

Stedelijk College Eindhoven **Complaints Procedure**

In view of the provisions of the Secondary Education Act (Wet op het Voortgezet Onderwijs (WVO)), the competent authority of the Stedelijk College Eindhoven, after consulting the medezeggenschapsraad (MR), has set down the following **complaints procedure** for secondary education.

Chapter 1 Definitions

Article 1

- 1 In this procedure is understood:
 - a. School: a school as referred to in the Secondary Education Act.
 - b. Complaints authority: the authority as referred to in article 4.
 - c. Complainant: a (former) student, parent/guardian/carer of a minor (former) student, (a member of) personnel or volunteer who works for the school, as well as a person who in any way is part of the school community that has filed a complaint.
 - d. Complaint: complaint concerning behaviour and decisions or negligent behaviour and decisions not taken by the accused.
 - e. Internal confidant: the person referred to in article 2.
 - f. External confidant: the person referred to in article 3.
 - g. Accused: a (former) student, parent/guardian/carer of a minor (former) student, (a member of) personnel, (a member of) management, (a member of) the competent authority or a volunteer who works for the school, as well as a person who in any way is part of the school community against whom a complaint has been filed.
 - h. Advisory committee: a committee set up by the competent authority consisting of members nominated by the MR (parents/students), personnel and competent authority.
 - i. CMT: central management team, consisting of members from the central directie and the school heads
 - j. Competent authority: School Board (Commissie voor het Openbaar Voortgezet Onderwijs (COVO))
 - k. Central directie: school management who, in the name of the competent authority manages the preparation and execution of the school policy, coordinates daily matters and manages the school
 - l. School head: the member of management in charge of the school.

Chapter 2 Dealing with complaints

Paragraph 1 The internal confidant

Article 2. Internal confidant's appointment and responsibilities

- 1 At each location (4), a minimum of two internal confidants are present. At each location at least one female is appointed as internal confidante.
- 2 The central directie appoints, suspends and dismisses the internal confidant. The school head proposes the appointment.

- 3 The internal confidant is the first to receive a complaint, offers help and advice, provides information concerning the procedures to be followed and the consequences of these, and investigates whether a simple solution can be found through mediation. If this is not possible, the internal confidant passes the case on to the external confidant. In cases where the complaint concerns sexual harassment, the matter is in principle immediately passed to the external confidant.
- 4 The internal confidant ensures that the complaint filed does not lead to repercussions for the complainant. The same applies to the accused for as long as the complaint is unproven. Finally, the confidant ensures that the complaint process is *dealt with in a proper manner*.
- 5 The internal confidant refers the complainant, if and in so far as is necessary or desirable, to other specialist care authorities.
- 6 The internal confidant will carry out his/her duties with the utmost care. The internal confidant undertakes to keep all information confidential. This confidentiality also continues after termination of the appointment as confidant.
- 7 If the internal confidant is provided only with indications of a complaint, that don't develop into a firm complaint, the confidant may inform the complaints authority or the competent authority.
- 8 Each year the internal confidant provides a written report of his/her activities to the competent authority.

Paragraph 2 The external confidant

Article 3. The external confidant's appointment and responsibilities

- 1 The competent authority has at least one external confidant as the contact person for complaints.
- 2 The competent authority appoints, suspends and dismisses the external confidant.
The advisory committee proposes the appointment.
- 3 The external confidant investigates whether a simple solution can be found through mediation. The external confidant investigates whether there is cause for a complaint to be filed with the competent authority or complaints authority. The confidant guides the complainant, if required, in the further procedure and, if required, provides assistance in reporting to the police or judicial authorities. At the same time the external confidant ensures that the complaint filed does not lead to repercussions for the complainant. The same applies to the accused for so long as the complaint is unproven. Finally, the confidant ensures that the complaint process is *dealt with in a proper manner*.
- 4 The external confidant refers the complainant, if and in so far as is necessary or desirable, to other specialist care authorities.
- 5 The external confidant will carry out his/her duties with the utmost care. The external confidant undertakes to keep all information confidential. This confidentiality also continues upon termination of the appointment as confidant.
- 6 If the external confidant is provided only with indications of a complaint, that don't develop into a firm complaint, the confidant may inform the complaints authority or the competent authority.
- 7 Each year the external confidant provides a written report of his/her activities to the competent authority.

Paragraph 3 The complaints authority

Article 4 Organisation and responsibilities of the complaints authority

- 1 The competent authority with the agreement of the MR is affiliated with the national complaints authority for public and general education.
- 2 The provisions for the national complaints authority's establishment, composition and responsibilities are included in the national complaints authority for public and general education regulations. These regulations form an integral part of this complaints procedure and are included as an appendix with this complaints procedure.

Paragraph 5 The competent authority's decision-making process

Article 5 Decision on advice

- 1 Within four weeks of receiving the advice from the complaints authority, in conjunction with article 24b paragraph 7 of the Secondary Education Act, the competent authority will inform the complainant, the accused, the school head of the department concerned, the internal confidant, the external confidant and the complaints authority in writing stating whether it considers the complaint justified and whether it will take any measures according to the *advice* and if so which. Enclosed with this notification is the advice from the complaints authority and the report of the hearing, unless there are reasons against this.
- 2 This period may be extended by a maximum of 4 weeks. The competent authority will inform the complainant, the accused, the school head of the department concerned and the external confidant of the reasons for this extension.
- 3 The accused will be given the opportunity to put forward a defence verbally and/or in writing to the competent authority before the decision referred to in the first paragraph is taken.

Chapter 3 Final stipulations

Article 6 Public access

- 1 The competent authority will make the procedure available for inspection at every location.
- 2 The competent authority will inform all those concerned of the procedure.

Article 7 Evaluation

The competent authority, the internal confidant(s), the external confidant(s), the CMT and the MR will evaluate the procedure within four years of it coming into effect.

Article 8 Alterations to the procedure

This procedure may be altered or withdrawn by the competent authority after consulting the internal and external confidants and the CMT, in accordance with the current stipulations.

Article 9 Other provisions

- 1 Cases that the procedure does not provide for are decided by the competent authority.
- 2 This procedure may be cited as “*Stedelijk College Eindhoven* complaints procedure”.
- 3 This procedure is effective from 1-8-2003.

The procedure was laid down by the Secondary Education Committee on 24-6-2003.

Eindhoven, 24-6-2003

Drs. Ing. R. van Elderen
Chairman

Mr. W.J. Aardema
Secretary