

## Complaints procedure Dialexis Advies BV

### *Starting point*

The goal of treatments of complaints is firstly repair of the relationships between the complainer and Dialexis Advies/ the trainer/ the teacher to whom the complaint is directed. If this cannot be done without the interference of a formal committee, a careful complaints procedure is in place.

### *Objectives*

The objectives of the complaints procedure are:

- Capturing and following a procedure to handle complaints of clients/participants about Dialexis Advies within a reasonable amount of time and in a careful manner;
- Conservation and improvement of the quality within Dialexis Advies by means of a professional treatment of complaints.

### *Task Complaints Committee*

The task of the Complaints Committee is to research, judge, and survey the treatment of complaints of participants or clients of Dialexis Advies.

## 1. Definitions

### *Direction*

The director of Dialexis Advies B.V.

### *Complaint*

A problem experienced by the complainer relating to the actions or omission of Dialexis Advies/ Trainer/ Teacher.

### *Complaints Committee*

The committee established by the director of Dialexis Advies, that is charged with researching and judging complaints and surveying the settlement thereof.

### *Complainer*

The participant/client who has turned to the Complaints Committee of Dialexis Advies with a complaint.

## 2. Filing a complaint and preliminary stage

2.1. Complaints as meant in this procedure can only relate to:

- a) The actions of omission of Dialexis Advies during the execution of an assignment.
- b) Financial disputes resulting from the agreement made between the complainer and Dialexis Advies.

2.2. A complaint is filed in writing at the secretariat and contains at least:

- Name, address, e-mail address, and phone number of the complainer
- Name of the trainer/teacher to whom the complaint relates
- General data about the agreement
- A description of the complaint
- Relevant information about the complaint (facts, circumstances or events relating to the cause of the complaint, any correspondence about the complaint)
- Information about that which has been undertaken to come to a solution for this complaint
- Date and signature of the complaint by the complainer



Dialexis

**2.3.** Within a term of 15 working days after the secretariat has received the complaint the complainer will receive a confirmation of receipt in writing of the Complaints Committee.

**2.4.** If one or more of the in art. 2.2 written data are omitted, the Complaints Committee will request the complainer to provide these data within a term of 15 working days after the date of such a request. If the data are still missing after this term the complaint will be declared inadmissible by the Complaints Committee. The complainer, the director of Dialaxis Advies, the trainer/teacher will be notified of this.

### **3. Treatment of a complaint**

**3.1.** If the Complaints Committee believes that the data that the complainer has provided are complete and provide a clear image of the complaint, she will send a copy of the complaint to the trainer/teacher to whom the complaint relates.

**3.2.** The trainer/teacher involved will be requested to provide a written reaction to the complaint within 21 working days. This term can, if so requested by the trainer/teacher, be prolonged with 15 working days. The complaint will be taken into consideration by the Complaints Committee regarding content, even if the trainer/teacher has not reacted.

**3.3.** A complaint will be dealt with by the (vice-)chairman and two other members of the Complaints Committee. The committee can decide to charge one of her members with the execution of the preliminary research.

**3.4.** The trainer/teacher against whom the complaint has been filed as well as every other trainer/teacher who, directly or indirectly, is involved in the complaint, can not be part of the Complaints Committee that deals with the complaint. If this results in the Complaints Committee existing of less members than prescribed in article 6.2, the director will be appointed as temporary member of the Complaints Committee.

**3.5.** The Complaints Committee decides if she can form a judgement on the complaint on the basis of the provided data. If she decides she cannot do this, the Complaints Committee can request the parties to provide additional material, to further explain their position, or decide to order further investigation, if she deems the terms present given the nature of the complaint. Instead of this or in addition to this the Complaints Committee can also decide to invite parties to be heard orally in a hearing.

**3.6.** Meetings and hearings of the Complaints Committee are private. The reports of meetings and hearings possibly drawn up by the committee are exclusively meant for own use by the members of the Complaints Committee.

**3.7.** The Complaints Committee can, if desired, ask other persons involved in the complaint for information, or call upon them to hear them.

**3.8.** The Complaints Committee will take care that both parties are always equally informed.

**3.9.** In case of a hearing the involved will in principle be heard in presence of the other party. If the complainer or the trainer/teacher against whom the complaint is filed requests so, the Complaints Committee may decide to let the hearing take place without the presence of the other party, in exceptional cases.

**3.10.** If one of the involved parties requests to be assisted by an endorsee during a hearing the name and capacity of that person need to be provided at least 3 days in advance of the hearing to the Complaints Committee. The complainer or the trainer/teacher against whom the complaint has been filed has to be present in person during the hearing and cannot be replaced by an endorsee.

**3.11.** The complaints procedure is free of charge. The possible costs of (legal) assistance, traveling costs, and other costs that parties make will be paid by themselves.



**3.12.** The Complaints Committee can request experts to be present during the hearing.

**3.13.** If the Complaints Committee by engaging experts is in danger of exceeding her budget, it will be discussed with the director of Dialexis Advies in advance.

#### **4. Not investigating a complaint**

**4.1.** A complaint will not or not further be investigated by the Complaints Committee if:

- The complaint is filed anonymously
- The facts, circumstances, or events about which are complained have taken place more than 18 months before filing of the complaint
- The at minimum required data according to article 2.2 are not provided by the complainant, even after a request of the Complaints Committee to provide these
- The complainant withdraws the complaint.

#### **5. Judgement of the Complaints Committee**

**5.1.** The Complaints Committee cannot declare a complaint taken into consideration inadmissible, unfounded, partially or wholly.

**5.2.** The Complaints Committee will in principle decide on a complaint within a reasonable term, i.e. at most within six months after the filing of the complaint.

**5.3.** If the consideration of a complaint according to the judgement of the Complaints Committee cannot be finished within the aforementioned term, the Complaints Committee will notify in writing and with the reason the complainant and the trainer/teacher to whom the complaint relates, mentioning the term within which the Complaints Committee expects to be able to decide on the complaint.

**5.4.** The Complaints Committee bases her judgement on the content of the exchanged material and provided data as well as – if applicable – on the basis of the discussed during the hearing and everything it can mark as established from her own academic/scientific foundation.

**5.5.** The Complaints Committee decides by majority vote. If there is an equality of votes, the vote of the (vice-)chairman is deciding.

**5.6.** A complaint can be deemed inadmissible by the Complaints Committee if: - the Complaints Committee decides that she has been insufficiently enabled by the complainant to acquire enough relevant information for the treatment of the complaint.

**5.7.** In case a complaint is deemed entirely or partially ungrounded the Complaints Committee can decide, if she believes there is a serious amount of guilt on the side of the trainer/teacher, to attach a warning to decision for the relevant training/teacher.

**5.8.** The Complaints Committee motivates her decision in writing and sends this to both parties and sends a copy to the director at the same time. The Complaints Committee can attach recommendations to the decision, aimed at the trainer/teacher to whom the complaint relates or to the director or to both. The decision of the Complaints Committee is binding for Dialexis Advies.

**5.9.** If the recommendations aforementioned are aimed at the trainer/teacher, he/she will inform the complainant, the Complaints Committee, and the director in writing within two months after receipt of the recommendations if he/she will take appropriate measures based on the decision and recommendations.

**5.10.** If the aforementioned recommendations are aimed at the director, the director will inform the complainant, the trainer/teacher, and the Complaints Committee within two months after receipt of the recommendations if it will take measures grounded



on the recommendations or if it will appeal the decision at the competent court within the arrondissement Zwolle.

## 6. Constitution, appointment, and dismissal of the Complaints Committee

6.1. The members of the Complaints Committee are appointed, suspended, and dismissed by the director of Dialexis Advies.

6.2. The Complaints Committee consists of at least 3 and at most 5 members.

6.3. The chairman of the Complaints Committee has to be independent and can therefore not be a trainer/teacher affiliated with Dialexis Advies. The chairman is deemed to have experience with the treatment of (complaints) procedures and to have knowledge about the area of expertise of Dialexis Advies.

6.4. As replacement of the chairman during his/her absence the Complaints Committee will appoint a vice-chairman from her midst.

6.5. Members of the Complaints Committee are appointed for a period of 4 years.

## 7. Confidentiality

7.1. The members of the Complaints Committee and the director and others who due to their function or expertise are involved in the treatment of a complaint have a duty of confidentiality with respect to the knowledge they have acquired by virtue of their function as member of the Complaints Committee or by virtue of their involvement in the complaint.

7.2. This duty of confidentiality remains in force after completion of the operations for the Complaints Committee or for Dialexis Advies. The duty of confidentiality expires if any legal prescript obliges the involved to disclose or the necessity of disclosure flows from his/her task during the execution of the procedure.

## 8. Fees

8.1. The director of Dialexis Advies establishes a procedure for attendance fees and a fee for traveling expenses for the members of the Complaints Committee and the involved experts.

## 9. Further tasks and duties of the Complaints Committee

9.1. The Complaints Committee safeguards a careful and confidential treatment of all data about the complainer and the trainer/teacher to whom the complaint relates.

9.2. The members of the Complaints Committee cannot be held personally liable for decisions of the Complaints Committee or for any action or omission as member of the Complaints Committee.

9.3. The Complaints Committee does not treat insurance claims and does not decide on the liability of Dialexis Advies.

9.4. The Complaints Committee will report yearly to the director about the number and nature of the complaints that were received, treated, and deemed inadmissible that year.

9.5. The Complaints Committee can establish a further description of her methods for more information for the complainers. The method cannot violate the law. The description will be presented to the director for approval and can be received if so requested.

## 10. Warnings and measures

10.1. In case the Complaints Committee has deemed the complaint grounded in her decision – wholly or partially – the director can decide to take measures with respect to the involved trainer/ teacher.



**10.2.** A measure with respect to the involved trainer/teacher may be, temporarily or infinitely:

- Limiting of the rights of the trainer/teacher
- Changing the position of the trainer/teacher
- Terminating the affiliation of the trainer/teacher with Dialexis Advies.

**10.3.** Before taking a decision about the measure the director will consult with the trainer/teacher. This consultation preferably takes the form of a personal meeting between the director and involved trainer/teacher. The trainer/teacher may be assisted during this consultation by a trustee.

**10.4.** After the consultation with the trainer/teacher the director will make a decision regarding taking the measure or not. It is not possible to appeal this decision of the director.

## **11. Other issues**

**11.1** This procedure is applicable to all complaints of participants or clients.

**11.2.** In all cases that this procedure does not cover or about which such a difference of opinion exists between the Complaints Committee and a party involved in the complaint that it hinders the progress of the treatment of the complaint they will be submitted to the competent court within the district Zwolle.

**11.3.** The complaint and procedure will be saved for at least 3 years after receipt of the complaint.

**11.4.** This procedure enters into force on May 1<sup>st</sup>, 2014.

*Established by the director of Dialexis Advies, 28-04-2014*

