

Regulation for the Dutch Caribbean



Complaints Committee for Education Version 1, March 2015

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Complaint Procedure

Our school aims to have good relationships with each and every parent/guardian. Nevertheless it can happen that you as a parent/guardian seriously disagrees with your child's teacher or the school. When this is the case, it is important to know where to go with your complaint. We have set a procedure for this. This procedure takes legal obligations into account.

- When you have a complaint concerning your child's teacher, you first discuss it with the teacher and try to find an acceptable solution.

-If this conversation doesn't lead to a satisfactory solution, or your complaint concerns school management, you can submit your complaint to the management of the school. You will be invited for a meeting in which your complaint will be discussed and hopefully solved.

- When this meeting doesn't lead to a satisfactory agreement, you can turn to the school board. You have to report your complaint in writing to the board. The board will issue a statement after all concerned parties have been heard. You can send your letter to: board@learningsaba.com

When your complaint still hasn't come to an acceptable solution, you can turn to the Complaints Committee for Education. There is a separate procedure for submitting a complaint to this committee. This procedure can be found on the SCS website.

The Educational Inspection in the Netherlands has a unit of inspectors who can be contacted in specific cases like sexual intimidation, sexual misuse, psychological or physical violence, discrimination or radicalization: <http://www.onderwijsinspectie.nl>

Article 1: Definitions

1. This regulation recognizes the following definitions:
 - a. school: a school as meant in the Law for primary education BES/Law for secondary education BES/Law for education and vocational education BES;
 - b. Complaints committee: the committee as meant in article 2;
 - c. complainer: a student, a parent/guardian/care giver of an under aged student, (a member of the) personnel or a volunteer who performs activities for the school, as well as a person who otherwise is part of the school community, who has submitted a complaint;
 - d. complaint: complaint about actions or decisions or refraining from taking actions or decisions by the one who is complained about;
 - e. accused: (a member of the) personnel, (a member of the) board of directors or the management team, (a member of the) competent authority or a volunteer who performs activities for the school, as well as a person who otherwise is part of the school community, against whom a complaint is submitted.

Article 2: Composition Complaints Committee

1. The Complaints Committee consists of a chairman and at least two members, who are appointed by the Kingdom Representative.
2. The Committee must be composed in such a way that it can be considered capable enough to handle complaints. The president is preferably a lawyer.
3. The Committee performs its activities completely independent from the Kingdom Representative and any other connected authority.
4. Members of the personnel and of the competent authority as well as parents and students of a school cannot participate in the Complaints Committee.
5. The chairman and the members of the Complaints Committee do not participate in the handling of a complaint if this jeopardizes the perception of their impartiality.
6. In case of serious dysfunction, the Kingdom Representative can suspend or discharge a member of the committee on a proposal by the chairman. If the chairman dysfunctions seriously, the Kingdom Representative can suspend or discharge him on a proposal by at least two members of the committee.
7. The secretary and his substitute answer only to the president of the committee regarding their activities for the committee.
8. The members of the committee receive no compensation for their activities. The costs related to keeping an administration and holding meetings, eventual travel and residence expenses and other costs related to the execution of assignments will be paid for by the Kingdom Representative on declaration basis.

Article 3: Installation and assignments Complaints Committee

1. A competent authority notifies the Complaints Committee in writing that it wishes to make use of the Complaints Committee's services and with that agrees with the work method and obligations established in this regulation.
2. The Complaints Committee investigates the complaints of all the schools of every connected competent authority and advises the competent authority about them.
3. The Complaints Committee gives solicited and unsolicited advice to a competent authority regarding:
 - a. the validity of the complaint;
 - b. the taking of measures;
 - c. other decisions to be made by the competent authority.
4. The Complaints Committee acts with the greatest possible caution when handling a complaint in order to protect the interests of all directly involved. The members of the Complaints Committee are bound to secrecy regarding all information they learn about in that capacity of which they know or can reasonably suppose the confidential nature of it unless any legal prescription obliges to report or the need for reporting results from the assignment. This obligation doesn't expire after the person involved has ended his assignment for the Complaints Committee.
5. The Complaints Committee presents a written report about her activities to all competent authorities yearly, within three months after the calendar year that the report is about.

Article 4: Membership period

1. The members and the substitute members of the committee are appointed for a period of four years and are re-eligible immediately in so far that re-appointment cannot take place more than twice.
2. The president and the members of the committee may resign at any moment.

Article 5: Submitting a complaint

1. The complainer submits a complaint to the Complaints Committee after an internal complaints procedure of the school has been followed.
2. A complaint cannot be about an action or decision that took place more than a year earlier, unless the Complaints Committee decides otherwise.
3. The date of reception will be noted on the submitted complaint.
4. After receiving the complaint, the Complaints Committee notifies the competent authority, the complainer and the accused within five working days, in writing, that it is examining a complaint. First it will check whether the possibilities in the school for finding a solution for the complaint were utilized sufficiently.
5. The competent authority notifies the director of the school concerned in writing that a complaint is being examined by the Complaints Committee.
6. The complainer and the accused are allowed to use an assistant or a representative.

Article 6: Withdrawing a complaint

1. If the complainer withdraws a complaint with the Complaints Committee during the procedure, the Complaints Committee will notify this to the accused, the competent authority and the director of the school involved and the procedure will be stopped.
3. In deviation from the first clause, the Complaints Committee may decide to continue handling the complaint, if it is convinced that the withdrawal took place under pressure by the accused, the competent authority or the director or if it holds the opinion that the interest of the school are served by handling the complaint.

Article 7: Contents of a complaint

1. A complaint is submitted in writing and undersigned.
2. In case of a verbal complaint, the receiver as meant in article 5, first clause, immediately makes a report that the complainer must sign for agreement and of which he will receive a copy.
3. The complaint contains at least:
 - a. the name and address of the complainer;
 - b. the date;
 - c. a description of the complaint.
4. If when submitting the complaint to the Complaint Committee, the requirements set out in the third clause are not met, the complainer will receive the opportunity to correct the omissions within two weeks. If after that the requirements in the third clause are still not met, the president of the Complaints Committee can declare the complaint as inadmissible.
5. The complaint can also be declared inadmissible if the Complaints Committee judges that the complainer no longer has any interest with the handling of the complaint.
6. If the complaint is declared inadmissible, this is notified to the complainer, the accused, the competent authority and the director of the school concerned.

Article 8: Preliminary research

The Complaints Committee is, regarding the preparations for handling the complaint, authorized to gather all desired information. It can involve experts for this and, if needed, invite them to the hearing.

Article 9: Hearing

1. The chairman determines a place and time for the hearing in which the complainer and the accused receive the opportunity to be heard in a non-public meeting. The hearing takes place within four weeks after receiving the complaint.
2. The complainer and the accused will be heard in the presence of each other, unless the Complaints Committee, be it on the request of the complainer or of the accused or not, stipulates otherwise.
3. The Complaints Committee can stipulate, at the request of the complainer or of the accused or not, that a confidant(e) is present at the hearing.
4. If the complainer declares that he wants to forgo his right to be heard, hearing him can be left out.
5. If the parties are not heard in each other's presence, a report is made of the hearing. The report contains at least:

- a. the names and the functions of those present;
- b. a factual representation of what has been said back and forth;
- 6. In behalf of the secretary a recording of the hearing can be made, which is erased immediately after the Complaints Committee has presented its advice. No copy is made or distributed of this recording.

Article 10: Advice

1. The Complaints Committee deliberates and decides behind closed doors about the advice.
2. The Complaints Committee reports her findings in writing to the competent authority, within six weeks after the hearing took place. This time period can be extended. The Complaints Committee notifies the complainer, the accused and the competent authority of an extension mentioning the reasons therefore.
3. In its advice, the Complaints Committee gives a motivated judgment about the complaint being founded or not. It sends a copy of the advice to the complainer, the accused and the director of the school involved.
4. The Complaints Committee can give recommendations in its advice about measures to be taken by the competent authority.

Article 11: Quorum

To hold a hearing, at least two members of the Complaints Committee, including the chairman, are required to be present: physically or by video link.

Article 12: Chairman's decision

1. If the chairman of the Complaints Committee is of the opinion that the committee is unauthorized, that the complaint is inadmissible or that a complaint seems to be unfounded, he can close the examination of the complaint and render a decision without a hearing.
2. If the complainer doesn't accept the decision by the chairman of the Complaints Committee, as meant in the first clause, he can object against it with the substitute chairman of the committee. The substitute chairman evaluates how the decision of the chairman was arrived at and whether he can support it. He notifies the complainer of his findings.

Article 13: Decision based on advice

Within four weeks after receiving the advice of the Complaints Committee, the competent authority notifies the complainer, the accused, the director of the school involved and the Complaints Committee motivated in writing whether it agrees with the ruling about the validity of the complaint and whether it will take measures following the ruling and if so, which measures.

2. This time period can be extended with maximally four weeks. The competent authority notifies the complainer, the accused and the Complaints Committee of an extension mentioning the reasons therefore.

Article 14: School vacations and time periods.

Where previous articles mentioned time periods, the days of school vacations are not included.

Article 15: Announcement

The competent authority announces in the school guide how the complaints regulation will be available in the school and mentions the contact information too of the Complaints Committee.

Article 16: Evaluation

This regulation will be evaluated within four years after taking effect by the Complaints Committee and the authorities involved.

Article 17: Modification of this regulation

This regulation can be modified or withdrawn by the Complaints Committee, taking valid stipulations into account.

Article 18: Remaining stipulations

1. In cases for which this regulation has no provision, the Complaints Committee will decide.
2. This regulation becomes valid as of the 1st of Augustus 2015.

This regulation is established on June 18th, 2015

Stacey Simmons

E.Mommers

La-Toya Charles

President

Treasurer

Secretary



Complaint form

You have in front of you the complaint form for education in the Dutch Caribbean. You are requested to fill out the complaint form correctly and completely. You may approach a trusted person at the school for assistance with the filling out. You can only use this form after the internal complaints procedure has been followed. All information will be handled very discretely.

The block below must be filled in by the complainer.

Name

M/F

Address

Home telephone
Mobile telephone

E-mail address

Date

Preference
for
communication

E-mail/Telephone/Individual conversation

Fill in below the name of the person who, in your opinion, did not act correctly or properly.

Name of the school:

Name and telephone of the school leader:

Name and telephone of the person who
helped with filling out the form.

Period or date since when this case exists.

Name and function of the person
whom you are complaining about.

Have you submitted the complaint against Yes
this person to the school management/director No
(Y/N)

Give a short account of the
school management's reaction.

Not filling in the column to the right means that the complaint will not be handled unless the complaint is about the school leader!

1

Have you submitted the complaint against this person to the school board (Y/N)

Give a short account of the school board's reaction.

Not filling in the column to the right means that the complaint will not be handled!

Describe your complaint clearly and briefly in the block below (when, where, who and what)
Add enclosures, eventually.

Signature submitter and date

After undersigning, send form to one of the e-mail addresses below.

1. solianag@sba-advocatenbonaire.com (Bonaire)
2. Jfwilson678@gmail.com (Saba)
3. rene.reehuis@gmail.com (St. Eustatius)

To be filled in by the complaints committee for statistics. (Please mark)

Improper action by the competent authority, the teachers and other persons who work at the school

Setup of the school organization

The relationship between the persons mentioned above and the child

Sexual abuse and sexual intimidation

The relationship between the persons mentioned above and the parent

Discriminatory conduct

The teaching method, content of the education

Aggression or violence

Providing information, communication and the information given through the school guide

Bullying

Preliminary exams, school tests and exams

Financial issues

Student guidance

Security and hygiene

Use of disciplinary measures, suspension and expulsion

School policy

Evaluation of students

Other, namely

Description of judgment/advice complaint committee

Signature and date of the chairman. Forward to the school board.