



**Complaints procedure  
2018  
International Montessori Institute**



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### **Why do we have a complaints policy?**

Our objective is to provide a secure, calm and welcoming environment for students and staff. We recognise that these aspirations can only be achieved by the wholehearted commitment and support of the whole International Montessori Institute community.

Occasionally, situations will occur which prevent the fulfilment of those aims and give cause for complaint. In order to bring any such occurrences to a speedy and satisfactory conclusion, the International Montessori Institute has a Complaints Procedure.

It is important that complaints are raised at the earliest possible opportunity to enable the matter to be dealt with speedily and effectively. An early informal approach is often the best means of resolution of problems. The International Montessori Institute expect complaints to be made at the earliest opportunity and consider 3 months to be an acceptable timeframe to lodge a complaint.

Applies from June 2018 onwards.



## Article 1 Definitions

- a. IMI The International Montessori Institute B.V.
- b. RvA Raad van Advies (i.e. Board of advice) The board of advice of the IMI.
- c. Director The director of the IMI.
- e. Concern An expression of worry or doubt over an issue considered to be important for which reassurances are sought.
- d. Complaint An expression of dissatisfaction however made, about actions taken or a lack of action.
- e. Complainant The person who submits the complaint.
- d. Accused An employee or a student whose behaviour is the subject of the undesirable behaviour the complainant refers to.
- e. Staff A person with a permanent or temporary contract of employment with the IMI or persons who perform work at the IMI such as guest lecturers, seconded staff, trainees and temporary staff.
- f. Student A person who is registered for a programme provided by the IMI.
- g. Confidential councillor A person who is designated by the Director of the IMI to assist and advice anyone who intends to submit a complaint or anyone who has already submitted a complaint. The confidential councillor can provide information on the complaints procedure, search for a solution to the problems identified by the complainant. The confidential councillor can advice the Director in how to handle the complaint (as to whether the complaint is to be handled by the director of the IMI or by the complaints committee).
- h. Complaints committee The permanent advisory committee set up by the Director to investigate and assess complaints and to advise the Director regarding measures to take or not to take.

## **The Difference between a concern or complaint**

As stated above, a 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The International Montessori Institute will take informal concerns seriously and make every effort to resolve the matter as quickly as possible. There are occasions when complainants would like to raise their concerns formally. In those cases, the International Montessori Institute's formal procedure should be invoked through the stages outlined within our procedure.

## **Article 2 – The right to complain**

1. Any person, including members of the staff, may make a complaint about any provision of facilities or services that the International Montessori Institute provides. Hereinafter referred to as 'the complainant'.
2. The complaint, as referred to in 'Article 1', must relate to the conduct of a member of staff of the IMI or a student, hereinafter referred to as 'the accused'.
3. Former employee or ex-students still have the right to submit a complaint, until three months after the end of his/ her appointment of registration if the accused is still employed by the IMI or is still registered as a student or course participant at that point in time.
4. The complainant can retract a complaint at any time. After receipt of the registration of a complaint, the handling of the complaint will immediately suspend and the documents relating to the complaint will be removed from the files in question.

### Article 3 – The submission of a complaint; the confidential counsellor

1. Complaints must be submitted to the Director in writing, stating the reasons for the complaint, preferably via a confidential counsellor. If the Director is the accused, the complaint must be submitted to the RvA in writing, stating the reasons for the complaint, preferably via a confidential counsellor (see Figure 1).

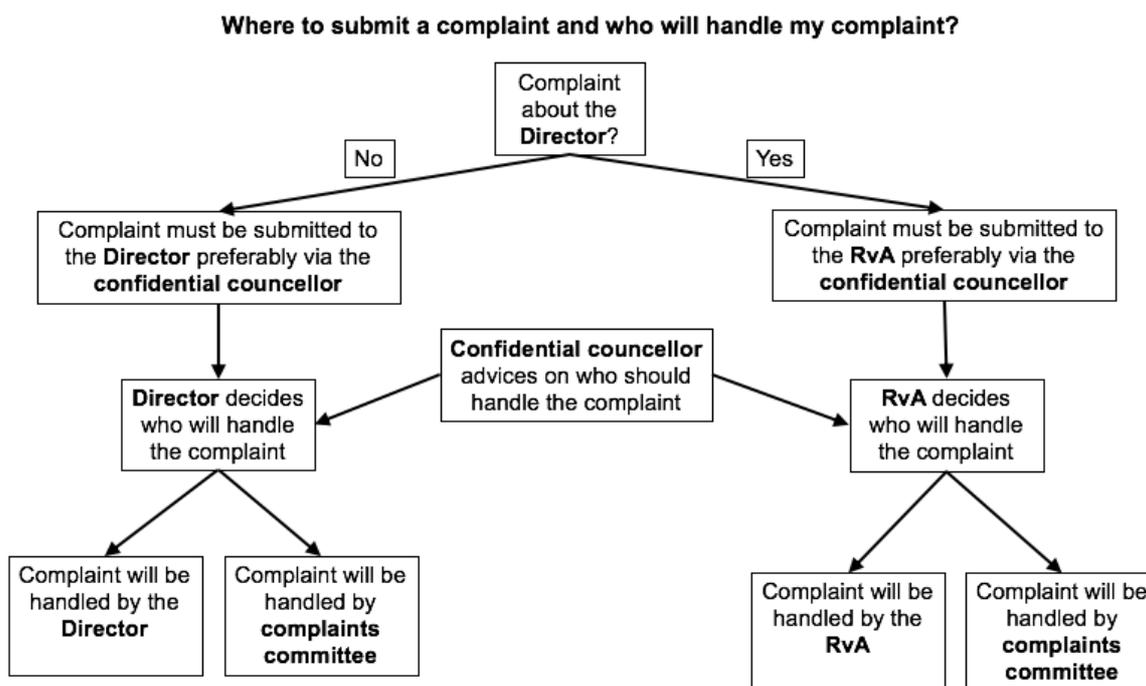


Figure 1: Where to submit a complaint and who will handle my complaint?

2. If a complaint is submitted to the Director via a confidential counsellor, this confidential counsellor will advise the Director on how to handle the complaint (as to whether the complaint is to be handled by the director of the IMI or by the complaints committee).

3. If a complaint is submitted to the RvA via a confidential counsellor, this confidential counsellor will advise the RvA on how to handle the complaint (as to whether the complaint is to be handled by the RvA or by the complaints committee).

3. The confidential counsellor is authorised to mediate with regard to a complaint received, before submitting this complaint to the Director or the RvA, and has the right to obtain all the information that is necessary for the responsible performance of his/her duties.

4. The confidential counsellor is accountable to the Director for the performance of his/her duties.

5. The confidential counsellor is obliged to maintain secrecy with regard to all information brought to his/her attention in relation to the content of a complaint or intended complaint. This obligation to maintain secrecy does not apply with regard to

a fellow confidential counsellor, the complaints committee, the Director (excepted for complaints where the Director is the accused), the officials designated by the Director (e.g. the RvA) and any medical counsellor, or an authorised officer from the Police, the Ministry of Justice or the Inspectorate.

6. The confidential counsellor will keep a register of complaints or intended complaints brought to his/her notice and will provide a confidential and anonymised report to the Director accordingly every year.

7. The register with the complaints will be saved for the duration of five years.

#### **Article 4 – The method of deciding who will handle the complaint**

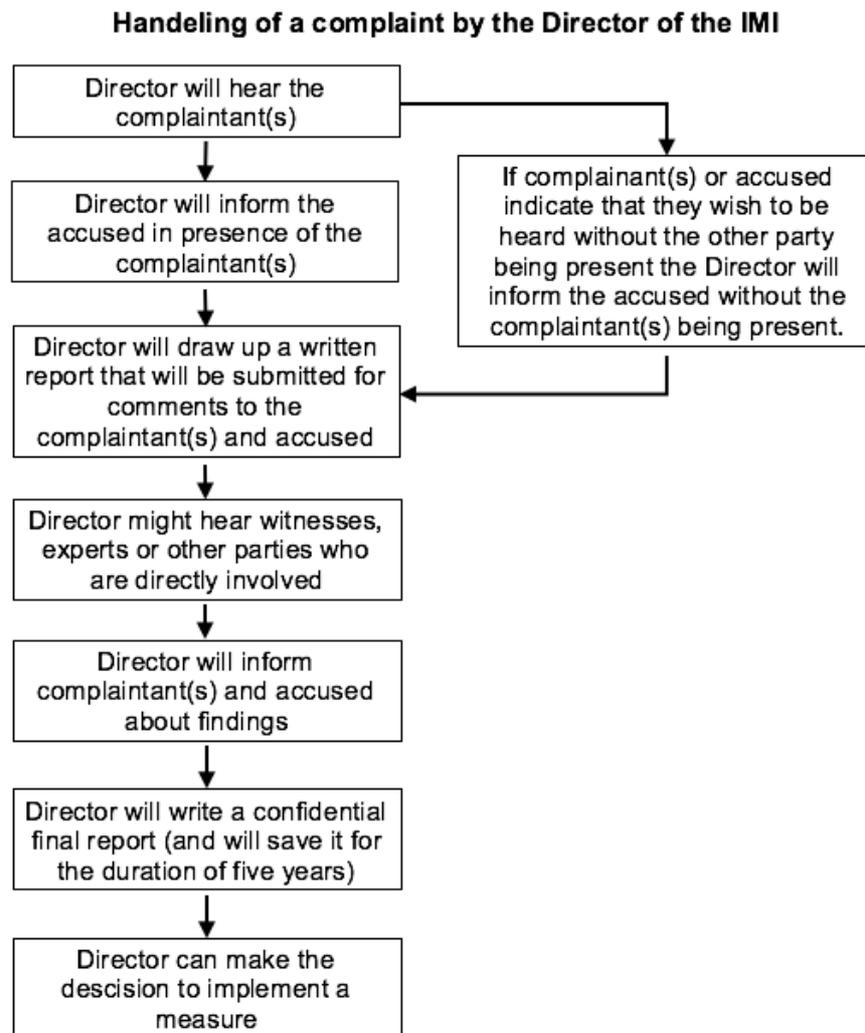
1. Depending on the nature, scope and seriousness of the complaint, and in view of the advice received on the matter from the confidential counsellor, the Director or the RvA will decide, within 3 working days after receipt of a complaint, as to whether the complaint is to be handled by the director of the IMI, the RvA or by the complaints committee.

If the complainant(s) or the accused has/have indicated that they object to the complaint being dealt being handled by the Director or the RvA, the complaint will be sent for handling by the complaints committee directly.

2. The Director or RvA will inform the complainant(s) within 3 working days that the complaint has been received and by whom it will be handled.

## Article 5 – The handling of a complaint by the Director of the IMI

1. After receiving a complaint, the Director of the IMI will hear the complainant(s) as soon as possible (see Figure 2).



*Figure 2: Handeling of a complaint by the Director of the IMI*

2. The director will inform the accused about the complaint and will hear him/her/them, preferably in the presence of the complainant(s), unless the complainant(s) or the accused have indicated that they wish to be heard without the other party being present. The director will draw up a written report on the hearing of the complainant(s) and the accused which will be submitted for comments to the complainant(s) and the accused. This report - including any comments by the parties involved - will be used to decide as to whether the complaint is well founded.

3. The complainant(s) and the accused may call in an advisor or a counsellor to provide assistance. The related costs shall be at the expense of the party seeking assistance.

4. At the request of the complainant(s) or the accused, the director can hear witnesses, experts or other parties who are directly involved.
5. The director will inform the complainant(s) and the accused, within no more than three weeks after receipt of the complaint, about his/her findings and will write a final confidential report that will be saved for the duration of five years.
6. If the director considers the complaint to be well founded, the Director can make the decision to implement a measure as referred to in Article 8 of these regulations.
7. The director is obliged to maintain secrecy in respect of everything brought to his/her attention with regard to a complaint. This obligation to maintain secrecy does not apply with regard to the complaints committee, the officials designated by the Director (e.g. the RvA) and any medical counsellor, or an authorised officer from the Police, the Ministry of Justice or the Inspectorate.

## **Article 6 – The handling of a complaint by the RvA**

1. After receiving a complaint, the RvA will hear the complainant(s) as soon as possible.
2. The RvA will inform the accused (i.e. the Director) about the complaint and will hear the accused, preferably in the presence of the complainant(s), unless the complainant(s) or the accused have indicated that they wish to be heard without the other party being present. The RvA will draw up a written report on the hearing of the complainant(s) and the accused which will be submitted for comments to the complainant(s) and the accused. This report - including any comments by the parties involved - will be used to decide as to whether the complaint is well founded.
3. The complainant(s) may call in an advisor or a counsellor to provide assistance. The related costs shall be at the expense of the party seeking assistance.
4. The Director may call in an advisor or a counsellor to provide assistance. The related costs shall be at the expense of the IMI.
5. At the request of the complainant(s) or the accused, the RvA can hear witnesses, experts or other parties who are directly involved.
6. The RvA will inform the complainant(s) and the accused, within no more than three weeks after receipt of the complaint, about his/her findings and will write a final confidential report that will be saved for the duration of five years.
7. If the RvA considers the complaint to be well founded, the RvA can advise the Director to adjust policy or to change certain behavior.
8. The RvA is obliged to maintain secrecy in respect of everything brought to his/her attention with regard to a complaint. This obligation to maintain secrecy does not apply with regard to the complaints committee, the officials designated by the Director and any medical counsellor, or an authorised officer from the Police, the Ministry of Justice or the Inspectorate.

## **Article 7 – The Complaints Committee**

1. The Director will appoint a permanent complaints committee on sexual harassment, aggression, violence, bullying, discrimination or other complaints that can not be handled by the Director or RvA.
2. The Complaints Committee will have at least two members.
3. The members of the Complaints Committee will be appointed by the Director for four years. Thereafter they will be eligible for reappointment.
4. The Complaints Committee can be asked to research a complaint by either the Director or the RvA.
5. The members of the Complaints Committee are obliged to maintain secrecy with regard to everything that is brought to their attention with regard to a complaint. This obligation to maintain secrecy does not apply with regard to the confidential counsellor, the Director (excepted for complaints where the Director is the accused), the officials designated by the Director (e.g. the RvA) and any medical counsellor, or an authorised officer from the Police, the Ministry of Justice or the Inspectorate.
6. The Complaints Committee is authorised to obtain all the information necessary for the responsible fulfilment of its duties.
7. The Complaints Committee is authorised to impose additional rules in relation to how it works. These additional rules require the approval of the Director.
8. The Complaints Committee is also authorised to advise the Director or the RvA, whether requested to do so or otherwise, regarding the policy that needs to be adopted by the Director regarding preventing or eliminating sexual harassment, aggression, violence, bullying or discrimination at IMI. Every year the Complaints Committee, after hearing the opinions of the confidential counsellor(s), will issue a confidential and anonymised report on its work to the Director.

## Article 8 – The handling of a complaint by the Complaints Committee

1. After receiving a complaint, the Complaints Committee will hear the complainant(s) as soon as possible (see Figure 3).

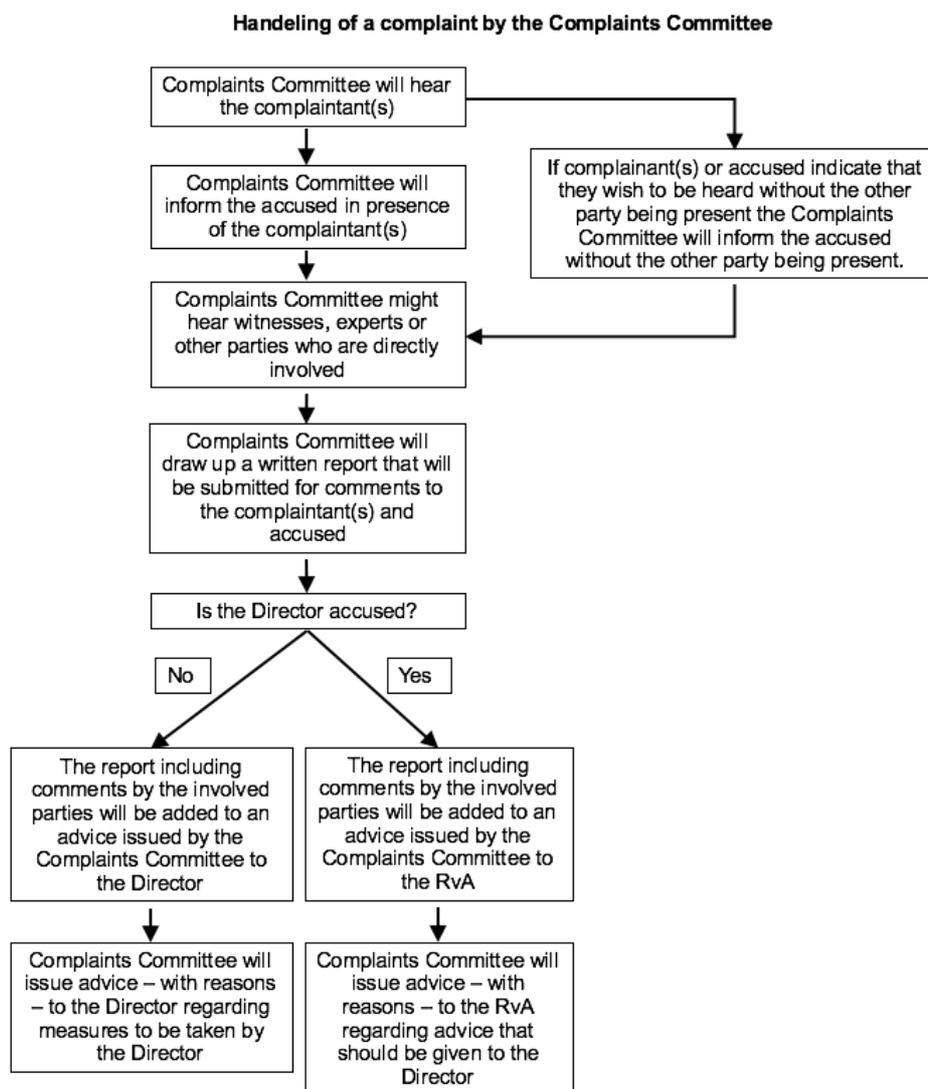


Figure 3: Handling of a complaint by the Complaints Committee

2. The Complaints Committee will inform the accused about the complaint and will hear the accused, preferably in the presence of the complainant(s), unless the complainant(s) or the accused have indicated that they wish to be heard without the other party being present.

3. The complainant(s) and the accused may call in an adviser or a counsellor to provide assistance. The related costs shall be at the expense of the party seeking assistance.

4. At the request of the complainant(s) or the accused, witnesses, experts or other parties directly involved can also be heard.

5. The Complaints Committee will draw up a written report on the hearing of the complainant(s) and accused, which will be submitted for comments to the complainant(s) and the accused. This report - including any comments by the parties involved - will be added to the advice issued by the Complaints Committee to the Director or the RvA.

6. No later than eight weeks after receipt of the complaint, the Complaints Committee will issue advice - with reasons - to the Director regarding measures to be taken by the Director including a measure as referred to in Article 8 of these regulations. In the case that the Director is the accused, the Complaints Committee will issue advice – with reasons – to the RvA regarding advice that should be given to the Director (e.g. change a part of the policy or change behavior).

If the period referred to in the first sentence of this chapter turns out to be insufficient, the Complaints Committee can extend this period by a maximum of three weeks. The Complaints Committee will inform the complainant(s) and the accused to this effect in good time.

### **Article 9 – Director decision-making regarding a complaint; measures**

1. By no later than three weeks after receipt of the advice from from the Complaints Committee or the RvA, the Director will issue a decision, stating its reasons, as to whether the complaint is well founded and if so, what measure(s) will be taken against the accused.
2. If the Director finds that a complaint against an IMI employee or student is well founded, a disciplinary measure can be taken or policy can be adjusted.

### **Article 10 – Objection or appeal**

A decision by the Director that is deemed to be a decision as referred to in Article 8 of these regulations, is open to objection or appeal.

### **Article 11 – Reporting incidents**

1. In the event that a complainant has reported an incident of sexual harassment, aggression, violence, bullying or discrimination to an investigating officer, whereby there is a suspicion that a criminal act has been committed, the Director or RvA will cooperate with the police or judicial investigation resulting from this report.
2. In an event such as referred to in the first paragraph of this article, the Director or RvA can initiate an investigation by the Complaints Committee.

### **Article 12 – Final stipulation**

In instances that are not provided for in these regulations, the Director, in a departure from the rules laid down by or pursuant to these regulations, may take a decision itself insofar as is reasonable, equitable and necessary.



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