

## XPECT013 COMPLAINTS PROCEDURE

### Introduction

Xpect013's complaints procedure has been adopted by the competent authority. Parents, students and staff members can file a complaint with Xpect013 about the conduct or a decision of an employee member of Xpect013 or the board towards a parent or child, a working method within the organisation or the childcare agreement.

Xpect013's address:

Xpect013

Ringbaan Oost 240

5018 HC Tilburg

T: 013-4648230

E: [bestuur@xpect013.nl](mailto:bestuur@xpect013.nl)

I: [www.xpect013.nl](http://www.xpect013.nl)

### Article 1: Definitions.

- '*person complained against*': a person or body functionally involved with Xpect013;
- '*complaint*': A complaint is a formal, written expression of dissatisfaction that has not been or cannot be remedied through informal discussion;
- '*complaints procedure*': The procedure adopted by the Xpect013 competent authority for handling complaints;
- '*person complaining*': (1) parent/guardian/caregiver (hereinafter "parent") of a minor (former) student; (2) the parent of a child who is (or was) cared for on a contractual basis at one of Xpect013's care locations; (3) an employee of Xpect013;
- '*dissatisfaction*': dissatisfaction is an expression of discontent that has been or can be remedied through informal consultation.

### Article 2: Types of complaints

This complaints procedure distinguishes between two types of complaints:

1. general complaints;
2. complaints relating to personal integrity.

A general complaint refers to the conduct or decision of an employee of Xpect013 or the board towards a parent or child, a working method within the organisation or the childcare agreement.

A complaint involving personal integrity refers to, for example, sexual harassment, abuse of power, aggression, violence and discrimination.

### Article 3: Internal complaints committee

The Xpect013 Executive Board has appointed a number of employees as members of the Stichting Xpect013 Complaints Committee. These committee members are mandated by the competent authority to handle complaints submitted for both education and childcare.

If a member of the committee believes that there are facts or circumstances concerning them that could interfere with the formation of an independent opinion on a complaint they are handling, or if the appearance of such could arise, the member will immediately stand down and cease to be a member handling that complaint.

The chairperson of the committee will then appoint another member in the place of the member standing down.

If the member standing down, as referred to in the preceding paragraph, serves as acting chairperson for complaints handling, the chairperson will appoint another member as acting chairperson.

#### Article 4: Location level

If a parent of a minor (former) student, the parent of a child who is (or was) cared for on a contractual basis at one of Xpect013's childcare locations, or an employee of Xpect013 experiences dissatisfaction or has a complaint, this complaint should be handled primarily at location level.

##### 4.1 Dissatisfaction

In case of dissatisfaction on the part of a parent of a minor (former) student, the parent of a child who is (or was) cared for on a contractual basis at one of Xpect013's childcare locations, or an employee of Xpect013, the parent or employee first discusses the matter at the location level with the person they see as directly involved in the occurrence of the dissatisfaction, unless the nature of the problem precludes this. If dissatisfaction persists, the parent/employee may take up the matter with the location director. At this stage, there is no complaint yet.

If this does not lead to a satisfactory solution, this complaints procedure may be invoked and a formal complaint filed.

##### 4.2 Complaint

If there is an actual complaint (see Article 1: Definitions), the person complaining may file a complaint with the location director. If necessary, the complaint can be discussed with the internal confidential advisor of the relevant location.

#### Article 5: Complaints handling at location level.

The location uses the following principles in handling complaints:

- mediation to reach a solution is paramount;
- sufficient information is provided to the person complaining and the person complained against;
- the person complaining is given the opportunity to explain the complaint orally and the person complained against is also given the opportunity to explain their side of the story orally ("hearing both parties");
- information may be requested from third parties;
- the complaint is handled within 6 weeks. This period may be extended if circumstances require it. In that case, the person complaining will be informed in a timely manner.

Completion of the written complaint is accomplished by a written response from the location director to the person complaining. This states what the findings and/or conclusions or (offered) solution are in response to the complaint.

If the person complaining disagrees with the outcome of the findings and/or conclusions or (offered) solutions, they may file a complaint with the board.

#### 5.1 Role of internal confidential advisor

##### Education

After submitting the complaint to the location director, the complaint may, if necessary, be subsequently discussed with the internal confidential advisor of the relevant location (see Article 4.2).

The internal confidential advisor will discuss with the person complaining what steps can be taken. If the person complaining is a parent, the internal confidential advisor may refer them to an external confidential advisor if necessary. If the complaint is submitted by an employee of Xpect013, the employee has the option of contacting one of Xpect013's external confidential advisors directly.

##### Childcare

If the complaint has been submitted to the location director by an employee of Xpect013, the internal confidential advisor will, if necessary, discuss with the employee what steps can be taken. The employee has the option of contacting one of Xpect013's external confidential advisors directly themselves.

If the complaint is filed by a parent, the internal confidential advisor has no role.

#### Article 6: Board level

A general complaint is considered by the board (i.e.: Xpect013's internal complaints committee) after the complaint has been handled at the location level.

#### Article 7: Filing a complaint

A complaint is submitted in writing by completing the complaints form on the Xpect013 website. A condition is that the complaint must not be made anonymously. Anonymous complaints will not be considered.

The complaint must be filed with Xpect013 within a reasonable time after the complaint arises - but no later than one year after the conduct or decision to which the complaint relates, unless the board sees reason to extend this time period.

#### 7.1 No cause of action

If the formal requirements set forth in this article are not met, the person complaining has no cause of action and the substance of the complaint will not be dealt with.

## Article 8: Handling the complaint

Mediation to reach a solution is paramount. Furthermore, the following principles will be observed in handling the complaint:

- sufficient information is provided to the person complaining and the person complained against;
- the person complaining is given the opportunity to explain the complaint orally and the person complained against is also given the opportunity to explain their side of the story orally ("hearing both parties");
- information may be requested from third parties;
- the complaint is handled within 6 weeks. This period may be extended if circumstances require it. In that case, the person complaining will be informed in a timely manner.

On behalf of the board, the internal complaints committee will take up the complaint and engage in discussions with the person complaining and the person complained against. If the complaint was resolved through mediation, the manner in which it was resolved will be indicated. No later than six weeks after the complaint is filed, the internal complaints committee will inform the person complaining in writing of its decision and explain follow-up actions.

If the discussions did not result in a resolution, the person complaining may request that the complaint be handled by the chairperson of the Executive Board.

The chairperson of the Executive Board will make a decision within four working weeks of this request from the person complaining, but not before the person complaining has been given an opportunity to be heard. If the deadline of four working weeks falls in a school holiday, the deadline is suspended for the duration of the school holiday.

The possible outcomes of the decision of the chairperson of the Executive Board are:

1. The complaint is upheld; this means that the person complaining wins the case;
2. The complaint is rejected; this means the person complaining loses the case;
3. The complaint is declared manifestly unfounded; this means that no investigation is necessary to determine that the complaint is unfounded. For example (but not exclusively) if there is a misconception or misunderstanding on the part of the person complaining, or if the internal complaints committee has adequately handled the complaint;
4. The complaint is declared manifestly well-founded: this means that no investigation is required to determine that the complaint is justified.

In the case where the decision is that the complaint is manifestly founded or unfounded, the parties will not be heard. This includes the situation where the person complaining is invited to the administrative office for an interview to explain the complaint and the person complaining fails to attend without prior notice. In that case, the person complaining was given sufficient opportunity to explain the complaint orally, but this was not taken advantage of and complaints handling will continue without hearing both parties.

If the decision is not a decision within the meaning of the General Administrative Law Act and, in this sense, has no legal effect, it is not open to objection and appeal to the court. The person complaining

does have the option of submitting the complaint to the National Educational Complaints Committee (LKC). See Article 9 et seq.

Registration of complaints and reporting of the complaints handling process within education take place at the school level and by school year. Complaints in school are reported to the competent authority for the purpose of the foundation's annual report, which lists only numbers and results of settlement at the board level.

The registration of complaints and the reporting of the complaints handling process within childcare take place at the location level and by calendar year. Annually in April, the location's anonymised annual complaints report is shared with the Pedagogy and Quality Department, which then compiles it at the organisational level and shares it with the Works Council, the Executive Board and the Municipal Health Service (GGD). The Disputes Committee's complaint-free certificate is shared with the locations through the Pedagogy and Quality Department. The director then shares it with the parents' committee.

#### Article 9: External complaints handling

If the internal complaints process has not resulted in a satisfactory resolution, the complaint can be submitted to an external complaints committee.

#### 9.1: Education Disputes Committee

To assess and handle complaints, Stichting Xpect013 (education) is affiliated with the Stichting Onderwijsgeschillen (National Educational Complaints Committee, LKC).

The LKC applies the National Educational Complaints Committee Regulations. These regulations came into force on 1 February 2011, and were amended on 30 October 2015, 8 February 2018, 1 August 2020 (in connection with the change of the term "participant" to "student" in senior secondary vocational education), April 2021 (technical amendment) and 1 August 2022 (in connection with amendment to the Secondary Education Act). These regulations were taken up and adopted by Stichting Xpect013 without change.

The address of the complaints committee:

National Educational Complaints Committee (LKC).

Woudstede Building

Zwarte Woud 2

3524 SJ Utrecht

T: 030-2809590

I: [www.onderwijsgeschillen.nl](http://www.onderwijsgeschillen.nl)

#### 9.2: Childcare Disputes Committee

All Xpect013 childcare locations are required (Childcare Act Article 1.57b) to be affiliated with the Childcare Disputes Committee (Geschillencommissie Kinderopvang). The Childcare Disputes Committee is open to parents who use childcare and out-of-school care and to parents' committees

in disputes between the holder and the parents' committee regarding decision-making of the holder and powers of the parents' committee as referred to in Article 1.60 of the Childcare Act.

The starting point for complaints from individual parents is that Xpect013's internal complaints procedure has been followed prior to filing a complaint with the Disputes Committee. This does not apply to parents' committees. If internal complaints handling did not lead to a satisfactory solution, the complaint can be submitted to the Childcare Disputes Commission.

In the following two situations, the complaint can also be submitted directly to the Childcare Disputes Committee without first going through the internal complaints procedure:

1. If the person complaining has not received an assessment of the complaint in a timely manner (within 6 weeks) from Xpect013;
2. If the complainant cannot reasonably be required to file a complaint with Xpect013 under the circumstances. For example, in the situation where the person who has to assess the complaint is the subject of the complaint. As a result, internal complaints handling cannot take place independently.

Before a parent or employee brings the matter to the Disputes Commission, the Childcare Complaints Desk can always be contacted for free information, advice and mediation.

The person complaining must submit the complaint to the Disputes Committee within 12 months after having submitted it to Xpect013.

The Disputes Committee makes a binding decision for both parties.

The address of the complaints committee:

The Disputes Committee

Bordewijklaan 46

2591 XR The Hague

T: 070 310 5310

I: [www.degeschillencommissie.nl](http://www.degeschillencommissie.nl)

#### Article 10: Complaints regarding personal integrity

Complaints related to personal integrity include complaints of sexual harassment, abuse of power, aggression, violence (including bullying) and discrimination.

##### 10.1: Education

Complaints relating to personal integrity within education go directly to the complaints committee, applying the "Protocol on Identification and Reporting of Sexual Harassment and/or Sexual Abuse of Students." If the competent authority receives a report of a suspected sexual offence between an employee and a minor student, the board is required to consult with the confidential educational inspector on the matter.

### 10.2: Confidential educational inspector

Parents, students, teachers, management and boards, as well as confidential advisors can consult the Inspectorate of Education's confidential inspector when (serious) problems occur in or around the school or programme in the area of:

- sexual abuse (crimes against public morals);
- sexual harassment;
- psychological and physical violence (including bullying);
- discrimination and radicalisation.

The confidential inspectors work for the entire education sector, including senior secondary and higher education. The confidential inspector listens and informs. If necessary, the confidential inspector also advises, for example, on a route to filing a formal complaint or making a report.

### 10.3: Childcare confidential inspector

Holders, employees, childminders and parents can call the confidential inspector when there are signs in or around a childcare location about:

- possible sexual harassment;
- possible sexual abuse;
- psychological and physical violence.

The confidential inspector advises holders, employees, childminders and parents if they have indications that an employee or other person present in the childcare facility may be using psychological and physical violence, abuse, sexual harassment or sexual abuse against a child.

### Article 11: Other provisions

In cases not covered by the procedure, the Executive Board decides.

[Appendix: Protocol on Identification and Reporting of Sexual Harassment and/or Sexual Abuse of Students](#)

[Appendix: LKC regulations](#)