

2019

COMPLAINTS PROCEDURE MPC AND SUNDIAL SCHOOL

FOR COMPLAINTS FROM PARENTS, STUDENTS AND OTHER
STAKEHOLDERS

SVOBE Charles Voges Street 14B Philipsburg St. Maarten

Table of Content

| | |
|---|-----|
| 1.Purpose and scope of the complaints procedure | p.2 |
| <ul style="list-style-type: none">• Scope• Purpose• Aims• Legal foundation | |
| 2. Process of filing and handling Complaints and Grievances | p.3 |
| <ul style="list-style-type: none">• Phase 1: informal phase step 1 and 2• Phase 2:Fomal phase step 3 and 4 | |
| 3. Flowchart with timelines for the SVOBE schools | p.6 |
| 4. Responsibilities and expected attitude | p.7 |
| 5. Addendum: | p.9 |
| Complaint form | |
| Article 18 of LV Funderend Onderwijs/Ordinance on Foundation Based Education | |

1. Purpose and scope of the complaints procedure

Scope:

All schools receive complaints from their clients from time to time. These can range from informal, verbal comments up to formal, written complaints; from minor to major concerns. They may come from students, parents, or even members of the public. Complaints can be about lessons, grades, approaches of teaching or non-teaching staff, management, the board, the school policies or school events. This policy deals with all forms of complaints from all above mentioned stakeholders, unless separate policies and legal regulations have been established, which is the case for:

- Complaints on placement of students: see Admittance Procedure(SVOBE Placement/Appeal committee)
- Complaints on promotion advice: see Promotion Regulations (Teacher Report card Meeting)
- Suspicion of child abuse: see Protocol Child Abuse, 2014 (Court of Guardianship)

Anonymous complaints:

We will **not normally investigate anonymous complaints**. However, the General Director or Chair of the school board, if appropriate, will determine whether the complaint warrants an investigation.

Time scales for starting the complaint procedure

You must raise the complaint **within three months** of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

SVOBE Schools will consider complaints made outside of term time to have been received on the first school day after the holiday period.

The purpose of having a complaints procedure are:

For students, parents and other stakeholders:

- To discourage the harboring of grievances
- To assist the resolution of individual grievances in an atmosphere of trust and confidentiality
- To settle grievances as soon as possible
- To ensure that grievances are dealt with fully, promptly and fairly

For the organization:

- To receive and handle signals in a constructive and transparent manner, thereby improving the education and the proper course of events at school.

Aims:

With this Complaints Procedure we aim to:

- Strive for resolution of problems by informal means wherever possible and at the lowest level possible. For instance: when a parent has a concern or complaint about a teacher, the first step is for the parent to address this with the respective teacher.
- Allow swift handling of a complaint within established time-limits for action
- Keep people informed of progress

- Ensure a full and fair investigation
- Have due regard for the rights and responsibilities of all parties involved
- Respect confidentiality
- Address all the points at issue and provide an effective response, and appropriate redress, where necessary

The procedures are designed to be:

- Easily accessible and publicized on the schools website. A copy will be made available upon request.
- Simple to understand and use
- Impartial
- Non-adversarial

Legal Foundation

The Ordinance on Secondary Education does not make mention of the school's obligation to establish a formal policy on how to deal with complaints nor the establishment of a complaints committee. The Ordinance on Foundation Based Education, however, describes in article 18, the basic guidelines a school must adhere to when dealing with complaints. The Ministry of ECYS has urged all subsidized schools on St. Maarten, primary, secondary and SBO schools, to regulate how they deal with complaints in a transparent policy. The establishment of an impartial complaints committee has been mentioned as an important element in this process. The SVOBE board has requested the development of a complaints procedure, including the setting up of a complaint committee, in March 2019.

2. Process of filing and handling Complaints and Grievances

This procedure sets out:

1. An informal process through which most grievances may be resolved without recourse to any subsequent stage
2. A formal procedure to be instigated when the first stage has failed or is inappropriate.

PHASE 1: informal phase

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The SVOBE organization takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

STEP 1:

Discuss the issue with the person you have an issue with and together you try to look for an explanation or a solution.

E.g. a student with a complaint about for instance a grade, discusses this first with the respective teacher.

A parent with an issue concerning a certain teacher, first contacts administration with the request to speak with this teacher. Administration will inform the teacher, who in turn will invite the parent in.

STEP 2:

If no resolution was found during the first step, the complainant can take the issue to a higher level:

This mostly means that a Coordinator or Department Head is contacted. In case the complaint concerns the respective manager and the discussion in step one with this person did not lead to a resolution to the complainant's satisfaction, the complaint can be directed to the General Director.

Step 2 also starts with a discussion. Furthermore, this step may involve:

- A short investigation into the issue (is it true, what are causes etc.) and exploration of possible solutions
- When it pertains to (an)other person(s), who is/are accused of something, there will always be a discussion with that person/these persons as well: first separate and if applicable and appropriate a meeting will be held with all parties involved: to mediate or to look for a mutual solution.

PHASE 2: FORMAL PHASE

STEP 3:

If the complaint is unresolved, the complainant is not satisfied with the outcome OR if the complaint is directed against the General Director or the School Board, the formal phase commences:

In this phase it is **necessary that the complaint is formulated in writing**. Preferably the attached complaint form is used.

Written complaints should always consist of the following:

- Name of complainant and contact information
- The date of filing the complaint
- Description of the complaint
- Steps already taken to resolve the issue at hand
- Signature of complainant

The written complaint is directed to the Department Head/Manager, to the General Director or to the School Board. Complaints about the General Director are always directed to the chairperson of the School Board (see further step 4).

A written complaint must be followed up with:

- A confirmation of receipt by the person/body whom the complaint was directed to
- An investigation, which includes a meeting with the complainant(s) and if applicable the accused.
- All concerned parties will be invited first separately and if appropriate and deemed effective also together to mediate or look for a solution together.
- When the investigation is completed, the person/body dealing with the complaint will make a report, which will consist of:

- A brief description of the complaint, actions taken, decision on solution and all written documents/letters
- The complainant and if applicable accused will be informed in writing about the decision taken.

The Department Head and/or General Director may decide that the issue should be decided on at School Board level. In this case the complainant (and if applicable the accused) will be informed of this decision in writing. The arguments for the referral must have been clarified in the letter.

STEP 4:

The School Board can either decide to deal with the complaint themselves (as described in step 3) and conduct their investigation or they can refer the matter to the Complaints Committee.

This **Complaints Committee** consists of 3 persons, preferably 2 of the school board and general management (e.g. 1 School Board member and 1 Department Head) and 1 representative of staff (e.g. a teacher or a person of the non-teaching staff).

The SVOBE School Board has to approve and appoint the members of the committee. The committee members commit to be part of the Complaint Committee for three years, but may resign at any moment.

The committee will review all available information (written) on the complaint and will arrange a hearing session:

The complainant or if applicable – the accused - may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate

If the complainant or the accused reject three proposed dates for such meetings, without good reason, the investigating party will decide when the meeting will be held. It will then proceed in the complainant's or accused absence on the basis of written submissions from both parties.

The Complaints Committee, in seeking to resolve the grievance, may adjourn the meeting or defer its decision if this is considered appropriate to promote conciliation or obtain further information on relevant factors.

The decision of the Complaints Committee will be sent to the School Board. The School Board may arrange a session with the Complaints Committee to receive further explanation about their decision. In principal the School Board accepts and approves the decision of the Complaints Committee. If the School Board wishes to deviate from the decision, the deviation has to be justified with arguments. Upon approval of the decision, the schoolboard will send it to all parties concerned. The decision made by the School Board is final and the parties involved will be informed that the complaints procedure has been exhausted and that the matter is considered closed.

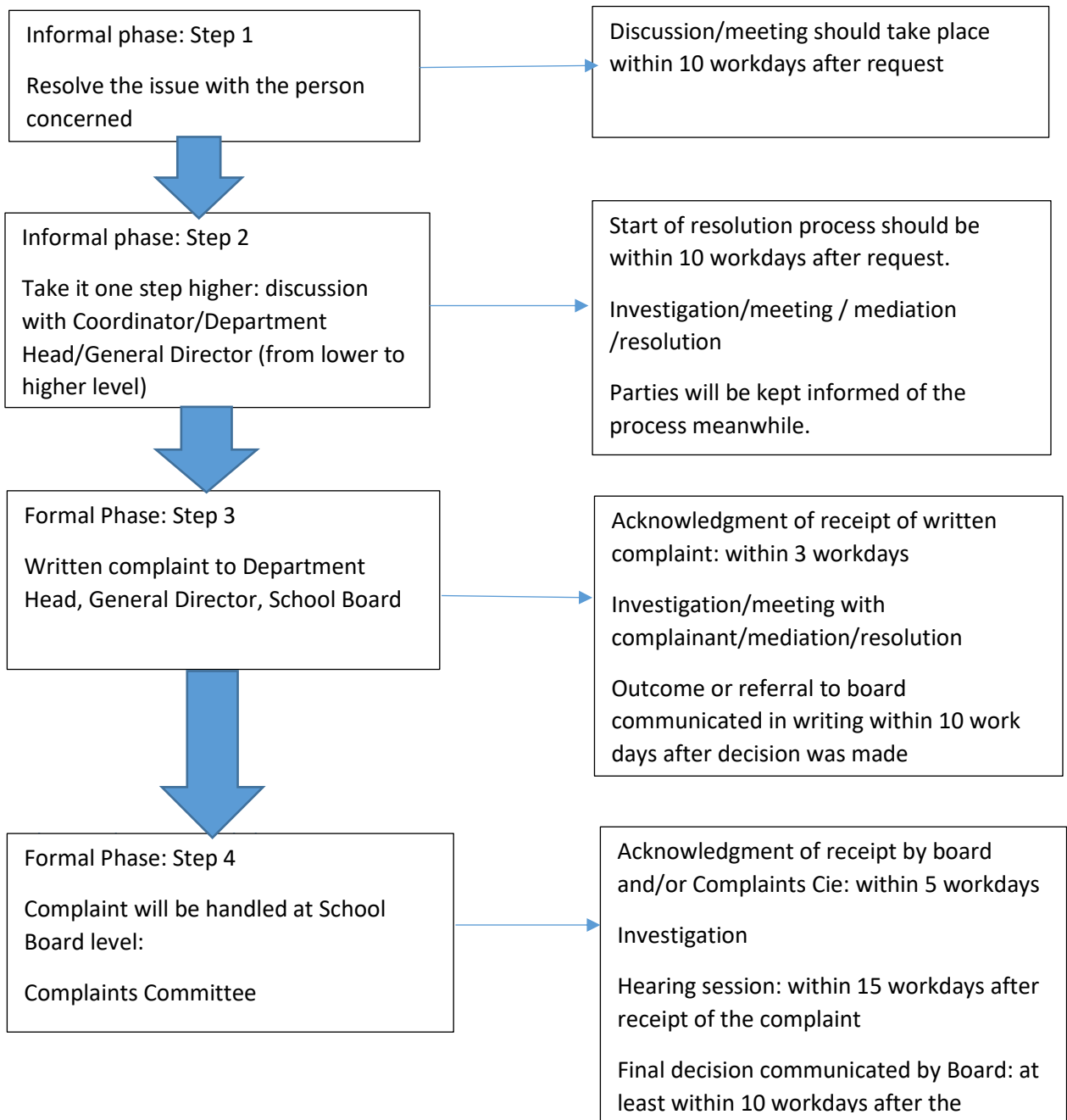
In case the complainant is not satisfied, he/she can seek external support:

1. For educational affairs: The Inspectorate of Education (Brooks Tower/Harbor View/Philipsburg)
2. Legal counsel

Withdrawal of a complaint:

Withdrawals of complaints by the complainant in the formal phase need to be submitted in writing

3.FLOW Chart with timelines for the SVOBE schools



3. Responsibilities and expected attitude

Complainant

To achieve an effective response, the complainant is expected to:

- explain the complaint in full as early as possible
- co-operate with the school to seek a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing to the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publishing the details of their complaint on social media and respect confidentiality

Person (s) receiving the complaint in step 1:

- Listen and be receptive to the complaint
- Avoid being defensive
- Apologize when needed, take responsibility
- Provide information, explanation or refer to someone who can
- Help to look for a resolution that would suit the complainant/situation

Investigator in step 2 and 3

The investigator should:

- provide a comprehensive, open, transparent and fair consideration of the complaint by liaising with the complainant as appropriate to clarify what the complainant feels would put things right
- conducting interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any continuation at a higher level
- be mindful of the timescales to respond
- prepare a brief account, that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The School Board or Complaint Committee:

Parties in step 4 should ensure that:

- the complainant or both parties are asked to provide any additional information relating to the complaint by a specified date in advance of the meeting with School board or Complaint Cie.
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a young person (e.g. a student)
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the accused are given the opportunity to make their case and seek

- clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the committee is open-minded and acts independently
 - no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
 - the meeting is recorded in minutes
 - the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant if needed
 - extra care needs to be taken when the complainant is a young person and present during all or part of the meeting
- Careful consideration of the atmosphere and proceedings should ensure that the young person does not feel intimidated.

Record keeping

In steps 3 and 4 the complaint process will be recorded. The written complaint, minutes of meetings and any other explanatory documentation will be destroyed after the complaint process, but will be held confidentially in scanned format on the p-drive of the schools for a period of two years.

The records will only be used:

- as information in case of a re-occurring complaint
 - to evaluate annually on management and board level how the schools deal with complaints
- Questions that can be answered are:
- how many written complaints did we receive and address this year?
 - Have the complaints been solved effectively? Were advised actions executed?
 - Have we been able to use the required open and fair attitude throughout the complaint process? Is training needed to improve this?

Complaint Form for students, parents and other stakeholders

Please complete and return to <...Name> (who will acknowledge receipt and explain what action will be taken).

| |
|--|
| Your name: |
| Student's name (if relevant): |
| Your relationship to the pupil (if relevant): |
| Address: Emailaddress: Tel.nr: |
| Please give details of your complaint, including whether you have spoken to anybody at the school about it. |

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Signature: