**Appendix 18**

**Complaint Procedure for Dutch Schools Abroad**

**Article 1. Definition of terms**

1. The following terms are defined as follows in this procedure:

Governing Board: the school’s/schools’ competent authorities;

Head Teacher: the school’s Head Teacher;

Complainant: a pupil, ex-pupil, parent/guardian/carer of an underage pupil/ex-pupil, a member of staff, a member of the Executive Board, a member of the Governing Board, a volunteer carrying out work for the school and any person who is part of the school community in any other capacity, who has lodged a Complaint;

Complaint: a complaint about an action or decision or an omission or lack of a decision on the part of the Accused, including complaints regarding sexual harassment, discriminatory behaviour or aggression;

Accused: a pupil, ex-pupil, parent/guardian/carer of an underage pupil/ex-pupil, a member of staff, a member of the Executive Board, a member of the Governing Board, a volunteer carrying out work for the school and any person who is part of the school community in any other capacity, against whom a Complaint has been lodged.

Counselling Inspector: the inspector for Dutch education appointed as such.

2. Wherever the term ‘he’ - or any other masculine term - is used in this Complaints procedure, it shall be deemed to include both males and females.

**Article 2. Prior to submission of a Complaint**

Persons considering lodging a Complaint are expected to discuss their intention to do so initially with the person against whom the Complaint is to be made, if the circumstances reasonably permit this. This shall not apply to Complaints relating to sexual harassment, discrimination or aggression; such Complaints can be lodged with the Head Teacher or the Governing Board (in accordance with Article 5 paragraph 1) at all times.

Complaints relating to sexual harassment can also be lodged with the Dutch Counselling Inspector, tel: +31 765244477

**Article 3. Confidential advisor**

1. At each school, the Head Teacher shall appoint at least one confidential advisor, subject to the approval of the parent-teacher participation council. The Head Teacher shall ensure that all the people involved at the school know who has/have been appointed as confidential advisor(s).

2. A Complainant can at all times contact the confidential advisor regarding a Complaint or intended Complaint.

3. The confidential advisor shall assess whether the Complaint can be handled by means of mediation. The confidential advisor shall assess whether the incident justifies the lodging of a Complaint. If so desired, the confidential advisor shall advise the Complainant during the remainder of the procedure and assist the Complainant if he reports the incident to the Police or the Dutch judicial authorities.

4. If and in so far as necessary or appropriate, the confidential advisor shall refer the Complainant to other specialized bodies which provide shelter and after-care.

5. If the confidential advisor merely receives information but no formal Complaints, he may pass on such information to the Governing Board.

6. The confidential advisor shall be required to treat all information disclosed to him in his capacity as confidential advisor in the strictest confidence. This obligation shall continue to apply after the person involved has ceased to be confidential advisor.

**Article 4. Lodging a Complaint**

1. A Complaint shall be lodged in writing, with or without the mediation of a confidential advisor, and signed by the Complainant.

In the event of a verbal Complaint, a report shall be drawn up immediately by the recipient of the Complaint, which shall then be signed by the Complainant; the Complainant shall be given a copy of the written Complaint.

2. The Complaint must include the following details as a bare minimum:

 - the name and address of the Complainant

 - the date

 - a description of the Complaint

 - a clear indication of the Accused.

3. A Complaint shall be lodged as soon as reasonably possible.

**Article 5. Recipient of Complaint**

1. The Complainant shall lodge a Complaint with:

 - the Head Teacher if the Complaint is lodged against a pupil or ex-pupil, a parent/guardian/carer of an underage pupil or ex-pupil, a member of staff who is not a member of the Governing Board, a volunteer carrying out work for the school and any person who is part of the school community in any other capacity, unless the Complainant wishes to lodge the Complaint directly with the Governing Board;

 - the Governing Board, if the Complaint is lodged against a member of the Executive Board, a representative of the Governing Board, and in all other cases.

2. The Head Teacher shall immediately send a copy of the Complaint he has received to the Governing Board.

 If the Head Teacher determines that the Complaint may involve him personally, or that the Complaint is of a sufficiently serious nature, he shall request the Governing Board to deal with the Complaint.

3. A written acknowledgement of receipt of the Complaint shall be sent to the Complainant at the earliest opportunity. The acknowledgement shall state within what period and by whom the Complaint shall be handled.

4. The Governing Board shall send a copy of the Complaint received by the Governing Board and a copy of the acknowledgement of receipt to the Head Teacher without delay.

5. The Governing Board shall ensure that no person to whose actions or omissions the Complaint directly relates is involved in handling the Complaint.

**Article 6. Response period**

1. As a rule, the Complainant shall receive a reasoned written response to the Complaint within four weeks of receipt of his Complaint.

2. If exceptional circumstances do not permit of an adequate written response being given within this period, the period can be extended by four weeks, the maximum number of extensions being two. Exceptional circumstances shall in any case include situations in which the Governing Board calls in the Complaints Committee.

 The Complainant shall receive a reasoned written notice of the extension period within the current four week period.

**Article 7. Complaints handled by the Head Teacher**

1. If the Head Teacher responds in writing to a Complaint received by him, he shall send a copy of his response to the Governing Board without delay.

2. Within four weeks of receipt of the Head Teacher’s response, the Complainant may request the Governing Board in writing to give an opinion on the Complaint and the response to it received by him. The stipulations of this procedure regarding the handling of Complaints shall apply by analogy in this circumstance.

**Article 8. Complaints Committee**

1. When dealing with a Complaint, the Governing Board may request a Complaints Committee established for that purpose to give recommendations.

2. A Complaints Committee shall be made up of at least three persons who are appointed as such by the Governing Board.

 A maximum of one of the members may be a serving member of the Governing Board, as long as this person is not personally involved in the Complaint lodged. The following shall not be members of the Complaints Committee: parents/guardians/carers of pupils, members of staff, Executive Board members, volunteers carrying out work for the school or any persons who are part of the school community in any other capacity.

 The Complaints Committee shall have a chairperson who is not a member of the Governing Board and who does not work for or with the Governing Board.

3. The Complainant and Accused may lodge an objection with the Governing Board regarding the composition of the Complaints Committee if they have reason to believe that one or more of its members will not reach an unprejudiced decision. The Governing Board shall do its utmost, within reason, to meet these objections.

4. In order to protect the interests of all the parties directly involved, the Complaints Committee shall exercise the utmost care when dealing with a Complaint. The members of the Complaints Committee shall be required to treat all information disclosed to them in that capacity in the strictest confidence. This confidentiality obligation shall continue to apply after the persons involved have ceased to be members of the Complaints Committee.

**Article 9. Complaints handled by the Complaints Committee**

1. The Governing Board shall always seek the advice of the Complaints Committee in the following cases:

 - if the request relates to an opinion on the Complaint and the Head Teacher’s response to it as referred to in Article 7 paragraph 2;

 - if the Complainant explicitly requests that the Complaint be dealt with by the Complaints Committee;

 - if the Complaint relates to sexual harassment, discriminatory behaviour or aggression;

- if the Governing Board deems the Complaint to be serious in any other way.

2. A request for advice as referred to in Paragraph 1 shall not prejudice the Governing Board’s right to take provisional measures where applicable.

3. The Complaints Committee shall be entitled to gather all the information needed in connection with the handling of a Complaint. On behalf of the Governing Board, it may hear the Complainant and the Accused, as well as other parties involved in the school.

4. The Complaints Committee shall give the Complainant and Accused an opportunity to give a written or verbal explanation of their positions.

5. The Complaints Committee shall provide the Governing Board with written recommendations concerning:

 - the admissibility of the Complaint

 - the validity or invalidity of the Complaint

 - the measures to be taken on the basis of the Complaint

 - any other aspects warranting the Governing Board’ attention.

 In its recommendations the Complaints Committee shall also give details of the method of investigation used and the observations made in that context.

6. Within four weeks of receipt of the Complaints Committee’s recommendations, the Governing Board shall determine whether it shares the Complaints Committee’s opinion concerning the admissibility and/or validity of the Complaint, whether it will take measures on the basis of this decision and if so, which measures. The Governing Board shall notify the Complainant, the Accused and the Complaints Committee accordingly in writing, and relay the Complaints Committee’s recommendations, unless there are serious reasons for not doing so.

**Article 10. Withdrawal of a Complaint**

A Complainant can at any time withdraw a Complaint lodged by him, provided the person with whom the Complaint was lodged or who is handling the Complaint is notified thereof in writing. Any notification that a Complaint is withdrawn shall be passed on immediately by the recipient to the Head Teacher, the Governing Board, the Complaints Committee and the Accused. A withdrawn Complaint shall not be handled any further, unless the Governing Board decides otherwise for reasons of its own.

**Article 11. Confidentiality**

1. All persons involved in a Complaint shall make every effort to safeguard the privacy of both the Complainant and the Accused at every stage of the Complaints procedure.

2. Persons who deal with Complaints and who in the process gain access to information of the confidential nature of which they are aware - or should reasonably be expected to be aware - shall be required to treat all such information in the strictest confidence, unless they are legally required to disclose any such information or unless there is a necessity to disclose any such information on account of their responsibilities.

3. Information relating to a Complaint shall be filed in a location that can be accessed exclusively by members of the Complaints Committee and the Governing Board, as well as by the Head Teacher in so far as Complaints have been handled by the Head Teacher.

**Article 12. Notification of procedure**

The Head Teacher shall ensure that the existence of this procedure is known to all those involved in the school, by means of a notice in the school guide at the very least, and that the procedure is made available to anyone who requests it.

**Article 13. Term**

This procedure shall come into effect on ……… (date) and shall remain effective for an indefinite period of time.

**Article 14. Final provision**

The Governing Board shall decide in all cases not covered by this procedure.