, an unsuccessful mediation may lead to a loss of trust and even to personally becoming the subject of a complaint.

Whatever role the confidential adviser chooses, in all cases he will first have to agree with the complainant which role he will fulfil as confidential adviser, so that there is no lack of clarity about this.

Guidance for the complainant also involves the confidential adviser verifying that filing the complaint does not lead to repercussions for the complainant. Finally, he verifies that the reason for the complaint has actually been removed.

If the complainant so wishes, the confidential adviser will accompany him/her in filing a complaint with the complaints committee or with the competent authority and, if required, assist him/her in making a report to the police or judicial authorities.



If the complainant is a minor pupil, the parents/carers will be informed by the confidential adviser with the knowledge of the complainant, unless, in the opinion of the confidential adviser, the best interests of the minor preclude this.

A complainant may contact the confidential adviser prior to proceedings, but this can also be done at a later stage in the complaint procedure.

**Article 4, ninth paragraph**

The confidential adviser may advise the competent authority in response to signals, but shall refrain from advising on (disciplinary) measures to be taken in response to a complaint filed.

**Article 6, first paragraph**

A complainant can choose to submit his complaint to the competent authority or directly to the complaints committee. If the complainant is not satisfied after the competent authority has dealt with the complaint, he can still submit the complaint to the complaints committee.

If the complaint is lodged directly with the complaints committee, it may decide to forward the complaint to the competent authority and allow them to try to resolve the complaint at school or competent authority level.

**Article 6, fourth paragraph**

The more time that elapses between the facts complained of and the filing of the complaint, the more difficult it becomes for the complaints committee and the competent authority to reach a decision. Therefore, article 6, fourth paragraph stipulates that a complaint must be filed within one year after the conduct or decision, unless the complaints committee determines otherwise, or the competent authority determines otherwise if the complaint was filed there and the competent authority handles the complaint itself. This includes serious complaints about sexual harassment, aggression, violence and discrimination.

**Article 7, second paragraph**

The guiding principle in handling a complaint is hearing both sides of the argument. The complainant must be able to tell his or her side of the story and so must the respondent. The respondent can only defend himself or herself properly if he or she knows who the complaint comes from and what situation the complaint relates to. Therefore, complaints from a complainant who wishes to remain anonymous will not be dealt with.

**Article 8, first paragraph**

A complaint about the (personal) actions of (a member of) the Executive Board may be submitted to the chairman of the Supervisory Board. The Supervisory Board will handle the complaint in accordance with what is stated in the school's applicable internal complaints procedure.



**Article 8, fourth paragraph**

If the competent authority does not handle the complaint itself but refers it to the complaints committee, it can also refer the complainant to the confidential adviser.

**Article 11, first paragraph**

This time limit is stipulated for primary education in section 14, subsection seven Primary Education Act. If justified by the decision, the competent authority may provide for appropriate rehabilitation in consultation with the respondent.

**Article 12**

See also Section 8, subsection 2 e of the Participation in School Decision-Making Act (Wms).

**Article 13**

Complaint handling is confidential. It concerns a complaint from an individual complainant. It is not desirable for persons or bodies familiar with the complaint to inform third parties about the complaint. Publicity may harm parties and also hinder finding a solution to the complaint.

**Article 14**

Pursuant to Section 10 g of the Participation in School Decision-Making Act, the (joint) participation council has the power of consent when adopting or amending the complaints procedure.



**Appendix 3/3 Route in case of complaints**

<b>Complaint about school organisation</b>	<b>Complaint on educational matters</b>	<b>Complaint about inappropriate behaviour at school</b>	<b>Complaint or suspicion of a sexual offence by an employee towards a minor pupil</b>	<b>Personal or home problems</b>	<b>Domestic violence and child abuse</b>
Such as: class times, holidays, parental contribution, school building	Such as: testing, assessment, punishment	Such as: bullying, aggression, violence, radicalisation, discrimination, racism, (sexual) harassment	Such as: sexual assault, sexual abuse, grooming	For example: divorce, addiction, depression, eating disorders	For example: sexual abuse, physical and/or mental abuse
Contact person/ confidential adviser (internal or external) refers to ↓	Contact person/ confidential adviser (internal or external) refers to ↓	Contact person/ confidential adviser (internal or external) refers to ↓	Contact person/ confidential adviser (internal or external)/ school employee reports to (duty to report!) ↓	Contact person/ confidential adviser (internal)/ school employee refers to ↓	Contact person/ confidential adviser (internal)/ school employee refers to ↓
	Person concerned	Person concerned		Internal adviser	Focus officer reporting code
School management	School management	School management		School management	School management
Competent authority	Competent authority	Competent authority	Competent authority consults with confidential grievance inspector		
Complaints committee	Complaints committee	Complaints committee			
	For complaints relating to appropriate education: Disputes Committee for Appropriate Education	In case of criminal offences: Report to police/ judicial authorities	Report to police/ judicial authorities	School social work, external help	Safe home