

Stichting Het Rijnlands Lyceum complaints procedure

Consent of GMR VO on: December 20, 2023
Consent of GMR PO on: January 31, 2024
Adopted by the Executive Board on February 1, 2024

Stichting Het Rijnlands Lyceum complaints procedure

The Executive Board of Stichting Het Rijnlands Lyceum has adopted the following complaints procedure with the consent of the joint participation councils for primary and secondary education.

Article 1: Definitions

For the purposes of these regulations, the following definitions will apply:

1. School: a school that is part of Stichting Het Rijnlands Lyceum;
2. Competent authority: Executive Board of Stichting Het Rijnlands Lyceum;
3. Principal/director: the person(s) with whom, under the responsibility of the competent authority, the educational, organisational and administrative management of the school rests;
4. Complaints committee: the committee as referred to in Article 10;
5. Complainant: an interested (former) pupil/student, an interested parent/guardian/carer of a minor (former) pupil/student, (an interested member of) the staff, an interested principal/director, (a member of) the competent authority or a person otherwise functionally involved with the school;
6. Confidential person: the person as referred to in Article 4;
7. Defendant: (a member of) the staff, a principal/director, (a member of) the competent authority or a person otherwise functionally involved with the school, against whom a complaint has been made;
8. Complaint: complaint about (neglectful) conduct and/or decisions of the defendant, with due observance of Article 2.

Article 2: Scope of application of the complaints procedure

This complaints procedure does not apply to decisions for which legislation and regulations provide for an objection procedure or for which a separate objection procedure has been established by the principal/director or Executive Board.

Solving problem at school (informal)

Article 3: Solving problem

We feel responsible for providing good education and a pleasant pedagogical climate. Should things go differently than expected despite our efforts, interested parties can hold the school accountable. The basic principle is that problems are initially discussed with the person(s) at school who is/are directly involved. The procedure for this is as follows:

1. A complainant who experiences a problem at or with the school will contact the person who caused the problem, unless prevented by the nature of the problem.
2. If that contact does not lead to a solution, the complainant seeks contact with the teacher, the mentor or the departmental head/manager to reach a solution together.
3. If that contact does not lead to a solution, the complainant will submit the problem to the principal/director of the school concerned for the purpose of resolution. The latter hears those directly involved and tries to reach a solution together with the parties. The principal may delegate this to a deputy director.
4. If the complainant turns to the principal/director of the school concerned, thereby designating the problem as an (official) complaint, it will be dealt with in accordance with paragraph 3.

5. The complainant may contact the internal or external confidential person at any of the aforementioned stages about a problem of undesirable conduct. The confidential person listens, makes suggestions for available solutions and possibilities and/or refers to other resources.

Article 4: Confidential person

1. The Executive Board appoints at least one internal confidential person at each school on the recommendation of the principal/director and after consultation with the school's participation council. Excluded from this paragraph are the ENMS and the Central Services Office. The name of the confidential person can be found on the school's website.
2. The Executive Board appoints at least one external confidential person for the entire Stichting. This confidential person also acts as an 'internal' confidential person for the ENMS, the Central Services Office and the principals/directors. The name of the confidential person can be found on the website of the Stichting.
3. The duties and powers of the confidential persons (internal and external) are governed by the Stichting's role description of internal confidential persons and the role description of external confidential persons.

Filing a complaint – general

Article 5: Filing a complaint to the Executive Board or the National Complaints Committee

If, in the complainant's opinion, the problem cannot be solved at the school, the complainant may file a complaint:

1. to the Executive Board (Article 6) or
2. to the National Education Complaints Committee (LKC) to which the Stichting is affiliated (Article 10).

Filing a complaint to the Executive Board

Article 6: Filing a complaint to the Executive Board

1. A complaint is filed in writing to the Executive Board via the email address bestuur@rijnlandslyceum-csb.nl with 'complaint' in the subject line.
2. The complaint must be filed within one year of the conduct or decision, unless the Executive Board decides otherwise.
3. The complaint will at least include:
 - a. the name, address and email address of the complainant;
 - b. the name of the defendant and the name of the school to which the complaint relates;
 - c. a description of the complaint and the facts and circumstances, as alleged by the complainant;
 - d. the date/period to which the complaint relates;
 - e. a copy of the documents relating to the complaint;
 - f. the date.
4. If the provisions of the previous paragraph have not been met, the complainant will be given the opportunity to send the missing information to the Executive Board within two working weeks if the Executive Board so requests. If this information is not provided within two weeks, the

- complaint will be declared inadmissible. If the complaint is declared inadmissible, the complainant, respondent and principal/director of the school concerned will be notified by email.
5. The complainant will receive within one working week an acknowledgement of receipt and information on how the complaint will be handled.
 6. The principal/director of the school concerned is informed that a complaint has been lodged with the Executive Board.

Article 7: Executive Board takes up the matter or refers it to the LKC

1. If the complainant submits its complaint to the Executive Board, the Executive Board may handle the complaint itself.
2. If the Executive Board considers that no or insufficient attempts have been made to resolve the complaint at the school level, the Executive Board will ask the principal/director of the school whether a resolution is possible at the school level.
3. If the Executive Board does not take charge of handling the complaint itself, the Executive Board refers the complainant to the National Education Complaints Committee (LKC).

Article 8: Handling of the complaint by the Executive Board

1. If the Executive Board handles the complaint itself, it may decide to hear the complainant and defendant as soon as possible and at the latest within six weeks of receiving the complaint (school holidays and days off excluded). If deemed necessary by the Executive Board, it will also hear third parties involved in the complaint.
2. The complainant and defendant will be heard in each other's presence, unless the Executive Board determines otherwise.
3. The hearing of the complainant and defendant may be waived if they declare in writing that they do not wish to exercise the right to be heard.
4. A report of the hearing is drawn up. A report includes:
 - a. the date of the discussion;
 - b. the names of those present;
 - c. a concise, factual account of what was discussed.
5. For the purpose of reporting, an audio recording may be made of the hearing. If an audio recording is made, this will be stated at the beginning of the hearing.
6. The report of the discussion will be sent by email to the complainant and the respondent. The complainant and respondent may submit comments to the Executive Board within one working week from the date of receipt. The report is adopted by the Executive Board.
7. The Executive Board is authorised to make all necessary enquiries in connection with the handling of a complaint.
8. The Executive Board will assess the actions taken with regard to the complaint against the procedures and regulations applicable within the Stichting.
9. The complainant and defendant may be assisted by an authorised representative.

Article 9: Decision of the Executive Board

1. The Executive Board will decide within six weeks (not including school holidays and days off) after the last hearing whether or not the complaint is upheld (or partially so) and will communicate this in a reasoned decision in writing to the complainant, the respondent and the principal/director of the school concerned. If necessary, the Executive Board may extend this period once by a maximum of six weeks (not counting school holidays and days off).

2. In its decision, the Executive Board may also make a recommendation or an instruction on the measures to be taken or decisions to be taken by the principal/director concerned, including activities intended as aftercare.
3. If, in the opinion of the complainant, the handling of the complaint by the Executive Board has not led to a solution, the complainant may submit the complaint to the National Education Complaints Committee (LKC).

Filing a complaint with the National Education Complaints Commission

Article 10: The National Education Complaints Committee (Landelijke Klachtencommissie Onderwijs/LKC)

1. A complaint is filed via the LKC's website.
2. The LKC's contact details are:
Stichting Onderwijsgeschillen
P.O. Box 85191
3508 AD Utrecht
T: 030 - 280 95 90
E: info@onderwijsgeschillen.nl
W: www.onderwijsgeschillen.nl
3. If the LKC considers that no or insufficient attempts have been made to put forward or deal with the complaint at the level of the school or the Executive Board, the LKC will first submit the complaint to the Executive Board. The LKC may ask the Executive Board whether a solution is possible at the school or Executive Board level. The LKC will still consider complaints if no response is received within 14 days or if a solution is not reached within four weeks.
4. The LKC may offer parties to reach a resolution of the complaint through mediation. The LKC may still consider the complaint if, after consultation with the parties, mediation is not decided upon or if mediation has not led to a solution between the parties.
5. The composition of the LKC, the handling of complaints submitted to it and the deadlines to which it must adhere are governed by the LKC Regulations. These regulations can be found on: <https://onderwijsgeschillen.nl/commissie/landelijke-klachtencommissie-onderwijs-lkc/reglement>

Article 11: Providing information to the LKC

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

Article 12: Decision of the Executive Board on the LKC's advice

1. Within four weeks of receiving the LKC's advice, the Executive Board will inform the complainant, the defendant, the principal/director of the school concerned and the LKC in writing, stating reasons, whether it shares the opinion on the merits of the complaint and whether it will take measures as a result of that opinion and, if so, which measures.
2. This term can be extended by a maximum of four weeks.

Miscellaneous

Article 13: Informing participation body

The principal/director of the school concerned informs the participation council within four weeks of any opinion of the Executive Board or the LKC upholding the complaint and of any measures it will take as a result of that opinion. The Executive Board informs the relevant joint participation council within four weeks of any decision by the Executive Board or the LKC where the complaint concerns several schools and has been upheld.

Article 14: 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 remains even if the person concerned is no longer covered by the complaints procedure.

Article 15: Publication of the complaints procedure

The Executive Board publishes these regulations on the Stichting's website. All schoolguides and school websites contain information on the handling of complaints and refer to this complaints procedure on the Stichting's website.

Article 16: Review, amendment and other provisions

1. The complaints procedure is evaluated after four years and amended and/or adopted by the Executive Board, with the approval of both joint participation councils, taking the legal provisions into account. If the applicable legal provisions require earlier adjustment, these regulations will be adjusted earlier.
2. The Executive Board reports annually, in the annual report, on complaints filed during the past calendar year.
3. In cases that are not covered by this system, the competent authority will decide.

The procedure was laid down by the Executive Board on 1 February 2024