



STANDARD OPERATING PROCEDURE NUMBER

Annexure H: SAMA Complaints and Grievances Policy

APPLICABILITY	EFFECTIVE FROM	DUE FOR REVIEW ON	PAGE: 1 of 5
All	16/08/2022	31/12/2024	

AUTHORISED BY		
Executive Committee	Additions - Decision Minuted – 16/08/2022	(Witness)
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1. SAMA COMPLAINTS
a) regarding non member schools

Rationale:

SAMA has a responsibility towards the legacy of Montessori education as well as a duty of care towards all children enrolled in Montessori schools – regardless of whether they are members of SAMA or not. Our moral responsibility is to protect and serve all children.

Whilst SAMA acknowledges it has no legal jurisdiction over non-member schools, we would be remis in the fulfillment of our own stated mission if we were to ignore, dismiss or take no action against alleged abusive, inappropriate and/or illegal actions reported to SAMA toward any child. SAMA has no intention of becoming punitive, nor taking action in any way against non-members directly.

SAMA is clear in its mandate as a Montessori organization however, to always place the best interests of any child first, and above any internal policy.

As such SAMA shall undertake to:

- i. Acknowledge all grievances received, be they against members or non-members.

- ii. A sub-committee of ExCo shall collectively read any grievances against non-members and actively direct the complainant to the appropriate authority.
- iii. This shall be done in writing so that SAMA has a clear paper trail and record of its actions.
- iv. Grievances against members shall follow the guidelines set out within the Grievance Policy.

NOTE: SAMA has no jurisdiction over non-member schools. However, grievances in violation of the Children's Act, (No. 38 of 2005) must be reported directly to the regional Police Services, or the Department of Social Development and/or the Department of Education and SAMA will encourage any complainant to do so. SAMA will only consider involvement with complaints and grievances pertaining to SAMA member schools.

b) regarding member schools

SAMA is a non-profit, volunteer run organisation. It is an independent association of voluntary members. SAMA is **not a regulatory body**, it does not own nor run any Montessori schools. "MONTESSORI" is not trademarked, therefore, member schools are separate entities, owned and run independently.

SAMA is not able to take action on, nor get involved in the day to day running of SAMA member schools.

All schools, including 0-6 environments and 6-12 environments, are required to comply with all legislation associated with running a business and specifically those related to running an independent school and/or ECD centre. There are several organisations that exist to monitor and have jurisdiction over schools compliance with laws, in South Africa.

Steps for parents to follow:

- a) Start with following the internal Grievance Procedure of the school.
- b) If all internal grievance policy procedures have been exhausted parents should refer in writing to the schools governing body.
- c) If the response from the school governing body is not satisfactory, the parent has recourse to various other external organisations.

EXTERNAL organisations are:

- The Department of Social development: issues relating to early childhood development centres ECD's and the Childrens Act
- The Department of Basic Education (DoE)/Provincial Education Departments (PED): issues relating to registration of Independent schools and South African Schools Act
- SACE: issues relating to teacher registration and conduct
- UMALUSI: issues relating to school and examination standards and accreditation of schools offering NCS
- The South African Human Rights Commission: issues relating to the SA constitution and human rights and rights of children
- Companies and Intellectual Property Commission (CIPC): issues relating to the registration of a school as a company
- The Department of trade and industry (DTI): issues relating to Consumer rights and compliance with the Consumer Protection Act

c) **PROCEDURE for complaints against member schools**

Once all options above have been exhausted and provided the nature of the complaint pertains to allegations of conditions at member schools that raise significant questions about the Institution's compliance with SAMA constitution and Annexure G: code of conduct, the complainants should be advised to escalate to a formal grievance, if they require SAMA ExCo to investigate

or

Complainants should be offered mediation at a reasonable fee in order to reach resolution in a restorative and not a punitive manner.

2. GRIEVANCES against member schools

SAMA endeavour to promote global best practice in Montessori pedagogy and protect the interests of our members, be they institutional or individual.

All member schools are fully committed to conducting all activities in conformance with Annexure C Membership categories and conditions, Membership Tiers, Annexure F: Fundamental principles of Montessori education and Annexure G: code of conduct. A formal grievance is when the nature of the complaint pertains to allegations of conditions at member schools that raise significant questions about the Institution's compliance with SAMA constitution and these Annexures.

Steps for parents to follow:

- a) Start with following the internal Grievance Procedure of the school.
- b) If all internal grievance policy procedures have been exhausted parents should refer in writing to the schools governing body.
- c) If the response from the school governing body is not satisfactory, the parent has recourse to various other external organisations.
- d) The complainant must complete the applicable Annexure H Grievance form.

The SAMA constitution informs that ExCo shall investigate formal grievances and has further internal procedures for serious matters which may impact the schools membership.

We encourage our members to go to great lengths to assure legal, fair and reasonable treatment of their clients. A grievance should be viewed and used as a process which facilitates both parties in finding resolution in a restorative and not a punitive manner.

3. PROCEDURE for grievances against member schools

- a) When SAMA receives a verbal complaint regarding a member institution the complainant should be encouraged to follow the steps referred to under 'SAMA Policy on complaints against member schools' section
- b) When SAMA receives a formal grievance form regarding a member institution, SAMA acknowledges in writing receipt of the grievance within seven business days.
- c) After acknowledging receipt of the grievance, the SAMA Grievance Manager will review it to determine whether there is adequate documentation, that internal grievance procedures have been utilised and that the nature of the complaint does pertain to compliance i.t.o. SAMA constitution and Annexures.
 - i. In case adequate documentation is not provided, the complainant is notified in writing within, ten business days of receiving the grievance that further documentation will be required.

- ii. In the case of the complainant not having exhausted all grievance procedures available at the school, s/he will be advised to do so.
- iii. In the case of the complaint not pertaining to compliance to SAMA constitution and Annexures the complainant will be notified in writing within, ten business days of receiving the grievance.
- d) When the grievance appears to be within the scope of SAMA's policies, is substantially documented, and where appropriate institutional appeal procedures have been exhausted, a copy of the grievance will be forwarded to the institution providing an opportunity to offer input.
- e) When the contribution from the institution is received, SAMA Grievance Manager compares the information provided by the complainant and the institution and will determine one of the following:
 - i. Where appropriate, a resolution is suggested to the complainant and the institution.
 - ii. The grievance will not be processed further.
 - iii. The grievance has sufficient substance to warrant further review regarding noncompliance of SAMA's Constitution and Annexures,
 - iv. Further review in consultation with SAMA ExCo office bearers.
 - v. Serious matters which may impact the schools membership will escalate for review in consultation with SAMA ExCo for unanimous vote on final decision.
- f) Although every effort will be made to expedite the further review and/or final decision, it is not possible to guarantee a specific time frame in which the process will be completed. If further review is warranted, the time required to conduct the investigation may vary considerably depending on the circumstances and nature of the grievance.
- g) The complainant and the institution will be notified of the ExCo's decision.

In handling the grievance, SAMA will:

- a) Serve the needs of the child concerned, the needs of other children, the rights of members and the Montessori community as a whole
- b) Ensure as far as possible mutual respect between parties is maintained
- c) Take into consideration all input and contributions with due respect
- d) Handle the grievance procedure in an impartial way that aims at resolution
- e) Keep the process as simple yet effective as possible

Note: In the case where a complainant wishes their identity to be withheld, SAMA only undertakes to make a note of the grievance and alert the member that the grievance has been lodged. No further action will be taken.

4. COMPLAINTS & GRIEVANCES against SAMA

Occasionally, matters of concern might arise for SAMA individual members, member schools and members of the public in how the SAMA is undertaking its work on behalf of its members. This policy sets out the process by which such concerns can be resolved.

5. PROCEDURE for complaints & grievance against SAMA

If a member school or other body or person has concerns with the operations or conduct of SAMA, then the affected party should detail those concerns in writing and address them to the Executive Committee of the Association.

On receipt of the written grievance, the Executive Committee will make inquiries relating to the grievance and respond to the affected party as soon as is practical, in the hope of resolving the concerns.

If any specific ExCo members are implicated as part of the grievance, they will be recused, and the remaining ExCo will go into committee to discuss the grievance.

If the affected party is dissatisfied with the Executive Committee's response, they should further address their concerns in writing to the President of the Association.

On receipt of the written grievance, the President will make further inquiries relating to the grievance and respond to the affected party as soon as practicable, in the hope of resolving the concerns. The President's response to the grievance will be considered final and no further appeal can be made under this policy.