



Complaints Procedure Students

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Introduction

Bodymind Opleidingen's Complaints Procedure was established by its Board Circle.

This procedure aims to offer those who are making use or have made use of Bodymind Opleidingen's services the opportunity to make a formal complaint or raise their dissatisfaction, if and when parties are unable to reach an agreement via an informal route.

Definitions

Article 1

Board Circle: managerial body of Bodymind Opleidingen, deals with business operation, budget and vision.

Complainant: a student of Bodymind Opleidingen who has submitted a complaint to their Confidant(e) or the Complaints Committee.

Registrant: the person the complaint is regarding. This could be Bodymind Opleidingen itself or its staff teachers or employees, insofar as they have a direct working relationship with the educational institution, or have been employed on a freelance basis to work for the institution. Trainee therapists are not subject to this Complaints Procedure; they are subject to the Complaints Procedure established by their union.

Confidant(e): a member of the Board Circle, appointed to guide and support the Complainant throughout the processing of their complaint, to give care when an incident is first reported and to work with the Complainant to investigate whether a solution is possible via informal means. Can be reached via a unique e-mail address.

Mediator: an external, independent Mediator, hired by Bodymind Opleidingen.

Complaints Committee: the committee responsible for the Complaints Procedure, appointed by the Board Circle.

Secretary: facilitates the Complaints Procedure on a secretarial level, supports the Complaints Committee, but is not a member of the department.

Complaint: an expression of dissatisfaction about the organisation of Bodymind Opleidingen as an educational institution, or about its courses, trainings and retraining. An objection to the decisions or behaviours a teacher, guest teacher or employee.

Mediation: arbitration of the conflict by a Mediator, who guides the parties involved to reach a suitable joint agreement or solution, which all parties deem satisfactory.

Complaints Procedure: the investigation and assessment of a complaint, resulting in a verdict and potentially sanctions proposed to the Board Circle as measures that should be taken in response to the complaint.

Temporary Provision: In cases in which immediate intervention is required to ensure the wellbeing of the Complainant, the chairman of the Complaints Committee can make an urgent request of the Board Circle, whether on the request of the Complainant or the Registrant, before the Complaints Committee's assessment has taken place.

Objectives of the Complaints Procedure

Article 2

- Justice for the Complainant
- The improvement of Bodymind Opleidingen's quality as an educational institution, as well as the function of its teachers and employees
- The identification of (structural) deficiencies in the function of the institution and its teachers and employees

Principles of the Complaints Procedure

Article 3

The Complaints Procedure is based on the following principles:

- Where possible, the complaint is discussed by the Complainant and Registrant first.
- Bodymind Opleidingen offers the services of a Confidant(e), who offers support to and aids the Complainant in investigating whether a solution to the conflict can be reached via informal means.

- Bodymind Opleidingen offers the possibility of mediation with the appointment of an external, independent Mediator.
- The Complaints Committee offers the possibility of a non-biased assessment of the complaint, resulting in a verdict about the submitted complaint and, in case necessary, sanctions recommended to the Board Circle delineating the measures that should be taken as a result of the complaint.
- The Complainant will incur no costs throughout the Complaints Procedure.
- Both parties have the right to legal counsel or representation on own account during the Complaints Procedure.
- The complaint is settled by following the established procedural guidelines.
- Both parties have the right to be heard in accordance with the adversarial principle.
- Both parties have the right to access all documents submitted during the procedure.
- Personal details will be handled and registered with care and confidentiality. The Confidant(e), Mediator, Secretary and members of the Complaints Committee are obliged not to disclose any of the information they become privy to throughout the Complaints Procedure.
- The Complaints Committee does not release a verdict about liability.
- The Complaints Procedure can be viewed at www.bodymindopleidingen.nl.

Article 4

If circumstances do not allow for the regulations stipulated in this Complaints Procedure to be applied, the Board Circle will decide which procedure must be followed by the Confidant(e), Mediator and the chairman of the Complaints Committee instead, provided that each party is in agreement with the proposed procedure.

Article 5

Confidant(e)

The Board Circle assigns a Confidant(e). The Confidant(e) will perform his/her work without interference or consultation and in strict confidence, from all other parties including the Board Circle.

Confidant(e)'s responsibilities:

- Works autonomously as a point of contact for all students who have a complaint;
- All communication between Confidant(e) and student are strictly confidential;
- Provides primary care when incident has taken place;
- Assists Complainant in investigating whether a solution can be reached via informal means;

- Investigates whether independent mediation is an appropriate measure for reaching a solution;
- Provides information and advice on the different options offered by the Complaints Procedure;
- If necessary, refers to other (caregiving) authorities;
- Keeps an anonymous record of the nature and magnitude of the complaints that he/she has received, the process by which they were handled and their verdicts.

Article 6

Mediator

The Board Circle will appoint an external, independent Mediator, who will work to assist both parties in reaching a satisfactory solution to the complaint.

Mediator's responsibilities:

- Mediation can only take place if and when both Complainant and Registrant have consented;
- The Mediator supports both parties in reaching a satisfactory solution;
- Mediation preferably takes place in a joint discussion. In case necessary, the Mediator can converse with the parties separately;
- When Complainant and Registrant have consented to mediation, they will be invited for a discussion with the Mediator within four weeks;
- In consultation with the Mediator, Complainant and Registrant may be assisted by counsel of their choice during the mediation discussion;
- The Registrant is invited to provide a written reaction to the complaint before the mediation discussion;
- Complainant and Registrant receive the notice of complaint, the Registrant's reaction to it and all other information submitted to the Mediator by both parties;
- The mediation will be recorded in a report, that will be presented to parties within two weeks of the mediation discussion. This report will document the result of the mediation and the agreements reached. Upon approval from the parties, the report will be adopted;
- If the result of the mediation is not to the Complainant's satisfaction, he/she can decide to submit their complaint to the Complaints Committee;
- The Mediator is assisted by the Secretary of the Complaints Committee;
- The Mediator does not share information to third parties, including the Board Circle and the Complaints Committee, unless parties have given permission for them to do so;

- Unless agreed otherwise, parties are required not to notify third parties of the course of the mediation.

Article 7

The Complaints Committee

- a. Comprises a minimum of three and maximum of five members and two substitute members. The members are nominated by the Board Circle;
- b. The Committee is made up of multidisciplinary members, to ensure that an independent, professional and carefully considered verdict of the complaint can be reached;
- c. The Chairman is independent in the sense that he/she is in no way related to or has been related to Bodymind Opleidingen or its professional associations, and is preferably a lawyer or expert in the field of complaints management;
- d. The members function without interference or consultation;
- e. Chairman and members can be assigned to the Committee for a period of three years, and can be reassigned twice;
- f. A member is excluded from participation in the Committee if the complaint regards him/her or if he/she is too closely involved with either Complainant or Registrant. Every member of the Committee has the right to be excused from serving as a member;
- g. Membership ends:
 - When the legislative term expires
 - When the member in question decides
 - In case of death
 - A member is dismissed by the Board Circle due to dysfunction

The Complaints Committee's responsibilities:

- Investigate and assess a complaint and come to a verdict
- Supervise the further processing of complaints

Authority of the Complaints Committee

As part of the processing of a complaint, the Committee has the right to receive any particulars from the Registrant, as long as the requests made abide by confidentiality laws.

The Complaints Committee can make use of their own postal address.

Submitting a complaint

Article 8

- A written complaint must be submitted to the Secretary of the Complaints Committee. The complaint should contain the Complainant's contact details, the name of the Registrant and the nature and content of the complaint;
- The Secretary sends the Complainant a confirmation of receipt within five days of receiving the complaint. The confirmation of receipt outlines the different options offered by the Complaints Procedure:
 - Contact with a Confidant(e);
 - Mediation by a Mediator;
 - Presentation to the Complaints Committee;
- If requested, the Secretary can provide information about reaching the Confidant(e), or assist in making contact with him/her;
- The Registrant receives a statement of the complaint and is given the opportunity to submit a written reaction to it within two weeks;
- The Complainant is required to specify in which way he/she would like to proceed according to the Complaints Procedure within two weeks of receiving the receipt of the complaint from the Secretary.
- The Secretary takes responsibility for the follow-up of the complaint, within five working days of receiving the Complainant's procedural choice.
- In case the Complainant requests contact with the Confidant(e) at this stage, the Secretary can provide information about reaching the Confidant(e), or assist in making contact with him/her;
- The Secretary sets the mediation or processing of the complaint by the Complaints Committee in motion;
- The absence of a written reaction to the complaint within the given period has no suspensory effect on the handling of the complaint;
- All relevant documents supplied by the parties are sent as statements to the other party.

No further action

Article 9

The Complaints Committee is authorised not to handle or to terminate handling of a complaint when:

- A complaint with the same content, by the same Complainant, is still being handled or has already been handled by the Complaints Committee.
- The complaint does not meet the definition of a complaint.

- The Complainant is not entitled to make a complaint.

If a complaint is not going to be or will no longer be handled, the Secretary will inform the Complainant as such with a reasoned, written notice.

The Complaints Committee is not authorised to reach a verdict on a complaint if lawful regulations only permit the complaint to be adjudicated by a judge.

Processing by the Complaints Committee

Article 10

- Complaints are processed by a Hearing Committee, which is appointed by the Chairman. It is made up of three members, one of whom will be the Chairman;
- The Chairman will appoint such members to the Hearing Committee that will ensure a professional and carefully considered verdict;
- The Hearing Committee can request anyone provide information that concerns the subjects of the complaint;
- As a general rule, parties are heard in each others' presence;
- The Complainant and the Registrant are given the opportunity to provide an explanation with regards to the subject(s) of the complaint;
- Upon the Complainant or Registrant's request, or at their own initiative, the Hearing Committee can call upon witnesses or experts;
- During the Complaints Procedure, the Hearing Committee offers the Complainant and the Registrant insight into and copies of the documents that the verdict shall be partially based on;
- The Complainant and the Registrant can choose to be assisted by a counsel of their choice throughout the processing of the complaint;
- Once they have consent from the Board Circle, the Hearing Committee can request advice from experts.

Termination of the complaint

Article 11

A complaint will no longer be handled if the Complainant revokes the complaint or if the Complainant states that a satisfactory solution to the complaint has been obtained via deliberation with the Confidant(e) or via mediation. The Complainant can revoke the complaint in writing or verbally by indicating that he/she requires no further handling of

the case. If a complaint will no longer be handled for this reason, the Secretary will inform the Registrant as such in writing.

Assessment of the complaint

Article 12

- The Complaints Committee will reach their verdict without interference or consultation.
- The Complaints Committee can conclude that the complaint is: not admissible, (partially) justified or (partially) unjustified.
- A complaint is declared justified:
 - If the decisions or behaviour of the Registrant breach a lawful regulation, the profession's applicable standards and codes and/or Bodymind Opleidingen's qualitative requirements.
 - If, all relevant interests and circumstances considered, the Registrant's decisions or behaviour must be deemed unreasonable or unfair.
- A copy of the reasoned verdict of the complaint is sent to the Complainant and the Registrant within two weeks of the conclusion of the Complaints Procedure, including, if applicable, the sanctions recommended to the Board Circle.
- The Chairman of the Board Circle also receives a copy of the verdict;
- The Board Circle informs the Complainant, defendant and the Complaints Committee whether they are applying the recommended sanctions in response to the verdict, and what those sanctions are, within one month of receiving the verdict. If they are unable to do so within this timeframe, they will provide parties with a reasoned notification as such and will respond to the verdict within a maximum of two months.

Appeals

Article 13

- If either party are not in agreement with the settlement of the complaint, both Complainant and Registrant can appeal the verdict with the Complaints Committee of the Dutch Association for Psychotherapy (NAP);
- Bodymind Opleidingen recognises the verdict from the Appeals Committee as advancedly binding. Any instructions from this Committee will be implemented within three months.

Recordkeeping

Article 14



BODYMIND OPLEIDINGEN

- After the conclusion of the Complaints Procedure, the documents regarding the complaint are archived by the Secretary in such a way that the privacy of those parties involved is protected. The manner in which the details of the complaint are filed complies with the laws stipulated in the Data Protection Act.
- The documents are kept on file for seven years;
- The Secretary files a yearly, anonymous report on the complaints received, the procedural methods used and any sanctions made;
- Information about a complaint discussion or complaint procedure is not recorded in a student's file.

Other conditions

Article 15

- These regulations are available for inspection via the Board Circle and the Management Circle.
- The existence of the Complaints Procedure is communicated on the Bodymind Opleidingen website.

Article 16

- These regulations are established and can be altered by the Board Circle, pending approval.
- Preceding the above, changes to the regulations must first be presented to the Board Circle.

Article 17

These regulations shall enter into force on 1st May, 2016. These Terms and Conditions were drafted in Dutch and have been translated into English. In the event of any discrepancy between the Dutch and translated text, the Dutch text shall prevail and shall be used to resolve any doubts arising in respect of interpretation and/or application.