

# Regulation on the Complaints Procedure

## Preamble

iMMO contributes to the protection of human rights, especially by making medical assessments of suspected victims of torture and inhumane treatment and the transfer of expertise thereof. This is done especially in the context of a procedure for asylum seekers.

iMMO uses free lance professionals – especially physicians and psychologists – who have the required knowledge and expertise, who commit themselves on a voluntary basis and who are not bound to iMMO by an employment contract. The relationship between iMMO and these professionals distinguishes itself by permanence, shared vision and mutual respect. Assessors are trained by iMMO and, within the procedures, formats and protocols of iMMO, perform assessments working independently within the framework of their professional responsibility and report their findings to iMMO.

iMMO is a fiduciary institution, high demands are made with regard to its integrity and confidentiality. In iMMO sensitive information about persons is exchanged, revelation of which could cause damage to iMMO and the parties concerned. iMMO intends to distinguish itself primarily by the objective professionalism of its judgment and judging process.

Because of quality assurance and improvement a low-level and simple procedure for dealing with complaints is required. This regulation is meant to provide this. The complaints procedure aims to address the complainer correctly give him/her satisfaction if deemed appropriate and offer iMMO an opportunity to learn from shortcomings.

The complaints procedure does not see on matters of cooperation within the organization of iMMO, for instance between assessors and secretariat or amongst associates. For this the usual management channels are available under responsibility of the chief executive. This regulation furthermore does not intend to provide a general appeal facility with regard to advice and judgment given by iMMO concerning assessed persons.

## Regulation

### 1. Definitions

The terms below carry the following meaning.

- 1.1. Complaint:  
The utterance of dissatisfaction concerning any act by or on behalf of iMMO or circumstance in iMMO. 'Act' also includes non-acting.
- 1.2. Associate:  
Every natural person iMMO deploys in its activities: employees having an employment contract or any other durable contractual relationship with iMMO, assessors, members of permanent colleges and the board.
- 1.3. Assessed person:  
The natural person being assessed or on who's behalf an assessment has been applied for.
- 1.4. Assessment:  
The forensic medical and/or psychological assessment of a natural person or natural persons regarding questions with regard to torture or inhumane treatment.

- 1.5. Assessor:  
The professional affiliated with iMMO – physician, psychologist or otherwise – who, within the procedures, formats and protocols of iMMO, performs assessments working independently within the framework of his/her professional responsibility and report his/her findings to iMMO.

## 2. Complaint content and entitlement to complain

- 2.1. A complaint may relate to every aspect of iMMO's performance. Topics might be, amongst others:
- demonstrable shortcomings in the execution of assessments and the generation or content of judgments and advices of iMMO
  - the violation of rules, regulations and procedures that iMMO has set for itself
  - the correctness of information giving by iMMO
  - behavior, conduct and actions of associates of iMMO
  - in general: conduct, decisions or circumstances that are incompatible with the core values of iMMO.
- 2.2. A complaint that is to be understood as an appeal to a judgment or advice by iMMO with regard to an assessed person will not or not as such be handled.
- 2.3. Entitled to offering a complaint according to this regulation is every natural person or organization having a reasonable interest in the workings of iMMO. This comprises amongst others the assessed person, his/her legal representative, his/her legal adviser or solicitor, his/her (close) relatives or any other person or organization standing in a special relationship to the assessed person, and any natural person or organization sustaining contact with iMMO.
- 2.4. Associates of iMMO are excluded from the previous provision.

## 3. Procedure

- 3.1. A complaint will be sent with due motivation – in writing or by email – to the chief executive of iMMO, who will subsequently handle the complaint. If the complaint refers to the chief executive or the board, the complaint is likewise sent to the board and handled by the board.
- 3.2. After reception of the complaint the complainer receives a notice of confirmation that the complaint has been received with an estimate of the date that the complaint will have been dealt with. If the complaint is judged to be clearly unfounded or inadmissible because of the provisions in articles 2.2, 2.3 of 2.4 de complainer will immediately be informed thereof.
- 3.3. The organ handling the complaint will immediately after receiving the complaint investigate whether on short notice measures can be taken that take away or mitigate the cause of the complaint and whether measures can be taken to ameliorate completely or partially the negative consequences for the complainer. If applicable, the complainer is informed thereof.
- 3.4. The organ handling the complaint takes care of an adequate factual investigation.
- 3.5. Complainer will – if so wished by him/her – be invited to further elucidate the complaint in writing or be heard by iMMO.
- 3.6. The organ handling the complaint takes care that the procedure is finished within three months after receiving the complaint. Should any delay occur the complainer will be informed about that fact and the reason for the delay.

- 3.7. Complainer receives a written conclusion from the organ that handles the complaint. This document states whether the complaint has been found justified. Furthermore, when the complaint has been deemed wholly or partially justified, the document states what iMMO will do to prevent future repetition.

#### **4. Determination, application en change of the regulation**

- 4.1. This regulation is resolved and changed by the board, having heard the chief executive.
- 4.2. For instances not foreseen in this regulation the board decides, having heard the chief executive. In an individual case the board may for important reasons, in the interest of iMMO and within the bounds of the values of iMMO and its contractual obligations to third parties, deviate from the provisions in this regulation, having heard the chief executive.
- 4.3. The chief executive informs all associates timely and adequately of any change of this regulation.

Resolved by the board,  
Diemen, February 20<sup>th</sup> 2012.

April 2023: Office address updated.