



ACTIVITY REPORT 2023-2024



Imprint

Service de médiation scolaire, Ministry of Education, Children and Youth

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All first names used in the testimonials are fictitious

By their very nature, cases reported to the SMS are contentious.

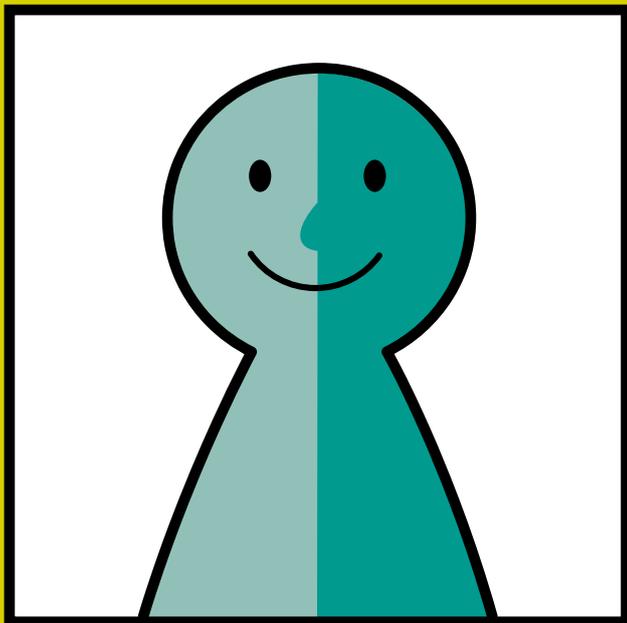
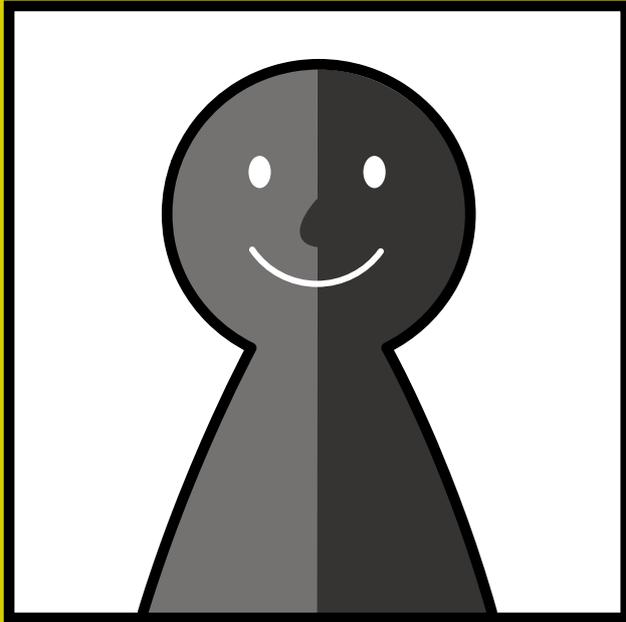
The picture painted by the activity report, even if it highlights flaws in the system, does not therefore reflect the overall functioning of the school system in Luxembourg. It is important to bear this in mind when reading these pages.

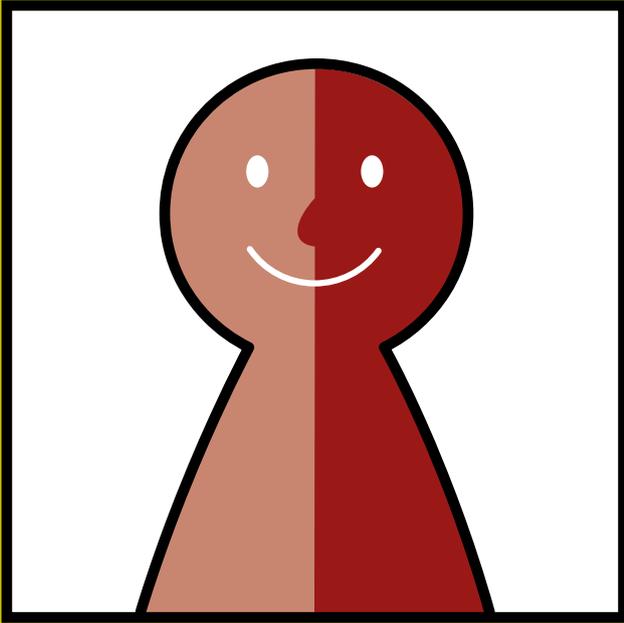
**ACTIVITY
REPORT
2023-2024**

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INTRODUCTION

Preface by the School Mediator

**"ACTING IN A
SPIRIT OF SHARED
RESPONSIBILITY"**



Lis De Pina
School Mediator

Writing this annual foreword requires a sensitive approach. I try to paint an honest picture of the reasons to celebrate, but also of the reasons why we still have a lot of work ahead of us!

As a precaution, I once again want to specify that the experience reflected in this report is not representative of the educational system as a whole. Nonetheless, it does reflect its limits.

But let's begin by looking at the positives.

I am delighted to note that the *Service de médiation scolaire* (SMS, School Mediation Service) has made huge progress in terms of its legitimacy as seen both by parents and by our school partners. It serves as an impartial stakeholder while deepening its relationships with the Ministry's services. We all have a role to play. Having our independence reaffirmed in the response to parliamentary question no. 882 only bolsters our confidence in our approach (see page 46).

This year once again demonstrated the relevance of the work performed by the assistants to the School Mediator, with legal experts and psychologists working in tandem. This arrangement means we can give parents the most complete, tailored explanation of their child's situation and how the school system works. This multidisciplinary approach improves parents' understanding and helps them regain feelings of trust and hope.

However, I continue to be saddened that the parties involved still too often remain trapped in a negative attitude, and that some prefer to blame others instead of acting in a spirit of joint responsibility. Coming together and taking the time to analyse why problems arise is in itself the beginning of the solution. But the TikTok¹ spirit tends to win out: we let the things that bother us pass us by and sometimes give up too quickly. As a result, the start of the path to the solution seems to be further away than ever.

I am also sorry to see the obstacles preventing the implementation of the great ideal of inclusion in school – both a necessity and a philosophy – which demands that all children be granted the same rights, with adaptations based on their requirements and capabilities. Teaching staff report being tired, while pupils without special needs, according to their parents, talk about the disruption they experience. Inclusion becomes a burden and ultimately, its impacts run contrary to those intended by the International Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

We must take care not to stigmatise inclusion or undermine its credibility, but rather to help and support teachers who are suffering. Inclusion cannot become the scapegoat for a malaise of multiple origins. We must keep an open mind – even if only partially – with regard to inclusion.

What's more, over the last two years, I have seen a growing mismatch between the needs of pupils and their families and what the school system can offer them. When young people come to us in increasing numbers because they cannot find a secondary school, we must face up to the fact that there is a genuine lack of places in certain programmes or in certain languages of instruction. Young people who are no longer required to attend school are particularly left behind by this structural weakness.

¹ Presented with videos lasting just a few seconds, we no longer take the time to become invested in the topic of what we are watching and immediately move on to something else in the hope of finding greater satisfaction.

The gulf between supply and demand, whether in terms of specific languages of instruction or inclusion, is growing at a dizzying rate. It is fortunate that school leaving age will rise to 18 in 2026, allowing at least some of these young people to escape the risk of being left by the wayside. For others, will an ambitious, proactive policy be enough to slow the growing gap between supply and demand?

While I am delighted that parents and National Education professionals are finding their way to the SMS more easily, the fact that our scope is restricted to retention, inclusion and integration in school nonetheless sometimes inhibits us from giving them practical support in the way that our deeply rooted sense of public service would have us do.

Needs in the field within our areas of competence are already great. It is sometimes difficult for us to keep up with demand. The Service is growing but has not yet reached cruising speed. This year, we have only made three general recommendations due to lack of sufficient time to reflect on, research and develop them. But that is not to say that our general recommendations have a negligible impact - far from it.

Those who know me will be aware of just how passionate I am about communicating and listening! With this in mind, I believe that it would be beneficial to explore two approaches:

- making training on children's rights and social and emotional skills mandatory. It is important to give teachers the tools they need, allowing them to develop their patience and find the right words to talk to parents without feeling hurt if they - the parents - are overcome with anger.
- creating discussion spaces like the SMS and increasing the number of these spaces to make them more accessible across the country. Such spaces would normalise dialogue with National Education professionals and provide a place in which parents would know they can express themselves without fear.

Now and always, our task remains to encourage, support and foster a culture of discussion without fear or judgement!

PREFACE BY THE SCHOOL MEDIATOR

*I want¹ to thank you for everything that you've done.
Without you, we would never have been able to move forwards. Thank you too for being a sympathetic ear.*



Mum to Mathis,
10

*I wanted to sincerely thank you for your professionalism.
I'm glad I contacted your department when I was desperate. The meeting ultimately went well thanks to you. You showed your professionalism and humanity. I hope that we - the teacher and I - will be able to stay the course. That's what I want as a mum.*



Mum to Sara,
11

Today, I received an appraisal as an exemplary pupil and I wanted to thank you once again for everything you've done for me. I'll always be extremely grateful for all the help you gave me. I'm going to continue to focus on my studies, just as I've done up until this point.



Afonso,
18

¹ In these testimonials, "you" refers to the SMS.

I want to happily inform you that [...] International School accepted my daughter. Thank you for all your support and advice during the period I tackled this issue and thanks to your assistance, help and advice. Finally we are released from the school problem.

Mum to Bella,

6



I am writing to say a big thank you to you and your team. I find it admirable that there are still people who dedicate themselves so much to others and do their work with such passion and motivation and dedicate themselves so much to others, as you have done. You have been a great support during all this time, and for that we are hugely grateful. You always had a listening ear and were concerned about our well-being. I would be happy to give something back to you.



Dad to Pol,

15

Foreword by the Chief of the Cabinet of the Ministry of Education, Children and Youth

**"SUPPORT FOR
LEARNERS BUT
ALSO AN IMPACT
ON EDUCATION
POLICY"**



Lex Folscheid

Chief of the Cabinet of the
Minister of Education, Children
and Youth

“Who exactly takes care of a 16-year-old pupil who has been excluded from their school and can’t find another to attend?” I asked my predecessor this question in 2013, when I had just taken up my responsibilities at the Ministry of Education, Children and Youth. The answer surprised me: “If you don’t want them to drop out and if you want them to find a new school, you have to make that a priority and take care of it yourself!”

An institutional solution for extreme situations

With already over 70,000 pupils in primary and secondary education at the time, the response to extreme situations such as the one I mentioned above couldn’t be the Chief Government Advisor’s telephone number or email address. To my mind, it was clear that we needed an institutional stakeholder to take care of those who had slipped through the net and who had been somewhat failed by Luxembourg’s education system. The idea for the Service de médiation scolaire was born!

The SMS: a success story

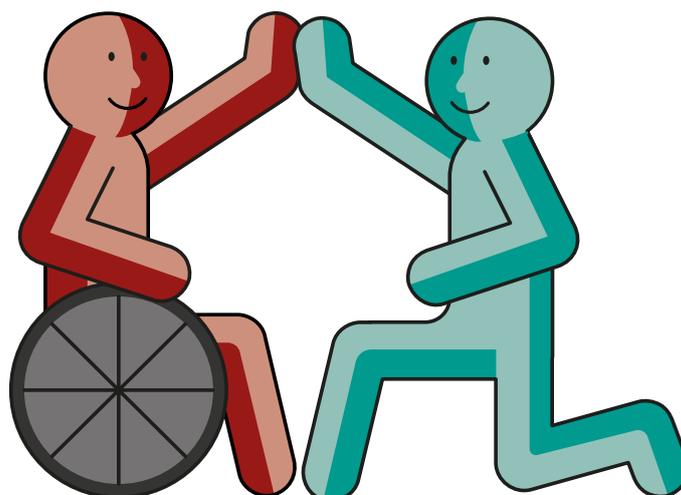
Six years after it was established, the *Service de médiation scolaire* (SMS) stands as a shining example of success – above all, for the pupils it serves and their parents, with whom the SMS works to create educational perspectives. But the SMS has also had crucial influence on the direction of Luxembourg’s education policy through its recommendations and feedback, in particular in three key areas.

Using digital media

LPupils’ lives are increasingly reflected in the digital world. The same is true for the resulting problems they experience. How can the education system equip pupils to use digital media in an informed way while regulating access to inappropriate content to create a safe environment, especially in early adolescence? But first and foremost, the question is to determine how all of the support structures created in recent years can be extended to the digital sphere. The SMS has highlighted this issue and, in so doing, has helped ensure that solutions are considered.

Diversity: a constant challenge

Luxembourg has been a country of immigration for generations, and its residents originate from an increasingly diverse range of countries. In recent years, the SMS has been an important partner for families who have moved to Luxembourg and found themselves somewhat lost in our school system. Giving every child the best possible educational opportunities, regardless of their socio-economic background, will remain a key priority of education policy. This includes major projects such as teaching pupils to read first in French and then in German or vice versa and continuing to diversify educational provision.



Supporting inclusion in school

Luxembourg is committed to the right to inclusion in school. In recent years, support for pupils with special needs has developed significantly in both competence centres and ordinary schools. However, the system is complex for many parents and for the pupils in question. Since it was founded in 2018, the SMS has been a particularly important port of call for them. The current system is reaching its limits, particularly with regard to pupils who have behavioural issues and reject all types of authority, referred to using the German term Systemsprenger. It is clear that Luxembourg's education system must also offer these pupils adequate provision.

The SMS's role as a catalyst

In the past, and as we have seen above, the SMS has drawn our attention to the problems that have revealed themselves in the field and detected failings in the current system, improving it and making it fairer. Its recommendations act as a powerful catalyst in the continuous process of perfecting our education system that we all hold so dear. Faced with the challenges that will arise in the future, I am convinced that the SMS will continue its constructive approach along this path.

Foreword by the president of the *Centre pour l'égalité de traitement* (Centre for Equal Treatment)

"A SENSE OF
MOMENTUM HAS
BEEN CREATED"



Susanna Van Tonder
President of the *Centre pour
l'égalité de traitement*

Living with a disability in a world where inclusion in school is not yet a reality is difficult.

And this is even truer for young people - pupils or students - who have not yet received a medical diagnosis.

Being trapped in diagnostic limbo or lacking a diagnosis prevents access to special measures such as reasonable accommodations. And yet these measures can help create a level playing field.

As a person with a disability, I know what I'm talking about.

For years, I was one of those undiagnosed children.

I am convinced that equal access to reasonable accommodations and support measures would help all children and young people find fulfilment in their education.

I personally had the opportunity to finish my university studies as a person with multiple sclerosis thanks to accessible education abroad and distance learning, and I was able to get involved in the non-discrimination cause.

My full commitment to these efforts led to my appointment as President of the *Centre pour l'égalité de traitement* (CET) in March 2024.

However, a fair and equitable education begins with our youngest children and they must never be deprived of their inherent right to education. The aims of the Service de médiation scolaire are perfectly aligned with our mission: to create a fairer society.

Through active involvement in efforts to prevent school dropout, provide guidance and support, promote inclusive practices and ensure true integration is possible for everyone, a sense of momentum has been created.

I'm delighted to see that our joint efforts are bearing fruit and helping to meet the needs of the most vulnerable.

They are the people on whose behalf we should - and must - continue working to promote inclusion for all, and not only in education.

Working with all education system stakeholders - *the Office national de l'enfance* (ONE, National Office for Children) in the spotlight

Interdisciplinary collaboration is at the heart of the SMS's work.

This is why, each year, we will use our report to shine a spotlight on one of the key partners in our network of stakeholders working to benefit pupils.

All Kand zielt: the ONE's core role in supporting children and families

The ONE is a public service within the Ministry of Education, Children and Youth. Its role is to help, support and protect children, young people and young adults from 0-27 and their families who are experiencing difficulties, allowing these children and young people to access a safe environment that supports their development. Its commitment is underpinned by essential values that ensure children's well-being is always at the heart of its work. With a support network and a wide variety of assistance measures, the ONE provides tailored responses to the specific needs arising from the family situations it encounters.

The ONE's legal framework is primarily based on the *loi de 2008 relative à l'aide à l'enfance et à la famille* (2008 Law on child and family assistance). This Law sets out the guiding principles for the ONE's work and highlights the importance of the International Convention on the Rights of the Child, which promotes values such as non-discrimination and acting in children's best interest.

The ONE's values

The ONE puts the child's best interest at the heart of every decision. This priority is reflected in a global, inclusive approach that incorporates family and social circles into the support process. As well as valuing families as experts on their situation, the ONE actively works to identify and strengthen the resources available within each family. By co-creating tailored solutions with families, the ONE helps them become crucial, independent stakeholders in their children's development and well-being.

Regionalisation

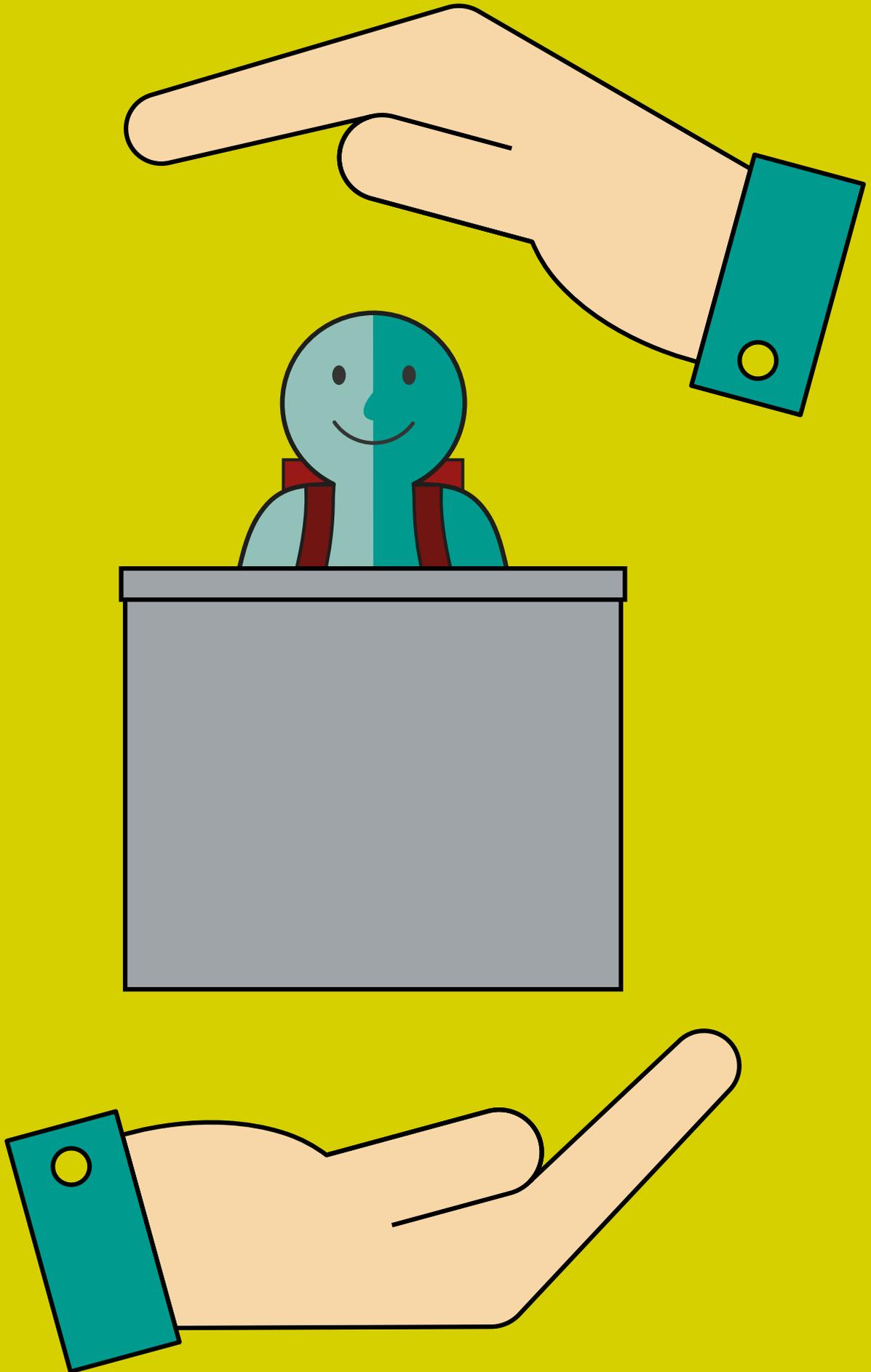
To ensure widespread coverage and local access, the ONE has 14 *Offices régionaux de l'enfance* (ORE, Regional Childhood Offices) located in the 15 primary education regions of Luxembourg. These regional offices facilitate families' access to the ONE's services, creating a direct link between professionals and families. The close relationship between the ONE and the regional directorates for primary education makes it possible to offer a comprehensive, integrated response to the needs of children and families experiencing difficulties by offering support focused on the entire family unit. Support coordination is organised by *coordinateurs de projet d'intervention* (CPI, intervention project coordinators), who handle complex situations in which assessment, implementation of intervention projects and long-term follow-up are required. These coordinators manage assistance requests in partnership with the family and the professionals involved.

The ONE offers a wide range of assistance measures, designed to meet the particular needs of each child and their family. They include outpatient, partial inpatient, inpatient and therapeutic measures, allowing the ONE to adapt to a variety of situations. Outpatient support includes a broad range of services that can be put in place to support the family while keeping the child in the family environment wherever possible. Consultations with psychologists and psychotherapists and family social and psychological support are among the measures put in place to help children and their family activate their personal resources and bolster their parenting skills.

Working as part of a network to benefit children and their families

Interdisciplinary collaboration between the ONE and stakeholders from the education, social, medical and legal systems is essential to provide tailored support to children and their families. This systemic approach allows the ONE to coordinate action between professionals in the school, educators, social workers, psychologists and doctors, encouraging information-sharing and calling on complementary skills. Cooperating helps to build personalised support measures that take into account educational, social and medical perspectives. This synergy makes interventions more effective, enabling fast, tailored responses in which families and children remain constantly involved in how the support is implemented. By developing relationships between all stakeholders involved, the ONE optimises the resources available to ensure that support is centred on the child's well-being and appropriate for the most complex situations.

Source: *Office national de l'enfance*



A large, solid yellow diagonal shape that starts from the top-left corner and extends towards the bottom-right corner, covering the upper-left portion of the page.

01.

OUR MISSION
A PUPIL-CENTRED APPROACH

The *Service de médiation scolaire* was created by the loi du 18 juin 2018 (Law of 18 June 2018). Its mission is to support pupils, parents and educational staff with managing conflicts and tensions within public and private schools and competence centres. It provides two-pronged support - both preventative and remedial - with the aim of maintaining a school environment built on trust and dialogue. The service has three basic areas of competence: retention, inclusion and integration in school.

Creating a calm school environment

With an interdisciplinary approach and a desire to prevent conflicts before they happen, the SMS works to create an environment in which dialogue, cooperation and mutual understanding are valued. It adopts a pupil-centred process, prioritising mediation-based methods. Its model is built on the principle of participatory mediation, in which every stakeholder - pupil, parent or education staff member - is encouraged to express their needs and find mutually acceptable solutions.

The mediation process, as described in the scientific literature, is much more than a simple conflict management mechanism. It is a transformational approach through which all parties can better understand their positions, clarify their needs and explore satisfactory solutions. The mediation process is founded on rigorous principles that ensure not only its effectiveness but also its ethical acceptability to the parties involved. It combines deep listening, paraphrasing positions and negotiating while ensuring exchanges are neutral, impartial and confidential.

DEEP LISTENING: A FUNDAMENTAL PRINCIPLE OF MEDIATION

Active listening not only creates understanding of the facts presented by the parties but also helps pinpoint the underlying emotions and needs. Mediation is much more than a simple process of information exchange. It relies on empathetic listening that identifies what is left unsaid and the fears that often lie at the root of the conflict. Active listening helps reduce tensions by showing parties that they are being heard, which is the first step towards peaceful conflict resolution. This technique also bolsters trust between the Mediator and the stakeholders, creating a discussion space that encourages common agreement.

PARAPHRASING NEEDS: A TOOL THAT CREATES CLARITY AND UNDERSTANDING

Paraphrasing is an essential technique in mediation. Restating what the parties have said helps to clarify the needs expressed through an objective lens. It also helps clear up misunderstandings and eliminate interpretation biases. According to Tardif and Borges¹ (2009), paraphrasing helps move beyond an emotional framework to refocus on the facts and on rational arguments. As a result, it reveals the parties' true interests, which are often hidden beneath emotionally charged discourse. Hadji² (2002) also focuses on the way in which paraphrasing can transform accusations or judgements into more neutral and factual statements, defusing tensions and beginning a more constructive conversation.

THE MEDIATOR'S NEUTRALITY AND IMPARTIALITY: GUARANTEED FAIRNESS

Neutrality and impartiality are two core pillars of mediation. The mediator must not take either party's side and must maintain balance throughout the process. According to the European Union's Code of Conduct for Mediators, neutrality means that the mediator has no personal interest in the outcome of the conflict, while impartiality refers to the mediator's obligation not to favour either party in their actions or words. This is all the more challenging in school contexts (Hadji, 2002), where the mediator is often seen as a representative of the educational institution. As such, it is crucial to put in place mechanisms that ensure the mediator's independence, both in their decisions and in how the process is conducted. Transparency regarding the mediator's methods, clarity on the roles and responsibilities and compliance with ethical standards are prerequisites to maintain impartiality.

CONFIDENTIALITY: A SAFE SPACE TO TALK

Confidentiality is another fundamental principle of mediation. It guarantees that everything said during mediation sessions remains strictly between the parties and the mediator. Participants can then express themselves freely and without fear that their words will be used against them in another context. Confidentiality reassures pupils and their parents that their personal worries will not be exposed either publicly or to the school authorities without their consent. It helps to create a climate of trust, which is necessary for the parties to tackle the true causes of the conflict.

¹ TARDIF Maurice et al., « Transformations de l'enseignement et travail partagé », *Les Sciences de l'éducation - Pour l'Ère nouvelle*, 2009/2 Vol. 42, 2009. p. 83-100.

² HADJI Charles, « La médiation : un concept pour repenser la pédagogie ? L'agir pédagogique à la recherche d'une cohérence », *La nouvelle revue de l'adaptation et de la scolarisation*, 2008/2 N° 42, 2008, p. 33-52.

A mission focused on three areas of competence

The SMS's underlying mission is to help ensure that all pupils, regardless of their social and educational situation, have a fair chance to succeed at school. Its mission is based on Article 3 of the *loi du 18 juin 2018 portant institution d'un service de médiation au maintien, à l'inclusion et à l'intégration scolaires* (Law of 18 June 2018 establishing a mediation service for the retention, inclusion and integration in school) within the National Education system, which positions the SMS as the body of last resort in matters of retention, inclusion and integration in school, working to support pupils and parents and ensure compliance with the legal requirements of Luxembourg's education system.

RETENTION IN SCHOOL - A COMMITMENT TO TACKLING SCHOOL DROPOUT

Ensuring pupils remain in school requires a commitment to tackling school dropout and reintegrating pupils who no longer attend school through a learning pathway that leads to a qualification. It is a fundamental challenge in the current educational context, where there are multiple and often interconnected causes of disengagement, including personal, family, social and academic difficulties. Through dialogue with families and National Education stakeholders, the School Mediator strives to find solutions that suit each pupil.

INCLUSION - ENSURING FAIRNESS IN EDUCATION

On the matter of inclusion in school, the School Mediator intervenes as a last resort to ensure that pupils with special educational needs can access the support measures legally provided for within the schools. The Mediator also works to raise awareness among educational teams and parents alike of the challenges of inclusion so every pupil can access a suitable education for their capabilities and needs. This aspect of the role is particularly crucial in an increasingly diverse educational context in which the pupils' mix of backgrounds requires constant adjustments to be made.

INTEGRATION - SUPPORT FOR NEWLY ARRIVED PUPILS

Finally, integration efforts are targeted at pupils of foreign origin or those who have recently arrived in Luxembourg and who are encountering difficulties in their school career. Alongside involvement from the ministry's services, the School Mediator works to support integration by facilitating communication between families, pupils and schools.

School mediation: a preventative tool

School mediation is not just a process for resolving one-time conflicts. In fact, it also covers promoting a safe, calm learning environment in which every pupil, regardless of their difficulties, can find their place and move forwards. It works to preserve - or restore - a climate of trust between the stakeholders, seeking long-term, fair solutions to maintain cohesion and avoid potential disruption to pupils' schooling. The approach involves close collaboration with educational teams, pupils, their families and other National Education stakeholders and involvement in training and awareness-raising measures.



The tools used to safeguard pupils' rights

The Law of 18 June 2018 tasks the SMS with a role that goes beyond traditional mediation, which is focused on facilitating dialogue between the parties without intervening in terms of the merits of the dispute.

However, the SMS carries a larger responsibility as a guardian of pupils' rights. In this role, it ensures pupils' rights are respected and monitors educational practices' compliance with the legal framework in place. This active role takes the form of two intervention tools provided for in law: investigations and recommendations.



INVESTIGATIONS - A CLARITY-BRINGING PROCESS ENSHRINED IN LAW

The law grants the SMS a particularly broad set of investigative powers that allow it to require schools and education services to provide it with the information it judges necessary to examine its referrals. Professional secrecy cannot be invoked against it. The School Mediator uses this data to analyse conflicts in depth.

RECOMMENDATIONS - A TOOL TO IMPROVE PRACTICES AND DRIVE LEGISLATION FORWARDS

There are two types of recommendations.

Individual recommendations

If the mediation process does not result in a mutually acceptable solution, the SMS may choose to issue recommendations to the schools or services in question. While these recommendations are not binding, they aim to guide practices, resulting in greater fairness and better compliance with legal requirements.

They remain confidential and are not published in annual activity reports to protect the parties involved.

When necessary, i.e. if the school or service in question refuses to take an individual recommendation into account, the SMS has the option to bring this fact to the attention of the Minister of Education, Children and Youth.

Individual recommendations are a rare occurrence. Only ten have been issued since the SMS was established in 2018.

General recommendations

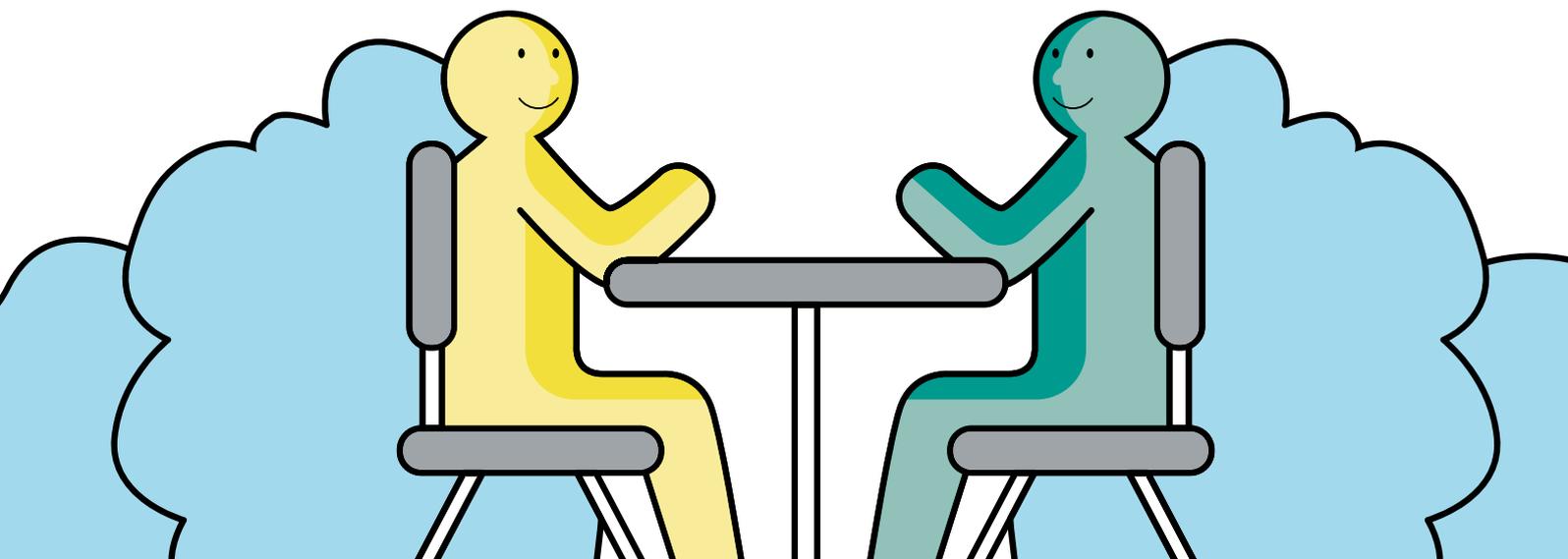
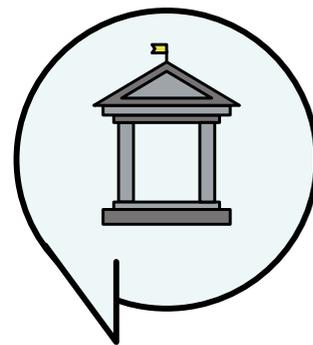
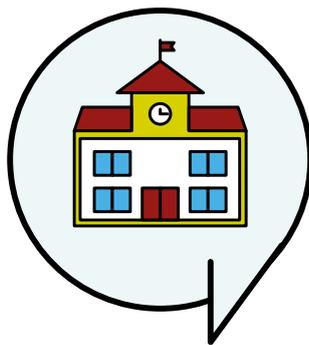
When the SMS identifies systemic inconsistencies or gaps in education legislation that go beyond individual cases, it can make general recommendations to the Minister of Education, Children and Youth. These recommendations are intended to improve the legislative framework or institutional practices at a more global level, and are generally included or at least summarised in the SMS's annual activity report. They speak to the SMS's proactive commitment to continuously improving education in Luxembourg (see page 46 for the parliamentary question on the SMS's recommendations).

Since it was established, the SMS has made some 60 recommendations. This figure highlights their importance as a tool to achieve the School Mediator's mission. Beyond individual situations, recommendations help bring continuous structural improvements to education in Luxembourg. The SMS's general recommendations have resulted in - or are expected to result in - several legal and regulatory provisions, ministerial orders and procedures within schools themselves.

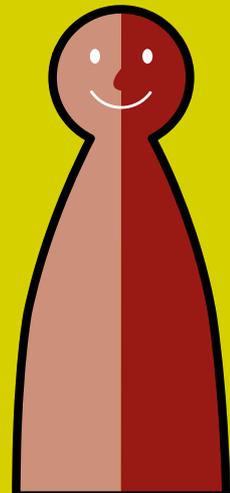
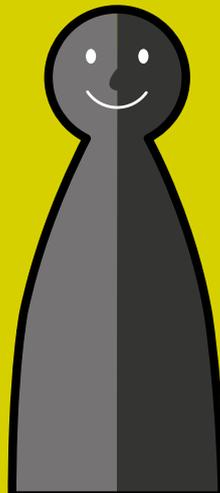
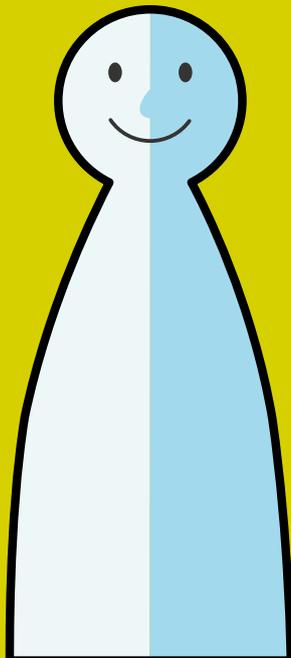
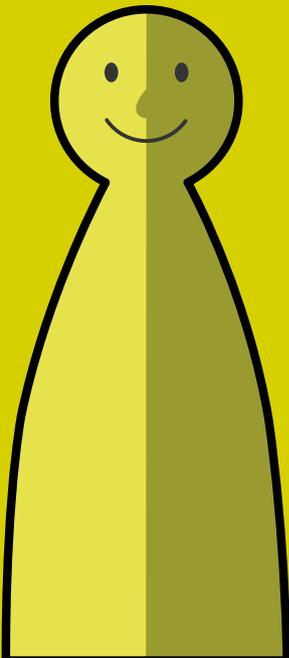
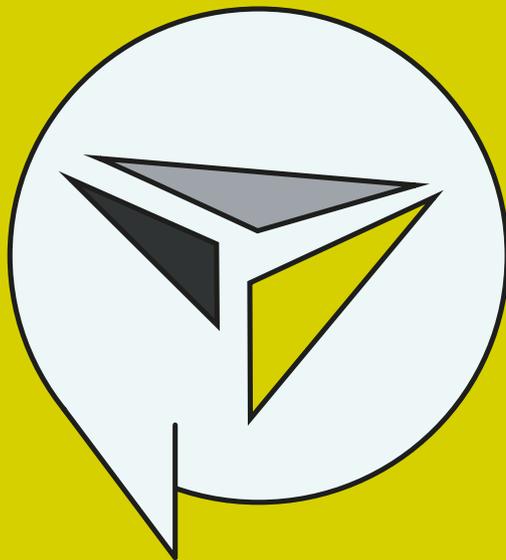
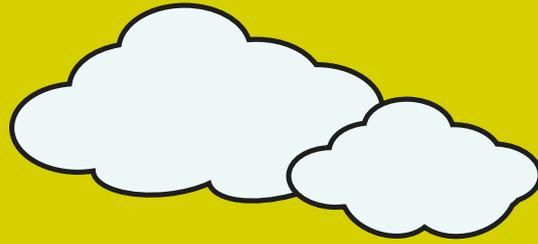
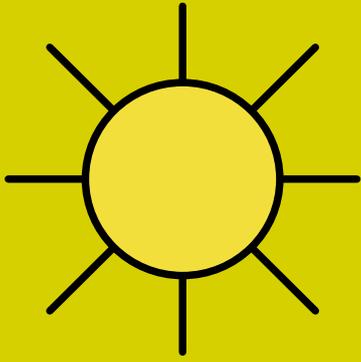
Micro and macro challenges

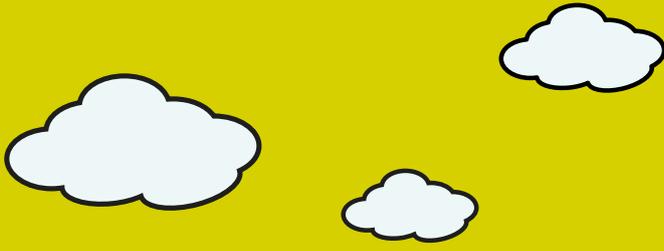
For many years, the Ministry of Education, Children and Youth has enacted legislation, implemented concrete initiatives in the field and recruited qualified staff in an effort to promote inclusive, integrated policies while actively tackling school dropout. It is a significant commitment that requires constant vigilance to ensure it is fully implemented in schools' day-to-day experience.

This is precisely the focus of the SMS's work, which is tasked both with receiving and handling individual complaints and with informing those in charge of desirable adaptations via individual and general recommendations. In 2023-2024, the SMS worked to create an offering that would permit closer collaboration with administrative managers, systematically analysing the context of the complaints regarding their institution. The aim was to use crises as an opportunity to create tailored, lasting change.









02.

A MULTIDISCIPLINARY TEAM



The team of the Service de médiation scolaire (SMS) is at the ready in all weathers!

The membership and structure of the SMS's interdisciplinary team is one of its most distinctive features. It comprises professionals from a range of backgrounds - law, psychology, mediation - and this complementary expertise is key to resolving the many challenges posed by conflict situations in schools. Not only does the interdisciplinary approach make our work more effective, but it also reflects a growing trend within contemporary education systems in which school-related issues have become more complex, requiring collective and coordinated management.

Complementary skills: a collective approach to conflict situations

The SMS's interdisciplinary team is organised to make full use of each professional's specific skills and tackle conflicts from multiple angles. Each discipline brings unique expertise: our psychologists offer in-depth understanding of emotional dynamics and child development challenges, while our legal experts ensure that relevant legal and regulatory frameworks and pupils' rights are respected. All are trained in mediation and can facilitate dialogue and improve understanding between parties. Having multiple viewpoints gives a better grasp on the complexity of school conflicts, which are not the result of simple misunderstandings but often a reflection of deeper tensions stemming from individual, family or institutional factors.

Greater effectiveness through cooperation

The effectiveness of the interdisciplinary approach stems from a high level of cooperation between SMS team members. It is essential that mediators work together to ensure continuity and consistency in their actions. By regularly exchanging information, sharing experiences and pooling tools and strategies, the team can propose appropriate solutions for every situation while acknowledging that each case is unique. This collaboration is built into the SMS's way of working through weekly team meetings, collective supervision sessions and continuing training

Continuously evaluating practices for constant improvement

The interdisciplinary SMS team constantly evaluates its practices and considers this an essential aspect of its work. The evaluation process is crucial, ensuring that its actions meet the goals of mediation and allowing it to adjust methodologies based on feedback. It is supported by supervision mechanisms in which team members can discuss complex cases, seek advice on conducting mediation and share the difficulties they encounter. Feeding back on practices helps team members' professional development and enables them to constantly upgrade their skills.

WHO IS THE SMS'S PRIMARY CLIENT/PATIENT?

Through my work to support the *Service de médiation scolaire*, I have identified multiple issues to take into account when laying the framework for the assistance they provide to those who interact with the service.

For interventions to be effective, everyone needs to understand the rules. It creates predictability for all stakeholders, allowing everyone to fulfil their role in a constructive manner.

Who is the service's primary client/patient? Who should benefit from the service's help, support and expertise?

In whose interest and for whose benefit do professionals involved work? The young person; their family; the school and the young person equally? The school system?

What resources, expertise and authority does the SMS have to fulfil its task?

Does its work include restoring balance in light of certain groups' vulnerability when it comes to the institution? Or should the SMS act as a mediator in the strict sense?

All of these questions are crucial, in terms of both the position adopted by professionals involved in the field vis-à-vis their interlocutors and regarding the limits of their scope.

Addressing these questions opens up dialogue within the team and feeds reflective analyses. Building on situations encountered in the field, the team approaches its work with a view to constantly improving. This focus allows it to reveal and refine common fieldwork benchmarks. Doing so ensures the SMS can integrate with the network and fully achieve the purposes for which it was created.

Thomas Ferbus,
supervisor to the SMS team

The mediation team

Requests and complaints are handled by the School Mediator, assisted by her team: the Deputy School Mediator and five assistants to the School Mediator. Together, they are committed to providing responses tailored to the specifics of each conflict.

LIS DE PINA

School Mediator

A trained legal expert and political scientist specialising in children's rights, Lis De Pina has been working in the Luxembourg civil service since 2000. She held a variety of positions of responsibility in multiple public services, including undersecretary general to the Council of State, before joining the Ministry of Education, Children and Youth. She has been an accredited mediator in civil, commercial and criminal mediation and has also been a member of the Advisory Commission on Human Rights since 2015. Lis was appointed School Mediator in September 2018 and holds the position for a renewable seven-year term.

CARLA OLIVEIRA

Deputy School Mediator

Carla Oliveira is a trained legal expert who spent several years as a lawyer in the private sector. From 2006, she worked in various public administrations. In 2018, she built on her initial education with mediation training at the *Centre de médiation civile et commerciale*. In October 2018, she joined the *Service de médiation scolaire* as assistant to the School Mediator. She was appointed Deputy School Mediator in August 2022.

MAX BUCHLER

Assistant to the School Mediator

A psychologist specialising in clinical neuropsychology, Max Buchler worked for ten years in primary education, first as part of a multi-professional team in special needs education and then as part of a support team for pupils with special educational needs in a directorate for primary education. In 2023, he developed his expertise with mediation training at the *Centre de médiation civile et commerciale*. He joined the *Service de médiation scolaire* in 2022.

JANICE EBARA

Assistant to the School Mediator

Janice Ebara, a qualified psychologist, holds a master's degree in neuropsychology and is currently taking mediation training. After spending two years carrying out cognitive science research at the University of Luxembourg, she joined the Ministry of Education, Children and Youth. She worked in turn in a secondary school, in a directorate for primary education and within the *Commission nationale d'inclusion* (National Inclusion Commission) before taking up a position as a mental health expert at the *Direction de la santé* (Health Directorate). She joined the *Service de médiation scolaire* in October 2024.

YVES MARCHI

Assistant to the School Mediator

Yves Marchi, a legal expert by training, spent 13 years as an advisor to the secretariat of the Council of State. In 2019, he decided to pursue mediation as a career and undertook training at the *Centre de médiation civile et commerciale*. Yves is currently studying a master's in mediation at the University of Luxembourg. He joined the *Service de médiation scolaire* in 2019. Additionally, he has held political office as a municipal councillor since 2013.

VANESSA REIS

Assistant to the School Mediator

Vanessa Reis, a qualified psychologist with a master's degree in clinical psychology, specialises in child and adolescent psychology. She is currently taking further training on systems psychology. After working at the Ministry of Education, Children and Youth, in primary education and then in a residential unit for pupils, she joined the *Service de médiation scolaire* in 2021.

CLAIRE RUSSON

Assistant to the School Mediator

Claire Russon, a qualified psychologist with a master's degree in clinical psychology and psychopathology, trained and continues to train using a systems-based approach (supporting families and developing organisations). She held multiple roles at the *Centre psychosocial et d'accompagnement scolaires* (Psychosocial Counselling and School Support Centre), including practice quality development officer, SePAS/SSE Resource Centre coordinator, member of the management. She spent four years setting up a SePAS in a secondary school. For six years, she also worked as an HR consultant in the private and public sectors. She joined the *Service de médiation scolaire* in December 2023.

The coordination and administration team

The coordination and administration team of the Service de médiation scolaire is responsible for organisation and communication. It supports the mediation team through a range of projects to improve internal and external processes.

MARTINE KLEINBERG

Assistant to the School Mediator, internal coordination and communication

After several roles in the private sector, Martine Kleinberg embarked on a career as a teacher in 2003. In 2009, she joined the Ministry of Education, Children and Youth, where she developed and ran multiple projects. Alongside this role, she specialised in conflict prevention and management as well as in mediation with a master's degree in mediation from the University of Luxembourg. In 2023, she became a certified mediator in civil, commercial and criminal mediation with the Ministry of Justice. She joined the SMS in May 2023.

ALMINA SKRIJELJ

Administrative coordinator and first point of contact for complainants

Almina Skrijelj, administrative coordinator and complainants' first point of contact, studied administration and business, during which time she gained experience working in a secondary school. She then consolidated her skills during two years with the Luxembourg Red Cross. She joined the *Service de médiation scolaire* in 2018.

EVA EMMERLING

Administrative assistant, administrative manager for complaint cases

After a long administrative management and secretarial career in the private sector, Eva Emmerling joined the *Service de médiation scolaire* in 2023 as an administrative assistant, where she manages complaint cases.

STEVEN PIA

Receptionist and infrastructure manager

Steven Pia spent over 12 years in the private sector. In 2018, he joined the *Service technique, accueil et réception* (Technical, Welcome and Reception Service) of the Ministry of Education, Children and Youth, where he took on various technical and logistical tasks. Since 2022, he has been assigned on a full-time basis to the *Service de médiation scolaire* as receptionist and infrastructure manager.

MORENO ROSAFIO

Administrative assistant, budget manager

After over 30 years of experience in the private banking sector, Moreno Rosafio joined the *Service de médiation scolaire* in 2020, where he is budget manager and administrative assistant. In this role, he monitors the budget assigned to the Service, performs inventory management and manages relationships with external suppliers.

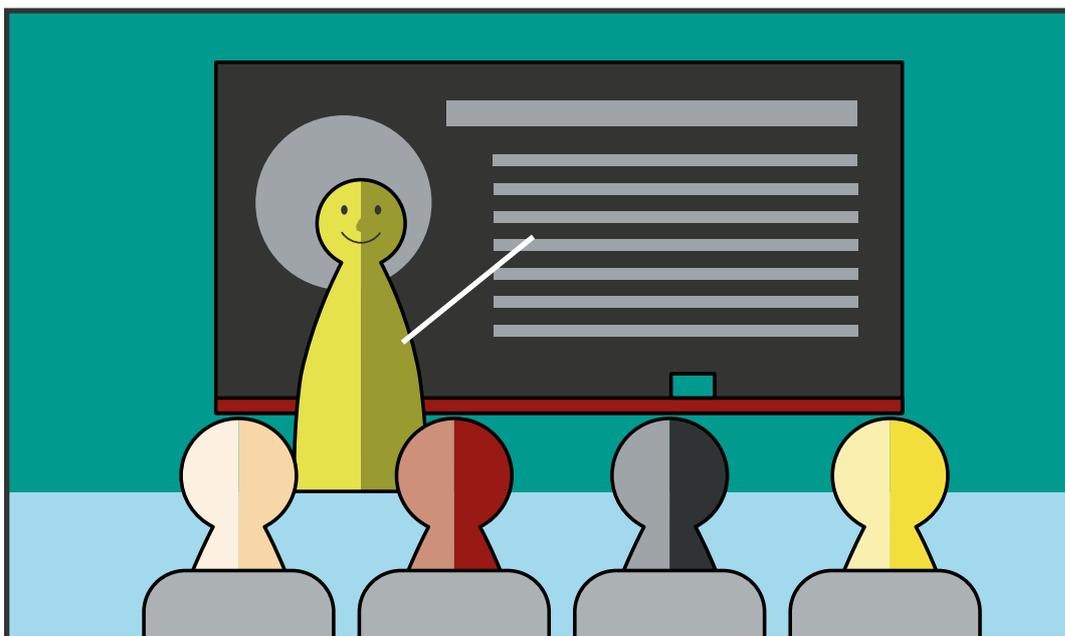
The team's training

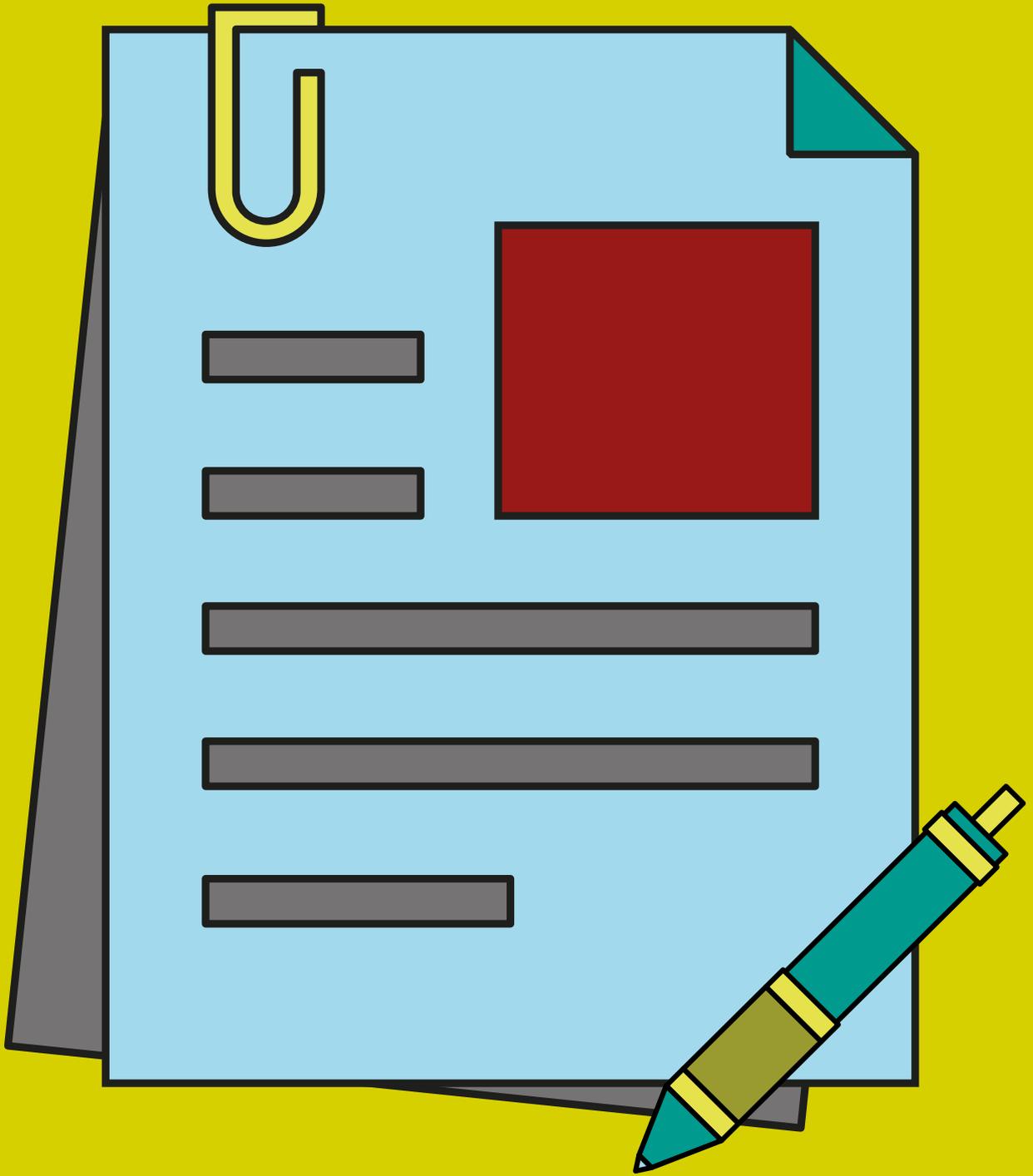
The SMS team members constantly undergo training both in mediation and in fields related to its goals. This includes continuing training and conferences (see page 74, "Increasing our presence at events").

In 2023-2024, one or more team members took the following training courses:

- **Mediation skills programme, CMCC**
- **Systemic Pedagogy - Introductory Course, IFEN**
- **Introduction to the General Data Protection Regulation, INAP**
- **The basics of the General Data Protection Regulation, INAP**
- **Implementing whistleblowing channels within the State Civil Service, Ministry of the Civil Service**

Since December 2021, the assistants to the School Mediator have attended periodic supervision sessions led by a Belgian psychologist. These sessions offer an opportunity to look back at situations experienced with various contacts as a team, reflecting on the service's way of working and how its processes can be formalised. In 2023-2024, four sessions were organised on the SMS's premises.





03.

**OVERVIEW OF OUR
RECOMMENDATIONS
2023-2024**

Exceptional nature of individual recommendations

The SMS's preferred approach is to resolve disagreements and conflicts amicably. Consequently, schools or public education services against which a complaint has been made (see glossary on page 85) only receive individual recommendations in rare cases.)

Just one individual recommendation was issued in 2023-2024.

For reasons of confidentiality, these recommendations are not published.



General recommendations

In 2023-2024, the SMS wrote three recommendations, which were sent to the Minister. One relates to retention in school, while two fall under the area of inclusion (regarding pupils who are in distress without being considered to have special educational needs).



RECOMMENDATION NO. 58 / 2024

Implementing conditional admission beyond its legal framework and in the absence of specific criteria

Summary of the situation

Following multiple complaints, the SMS questioned – as in 2020 and 2022 – the legality of conditional admission after expulsion (Article 43ter¹ of the *loi modifiée du 25 juin 2004 portant organisation des lycées* (amended Law of 25 June 2004 on the organisation of secondary schools) – the “2004 Law”) and the legality of a specific interpretation of Article 39² of the same law. In a complaint, a 13-year-old pupil was admitted to a secondary school subject to conditions; however, the pupil’s situation did not correspond to the cases provided for in law (Article 39), leading to an expulsion that took place outside the legal procedure. In another case, following an unreasonable interpretation of Article 39, a class council expelled a pupil from their class for newly arrived pupils, once again without regard to the legal procedure and the protection it confers on the pupil.

Recommendation to the Minister

- examine the issue of conditional admissions and, if relevant, give clear instructions at the national level before making potential amendments to the 2004 Law such as those announced in his response to Recommendation No. 52 / 2022

Follow-up by the Ministry

The Minister is strongly committed to ensuring compliance with legal provisions and the correct application – “in a restrictive manner, with sensitivity” – of the articles in question. He informed the SMS that the issue would continue to be discussed and could be covered in ministerial notes with nationwide scope.

1 **Article 43ter.** – The consequences of expulsion
(...)

“For an expelled pupil who is re-enrolled in the same secondary school or enrolled in another secondary school, the principal shall set the conditions for enrolment; the pupil, if he/she is of age, or the parents of the pupil, if he/she is a minor, shall agree to those conditions in writing. In the event of non-compliance with those conditions within twelve months of enrolment, the principal may expel the pupil, after consulting the class council.”

2 **Article 39.** Conditional admission

Conditional admission concerns: pupils admitted by the principal on the basis of an application and who, in the previous year, did not take the class giving access to the desired class; and pupils registered during the school year. The class council shall decide, at the end of the term or semester during which the conditional registration took place, based on academic results, if the registration is to be made permanent or if the pupil is to be transferred to another class.

RECOMMENDATION NO. 59 / 2024

Requests to switch class in primary education

Summary of the situation

The SMS observed that decisions on requests to switch class differ considerably from one region to another and there appeared to be no clear criteria nor uniform procedure, with municipal authorities and regional directorates for primary education passing responsibility back and forth.

Furthermore, when handling complaints in which the child's lack of well-being formed the basis of the request to change class, the SMS remarked that the regional directorate requires parents to provide a written statement in the form of a report from a private psychologist or child psychiatrist. Without such reports, or if they are judged insufficient, the regional director refuses to allow the pupil to switch class. However, the regional directorates have access to mental health experts who know the school system from within and are permitted to make observations within classes (including psychologists from the équipes de soutien des élèves à besoins éducatifs spécifiques (ESEB, support teams for pupils with special educational needs)). Calling on these National Education professionals would avoid painful delays for everyone, which otherwise unnecessarily prolong the suffering of the child in question.

Recommendation to the Minister

- set out transparent, uniform criteria aimed at regional directorates to specify the conditions in which a pupil can, in exceptional circumstances, switch class within a primary school
- call on regional directorates to seek the opinion of experts from within the school system when parents believe that the pupil's mental health is at stake

Follow-up by the Ministry

The Minister recalled that, legally speaking, the organisation of schooling, including assigning pupils to classes, managing registrations and, consequently, switching classes, falls to municipal authorities. It would therefore not be appropriate to set out criteria under which regional directorates should allow pupils to switch class. However, the Minister takes pupils' mental health seriously. Directors have been reminded that educational teams must be vigilant as to pupils' mental health in the event of a request to switch class and call on the équipes de soutien des élèves à besoins éducatifs spécifiques to put in place, where necessary, measures designed to promote the pupil's well-being.

RECOMMENDATION NO. 60 / 2024

Psychological support to pupils in primary education

Summary of the situation

Over the last two years, increasing numbers of parents have approached the SMS due to their child's psychological distress at primary school. However, it is unclear where responsibility lies within primary education for assessing and, where necessary, taking care of a pupil's psychological distress. It often appears that teachers or regional directorates instruct parents to contact private psychologists or child psychiatrists because of the unavailability of in-house psychologists.

However, the recent amendment to the *loi du 6 février 2009 portant organisation de l'enseignement fondamental* (Law of 6 February 2009 on the organisation of primary education) tasks each *équipe de soutien des élèves à besoins éducatifs spécifiques* (ESEB) with providing, at the request of the pupil, their parents or the teacher, following the granting of parental consent, psychological, personal or social counselling and guidance to pupils to promote their well-being, independence and personal fulfilment and their involvement in school life (Article 27ter). However, some people in charge of regional directorates interpret this article restrictively, i.e. understanding that only those pupils with special educational needs may be targeted by ESEB. What about other pupils?

Recommendation to the Minister

- clarify, in the interests of equal treatment, who within primary education is responsible for assessing and, where necessary, taking care of pupils' psychological distress in general

Follow-up by the Ministry

The Minister reiterated the importance he attaches to mental health at school. In primary education, the class teacher is the first point of contact and a trusted person for pupils experiencing difficulties. Article 27ter quoted by the SMS also allows the pupil to contact a member of the ESEB without requiring parental permission. This allows the ESEB to carry out an initial assessment and propose measures, whose implementation does require parental agreement.

In general, it is the duty of educational teams - supported by the ESEB where relevant - to identify the causes of pupils' lack of well-being and to propose approaches to improve their mental health. If the pupil is experiencing a crisis, the ESEB is responsible for the initial response and the initial assessment.

If no improvement occurs following the measures put in place by the teaching team and the ESEB, the parents or the teacher in agreement with the parents may contact the Commission d'inclusion (CI, inclusion commission) for more in-depth follow-up. After evaluating the situation, the CI informs parents of the recommended measures.

If specialist support from an outside expert appears necessary, the CI informs parents of the resources and organisations available (approved providers working with the Office national de l'enfance).

Parents are actively involved in determining these measures and they must agree to them before they are implemented.

The ministry will again make primary education stakeholders aware of the importance of pupils' mental health and will remind them of existing procedures.

Parliamentary question on the SMS's recommendations and the Minister's response

N°882
Entrée le 13.06.2024
Chambre des Députés
Déclarée recevable
Président de la Chambre des Députés
(s.) Claude Wiseler
Luxembourg, le 14.06.2024
Chambre des Députés

déi Lénk

David Wagner
Deputy

Luxembourg, 13 June 2024

Mr President,

In accordance with Article 80 of the Rules of Procedure of the Chamber of Deputies, please forward the following parliamentary question to the Minister of Education.

The annual report 2018–2023 of the *Service de médiation scolaire* (School Mediation Service) contains multiple concrete recommendations that would improve the legislative and bureaucratic framework governing schools, thus allowing our pupils to enjoy a more carefree school career. However, several of these recommendations have only been followed in part or are still awaiting concrete legislative and administrative action from the ministry.

I would therefore like to invite the Minister to provide me with the following information.

1. Which recommendations from the *Service de médiation scolaire*'s 2018–2023 report does he consider to be a priority and does he still want to see lead to concrete action from his ministry within the current legislative period?
2. For what reasons does he consider them to be a priority?
3. Which recommendations does he plan not to follow or plan to leave in their current state?
4. For what reasons does he not consider these recommendations to be a priority?

Yours respectfully,



David Wagner
Deputy

N°882
Entrée le 09.10.2024
Chambre des Députés



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère de l'Éducation nationale,
de l'Enfance et de la Jeunesse

Réponse de Monsieur le Ministre de l'Éducation nationale, de l'Enfance et de la Jeunesse, Claude Meisch, à la question parlementaire n° 882 de Monsieur le Député David Wagner

Le Service de médiation scolaire (SMS) a été créé par la loi du 18 juin 2018 portant institution d'un service au maintien, à l'inclusion et à l'intégration scolaires de l'Éducation nationale. Le SMS travaille de manière indépendante et est placé sous la responsabilité du médiateur scolaire, nommé pour une période de sept ans.

En vue d'une optimisation continue du système scolaire luxembourgeois et afin d'offrir à tous les élèves les meilleures chances de réussite scolaire, le SMS attire l'attention du ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse (MENJE) sur les doléances qui lui sont confiées par le personnel enseignant et socio-éducatif ainsi que par les parents d'élèves.

Le MENJE prend toutes les recommandations émises par le SMS au sérieux et, si elles nécessitent une action concrète, tente de les mettre en œuvre dans les meilleurs délais, notamment en apportant les modifications législatives qui s'imposent.

Ad 1) et 2)

Recommandations nécessitant une action concrète considérées comme prioritaires et pas encore transposées :

- *Recommandation n° 6 / 2019 – L'ajustement des notes scolaires*
Recommandation n° 34 / 2020 – Ajustement vers le bas des notes scolaires

Devant l'insécurité juridique engendrée par la mesure critiquée, une Instruction ministérielle interdira la pratique de l'ajustement vers le bas des notes scolaires.

- *Recommandation n° 41 / 2020 – Mise à jour du « Vade-mecum : La mesure disciplinaire du renvoi »*

En raison de la gravité que revêt un renvoi scolaire dans le parcours d'un jeune, il est impératif d'entourer cette mesure de toutes les garanties permettant d'assurer les droits du jeune. Aussi le document « Vade-mecum : La mesure disciplinaire du renvoi » est-il actuellement mis à jour et sera finalisé dans le courant de l'année scolaire 2024-2025.

- *Recommandation n° 43 / 2021 – Admission à l'examen de fin d'études secondaires*
- *Recommandation n° 47 / 2021 – Exclusion des examens de fin d'études secondaires*

Il est prévu de procéder à l'élaboration d'une nouvelle législation concernant l'organisation des examens de fin d'études classiques et générales, actuellement régie par le règlement grand-ducal modifié du 31 juillet 2006 portant organisation des examens de fin d'études classiques et générales.

Elle précisera les conditions d'admission aux examens ainsi que les cas justifiant une exclusion des examens.

- *Recommandation n° 14 / 2019 – Difficultés récurrentes dans la prise en charge d'élèves à besoins spécifiques dans l'enseignement fondamental*

Le MENJE considère qu'un encadrement holistique de tous les enfants, en particulier des élèves à besoins spécifiques, est primordial. C'est dans ce contexte, que l'élaboration d'une procédure pour la gestion des certificats dans des cas de figures particuliers, pour laquelle les recommandations de différents experts sont également consultées, est actuellement en cours de finalisation.

Ad 3) et 4)

Dans certains cas, aucun changement ne s'avère nécessaire et il convient de rappeler les dispositions légales en vigueur aux partenaires scolaires.

Recommandations ne nécessitant pas de suivi particulier :

- *Recommandation n° 48 / 2021 – concernant l'application de l'article 39 de la loi modifiée du 25 juin 2004 portant organisation des lycées*

Le MENJE ne souscrit pas à la proposition d'une dérogation à l'article 39 de la loi modifiée du 25 juin 2004 pour l'EHTL ou d'autres lycées. Les différents services compétents (cellule d'orientation du lycée, Direction générale de l'enseignement secondaire pour les cas complexes, Maison de l'orientation) lui apportent leur aide dans cette réorientation.

- *Recommandation n° 07 / 2018 - Prise en compte de la langue luxembourgeoise pour la décision de promotion du cycle 1 vers le cycle 2*

La prise en compte de la langue luxembourgeoise pour la décision du passage du cycle 1 vers le cycle 2 fait partie du processus global de la révision du plan d'études, qui est actuellement en cours.

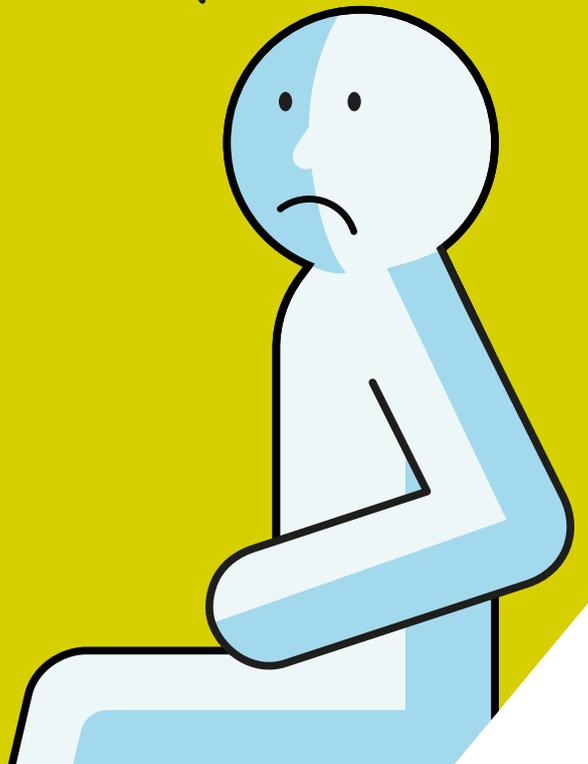
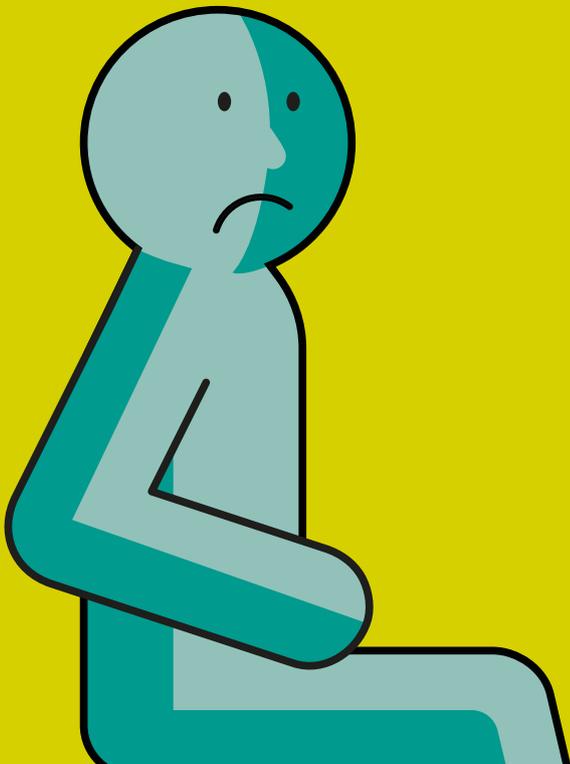
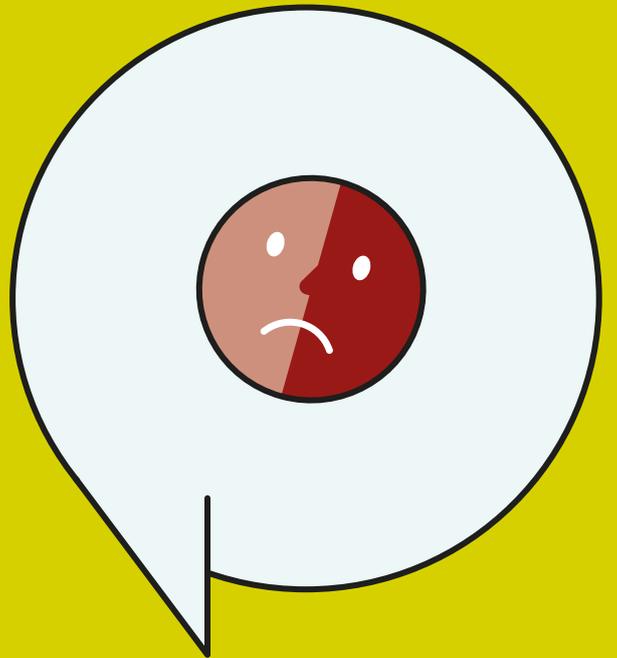
- *Recommandation n° 39 / 2020 – Scolarisation des élèves en situation irrégulière*

Conformément à l'article 7 de la loi modifiée du 18 décembre 2015 relative à l'accueil des demandeurs de protection internationale et de protection temporaire, les DPI pour lesquels aucune décision finale n'a été prise, ont accès à la formation professionnelle et aucun traitement discriminatoire leur est applicable.

Luxembourg, le 8 octobre 2024

Le Ministre de l'Éducation nationale,
de l'Enfance et de la Jeunesse

(s.) Claude MEISCH



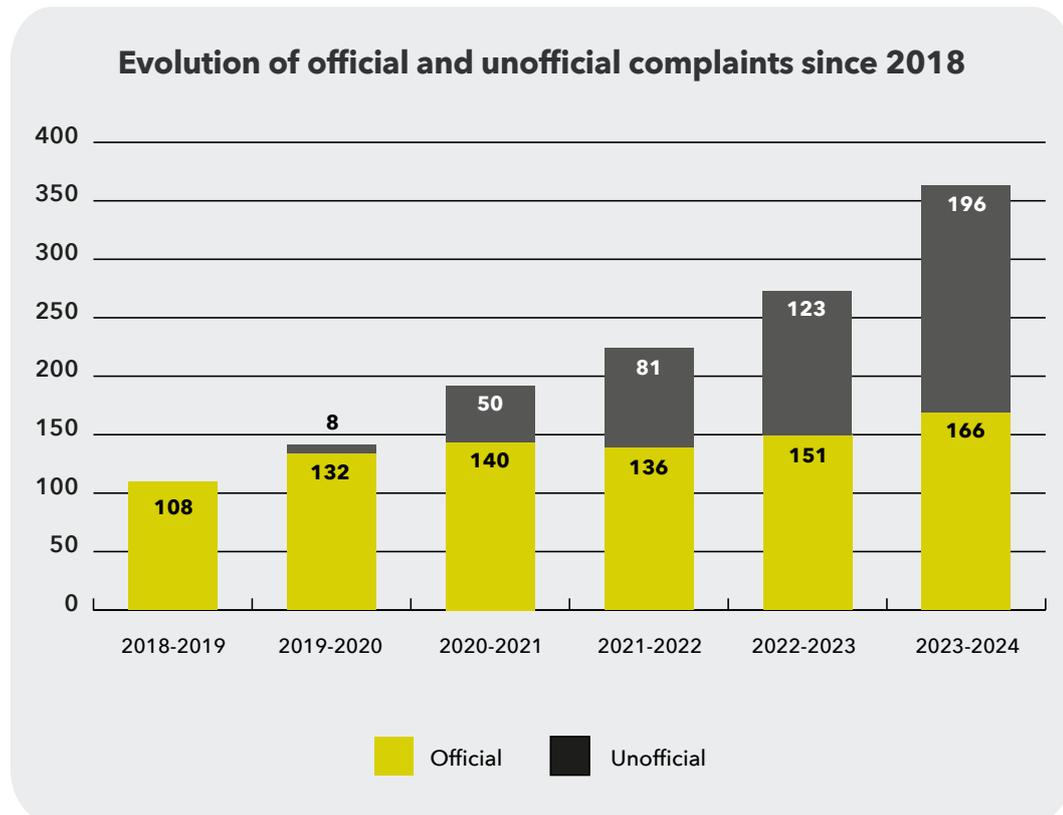
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04. **COMPLAINTS IN FIGURES**

The SMS recorded a total of 362 new complaints for the period from 15 September 2023 to 14 September 2024. These figures represent a 32% increase compared to complaints in the previous year.

More unofficial complaints

The 362 new complaints break down into 166 official complaints and 196 unofficial complaints.



COMPLAINTS IN FIGURES

A complaint is considered unofficial when the complainants declined to formally refer the matter to the School Mediator, and thereby to formally authorise him/her to obtain information from the school bodies concerned. However, these complaints are received and handled with the same level of attention as official complaints.

An unofficial complaint can also arise following an informal request for information that does not fall within the scope of the SMS (see out-of-scope complaints below) or requests from professionals following which the parents refused consent for the SMS to formally intervene.

While in 2022–2023, there were more official complaints than unofficial complaints, the inverse was seen in 2023–2024.

Changes to the definition of unofficial complaints partly explain this increase.

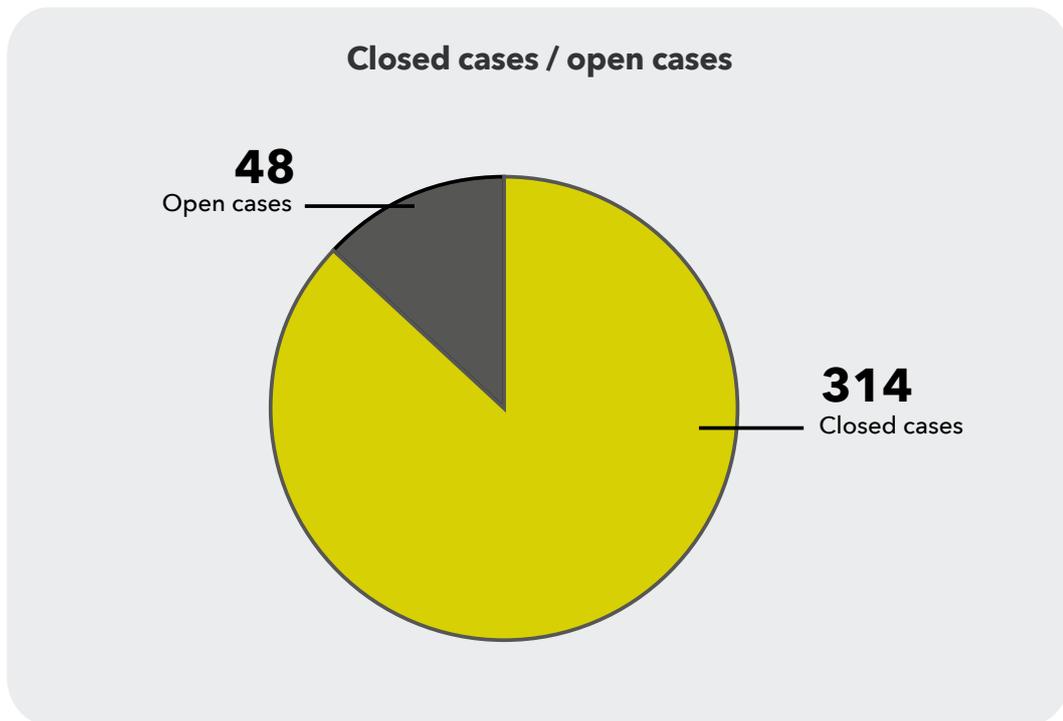
However, there are additional hypotheses that could explain the rise:

- an increase in the number of single contacts could reflect families' difficulties identifying the right person within the education system.
- the ease with which users find the SMS online, including by searching for the words "conflict+school+Luxembourg", could result in contact for matters that are (currently) beyond its scope. They could be consulting the SMS to a greater degree at an earlier stage, before the preliminary procedures (see glossary, page 83). The SMS then receives their complaints, listens to them and directs them towards the relevant service.
- Additionally, awareness and recognition of mediation in general (also via web searches) may be a factor.

From its creation in September 2018 until 14 September 2024, the SMS received 1,291 complaints, of which 833 were official and 458 unofficial complaints.

Closed and open complaints cases

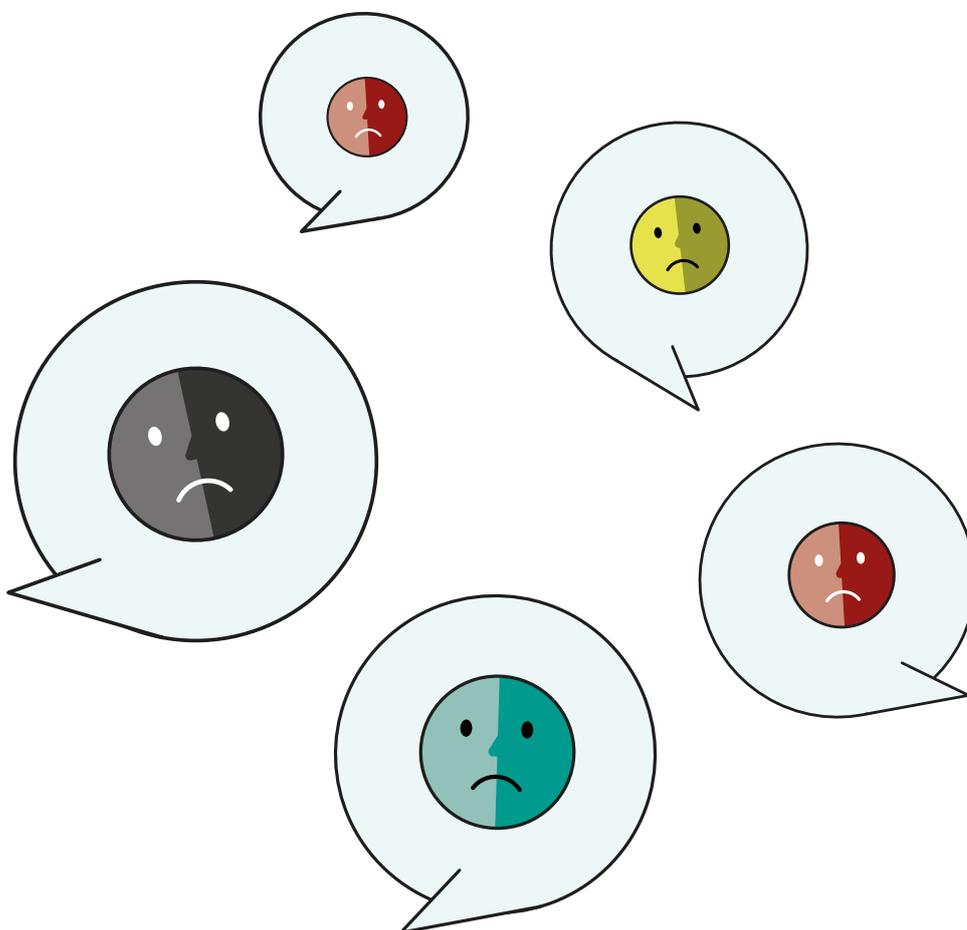
Of the 362 complaints received by the SMS during the 2023-2024 school year, 314 had been closed as of 19 September 2024, while 48 were still being handled. These include both cases that were opened at the end of the school year and complex cases that were not yet resolved at the beginning of the new school year.



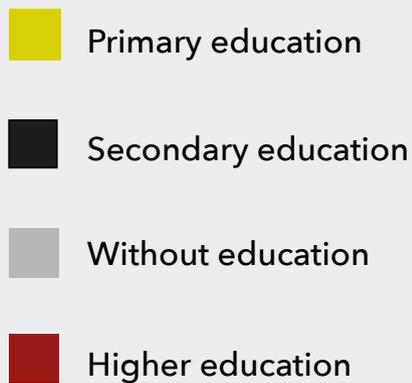
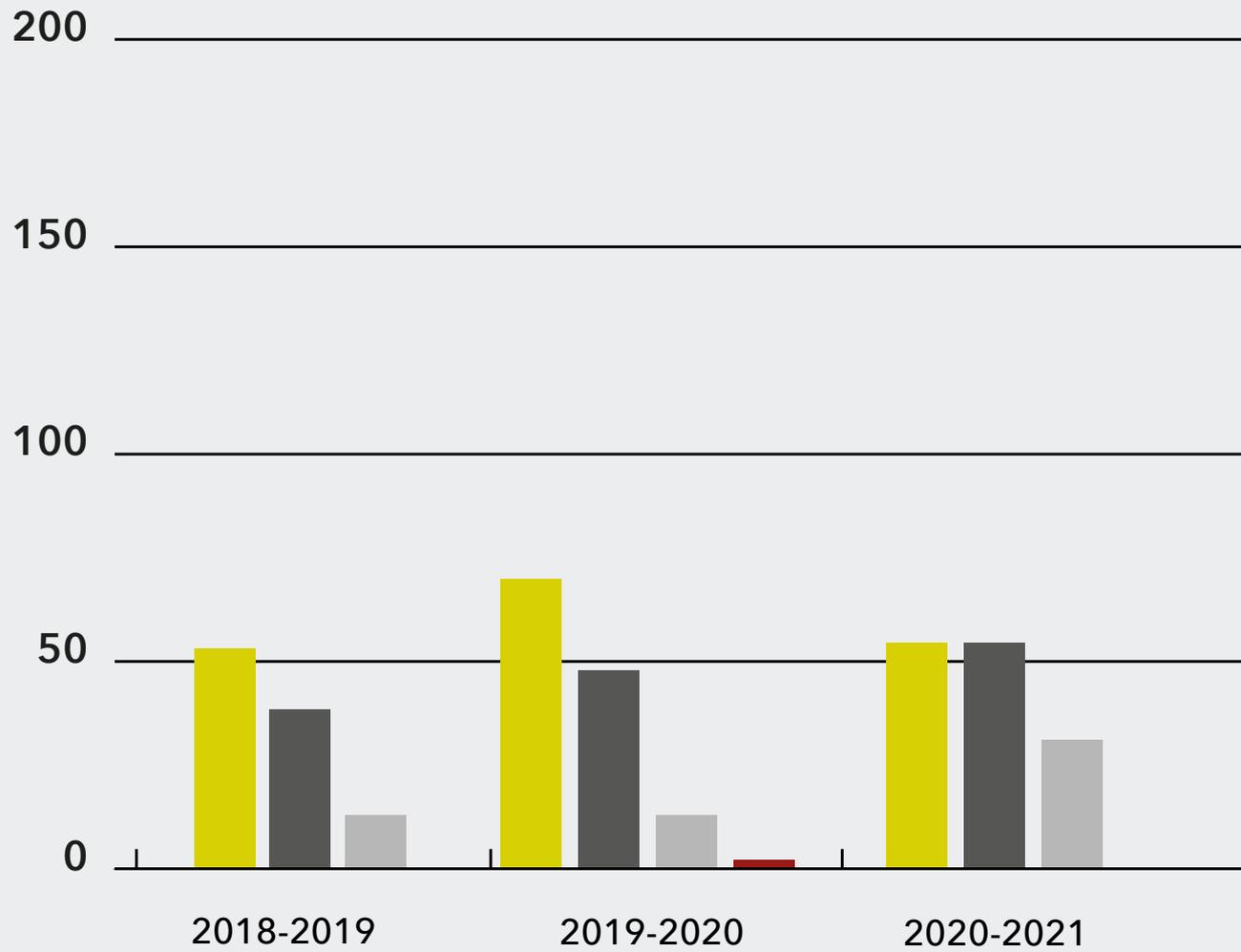
More complaints from secondary education

In 2023-2024, 144 new complaints related to pupils in primary education (including eight in early childhood education), 196 concerned secondary education and one was from a young person in higher education (studying for a bachelor's degree); 22 gave no indication of the school in question.

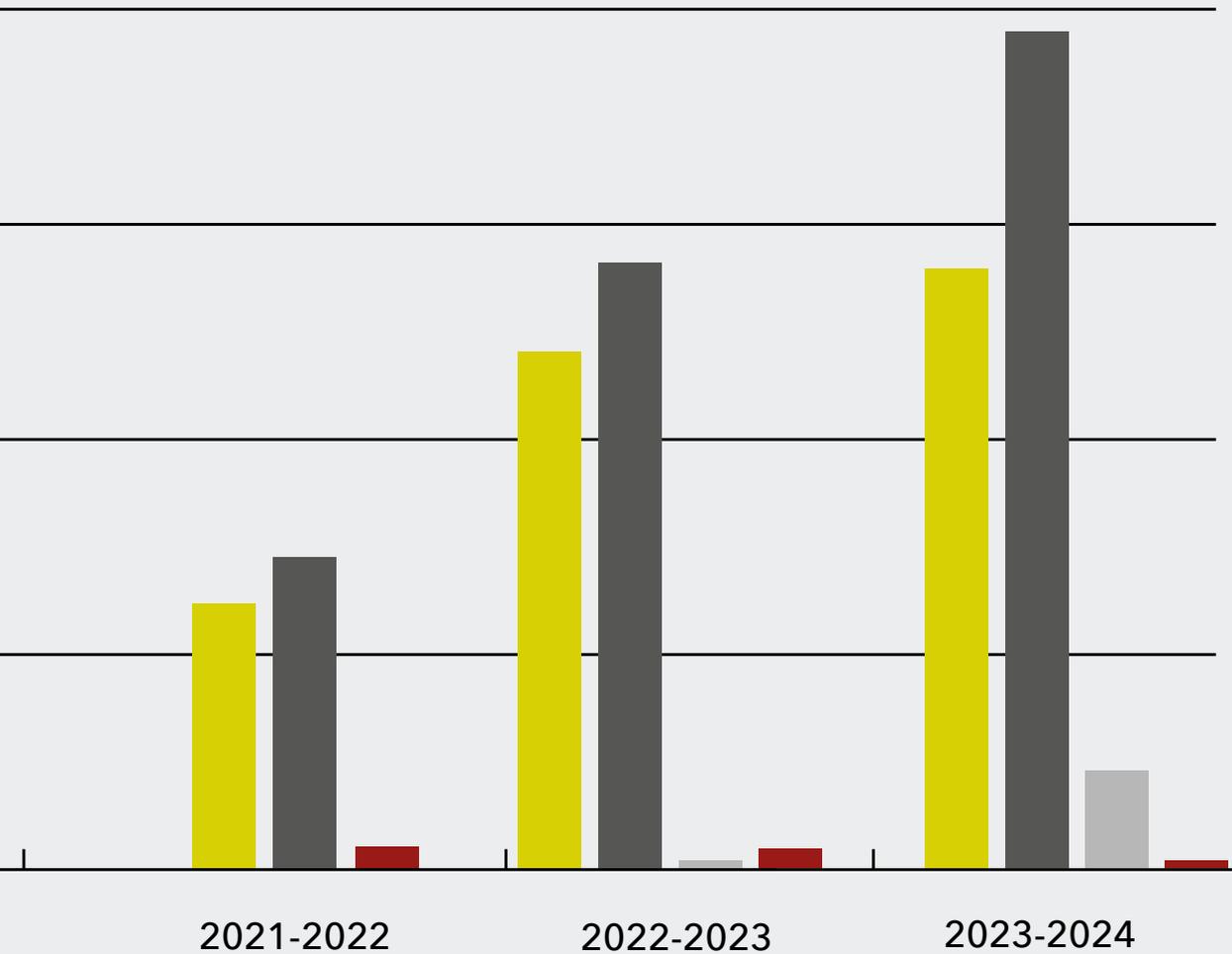
It is interesting to note that the distribution between primary and secondary education has tipped towards secondary since 2021-2022. This trend should be seen in parallel with the recent implementation of the *équipes de soutien des élèves à besoins éducatifs spécifiques* (ESEB) in secondary schools and with the expectations that inclusion awareness measures are generating among parents when their child moves from primary to secondary education.



Complaints by education level since 2018



COMPLAINTS IN FIGURES



Public schools slightly overrepresented

Of the **362 complaints**, **292** were regarding **public schools** (211 in the previous year), **18** regarding **private schools** (12 in the previous year) and in **52** cases, **no school** was indicated. There is a slight over-representation of the public sector: 86% of pupils are publicly educated, yet **94%** of complaints (where a school was indicated) come from pupils in the public sector.

More pupils no longer of mandatory school age

In **83** of the 362 complaints, the pupils in question were no longer obliged to attend school because they had **reached the age of 16** (53 in 2022-2023). They account for a **slightly larger proportion in 2023-2024 (23%)** than in 2022-2023 (19%).

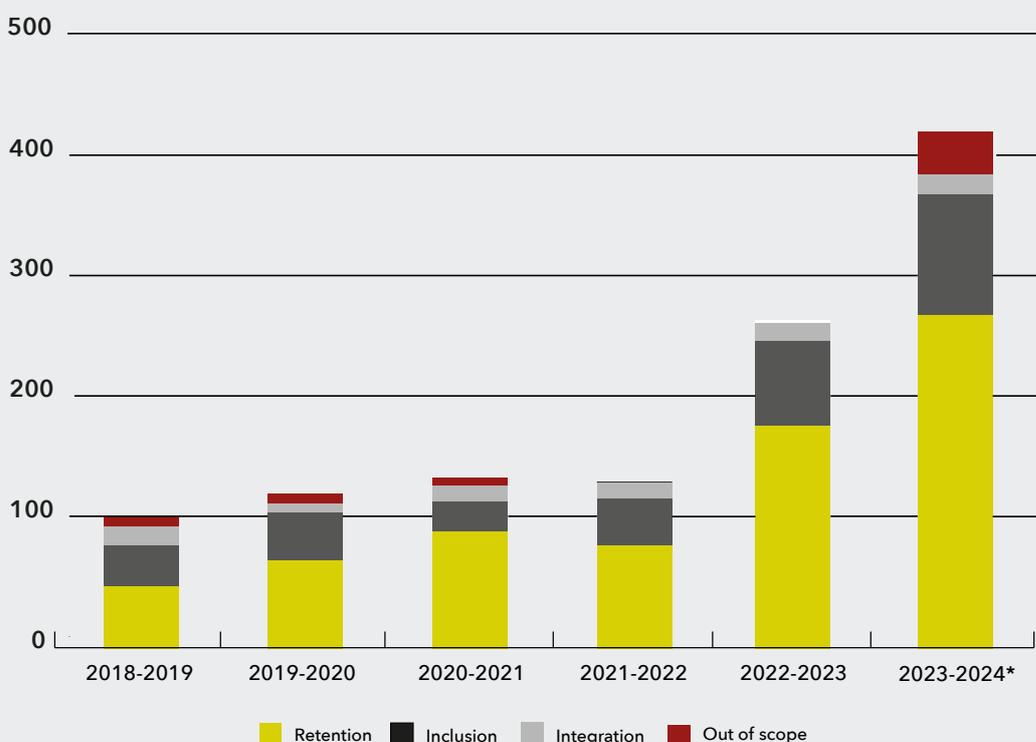
A new approach to our areas of competence

The 362 complaints are divided among the SMS's areas of competence as follows:

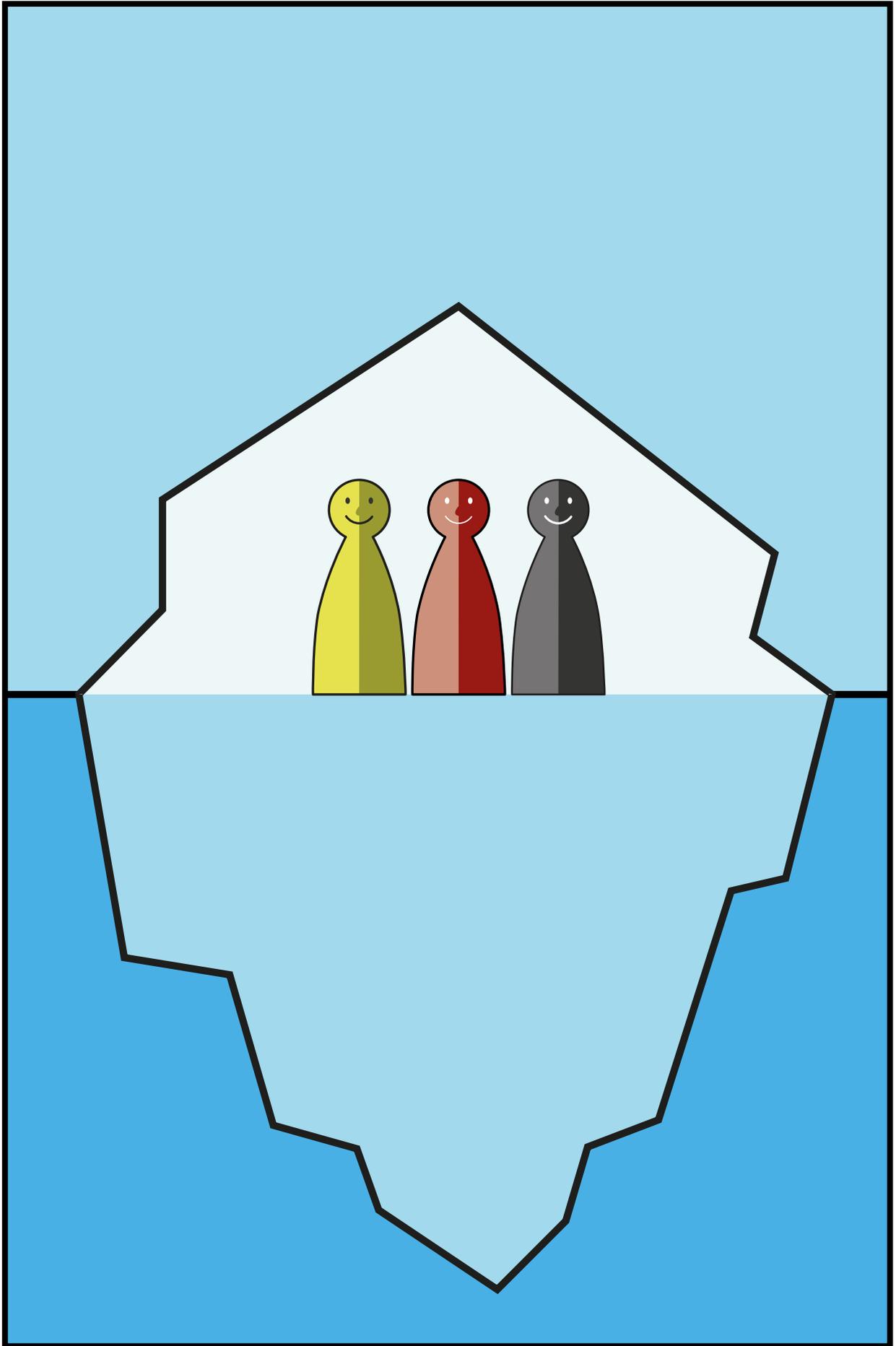
- 272 complaints relating to **retention in school**;
- 99 relating to **inclusion in school**;
- 16 relating to **integration in school**;
- 35 **out of scope**.

Many complaints fall into more than one area of competence; however, until last year, they were categorised in the area in which they were judged to have the greatest impact. Under the new method of documenting complaint statistics, a single complaint can be assigned to multiple areas. This explains why the total number of **categorised complaints** (422) is higher than the number of complaints (362).

Complaints by area of competence since 2018



*From 2023-2024, a complaint can be assigned to more than one area of competence. This is why the total number of categorised complaints exceeds the number of complaints.



A rise in out-of-scope complaint cases

It is not easy to interpret the reasons behind the considerable increase in the number of out-of-scope complaints compared to previous years. However, it is revealing to note that almost a quarter of these complaints relate to difficulties with school registration, in response to which the SMS generally directs those who contact it to the *Maison de l'orientation* (Guidance Centre), which is responsible for helping pupils find a school.

These out-of-scope cases also include complaints regarding the non-formal sector, situations involving conflict within teaching teams, complaints regarding European schools or university, and simple misunderstandings, such as when the SMS is contacted by people looking for an intercultural mediator.

The SMS forwards these complaints to the relevant ministerial departments, as provided for in Article 1 of the *règlement grand-ducal du 8 juin 1979 relatif à la procédure à suivre par les administrations relevant de l'État et des communes* (Grand-Ducal Regulation of 8 June 1979 on the procedure to follow by administrations of the state and municipalities).¹

Looking below the tip of the iceberg

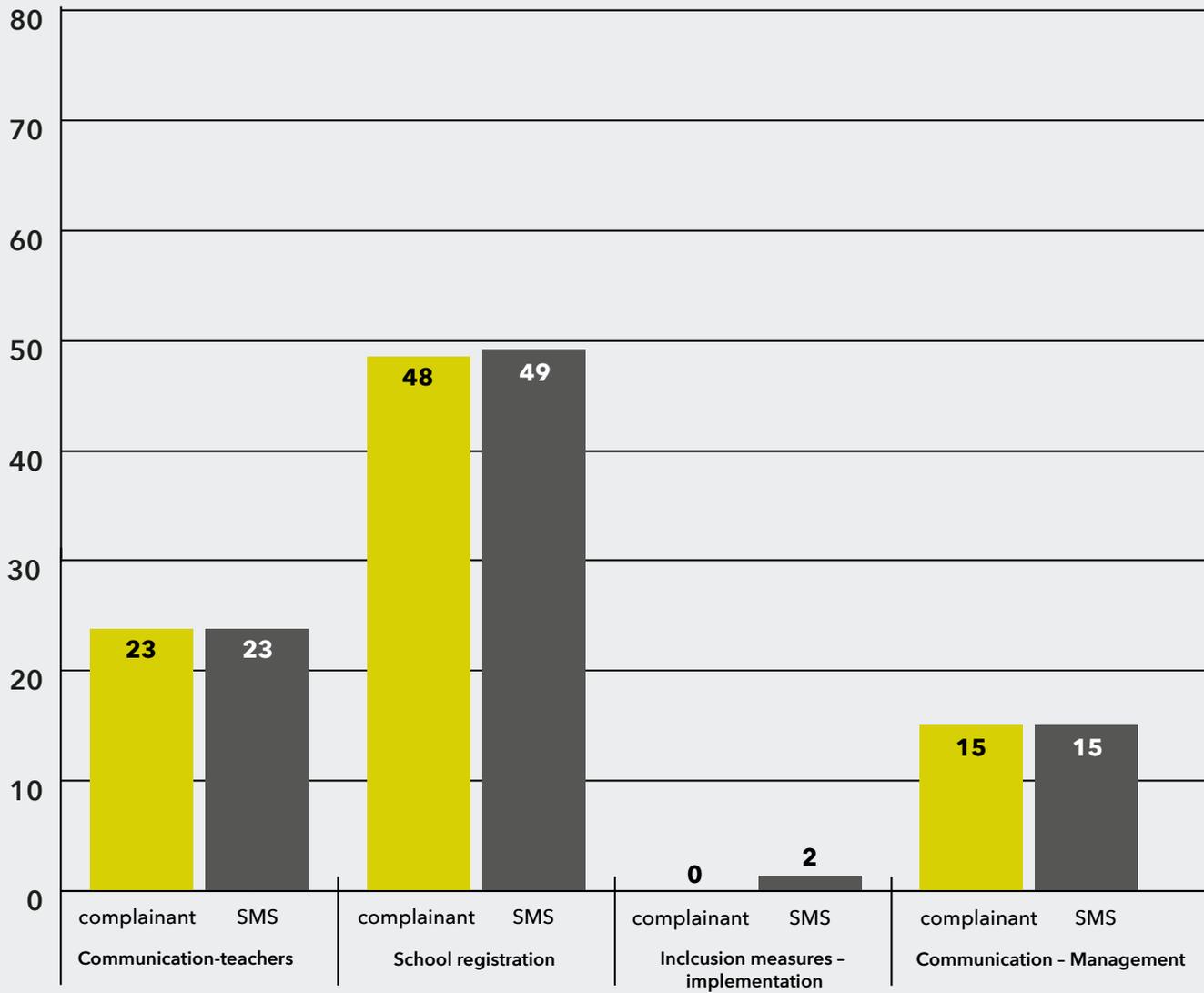
To refine the complaint figures and better understand the recurring reasons underlying conflicts, the SMS has gradually put in place theme-based descriptions alongside its three main areas of competence. There are currently 38 of these descriptions, also referred to as categories.

In addition, since it was first created, the SMS has observed that, in many cases, families come to it with a particular concern (expulsion from secondary school, an unwanted specialisation, difficulty registering with their preferred school, etc.). However, by teasing out the issue, the SMS ultimately discovers the original source of a cause-and-effect chain leading to the situation in question (lack of inclusion measures, ignorance of a pupil's deep suffering, etc.). This has led to two types of categories being created: those that reflect the initial contact made by complainants and those identified by the SMS team later on when handling the case, sometimes months after referral.

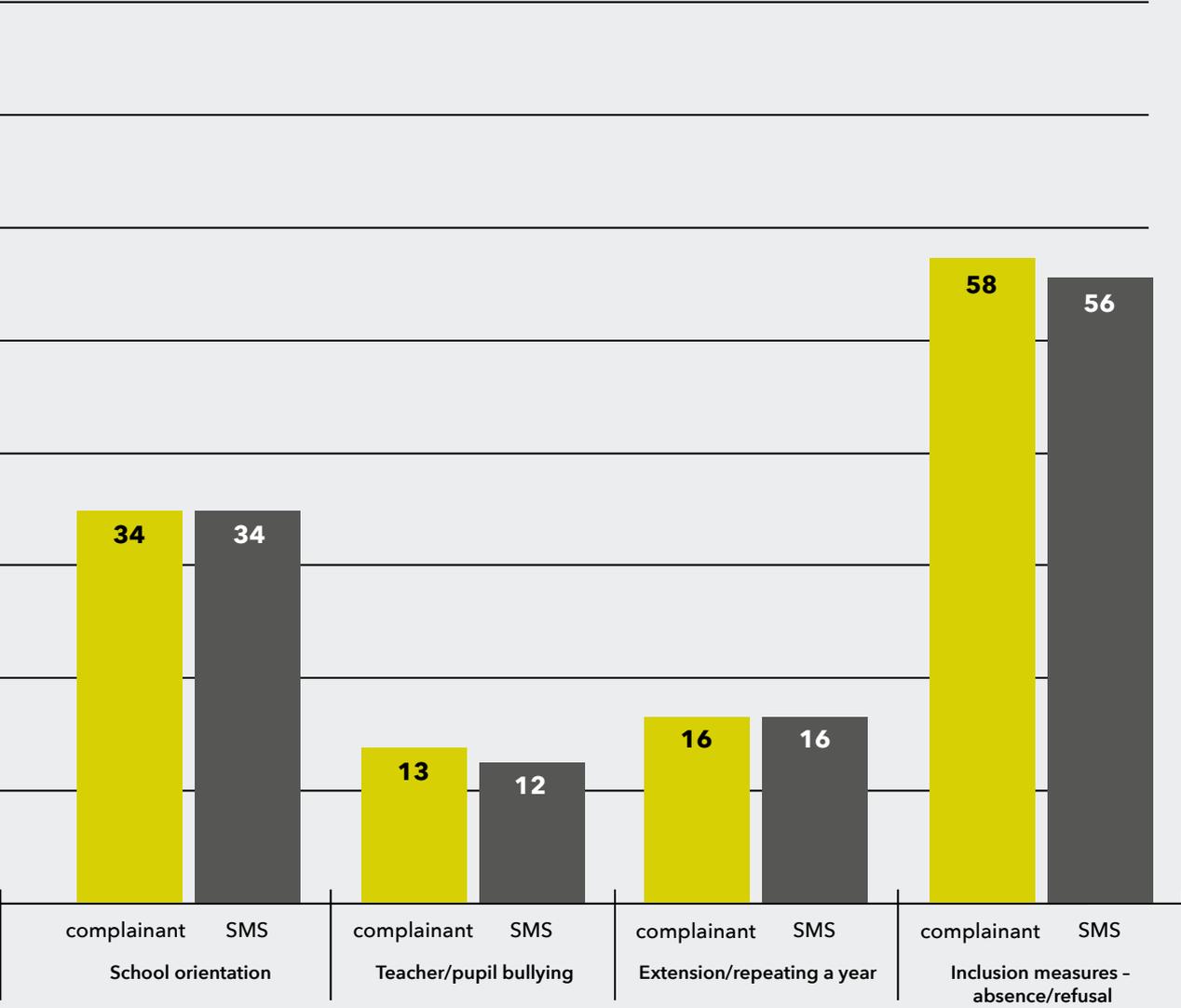
¹ Article 1: any administrative authority to which a request for a decision is submitted shall examine ex officio whether it is competent to deal with that request. Where it considers that it is not competent so to do, it shall forward the request without delay to the competent authority and notify the applicant accordingly.

The leading categories in 2022-2023 and 2023-2024 are as follows:

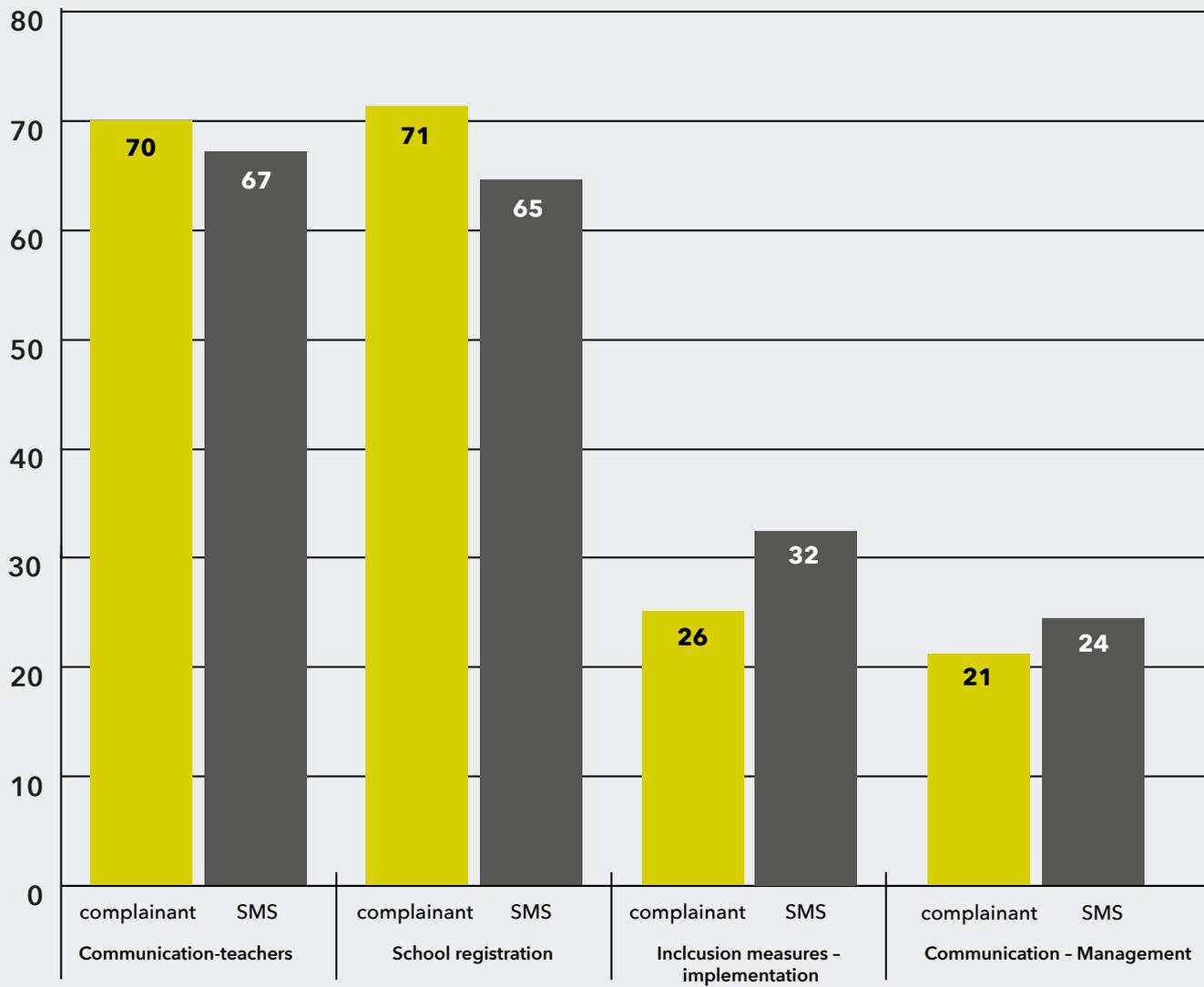
Main categories of complaints



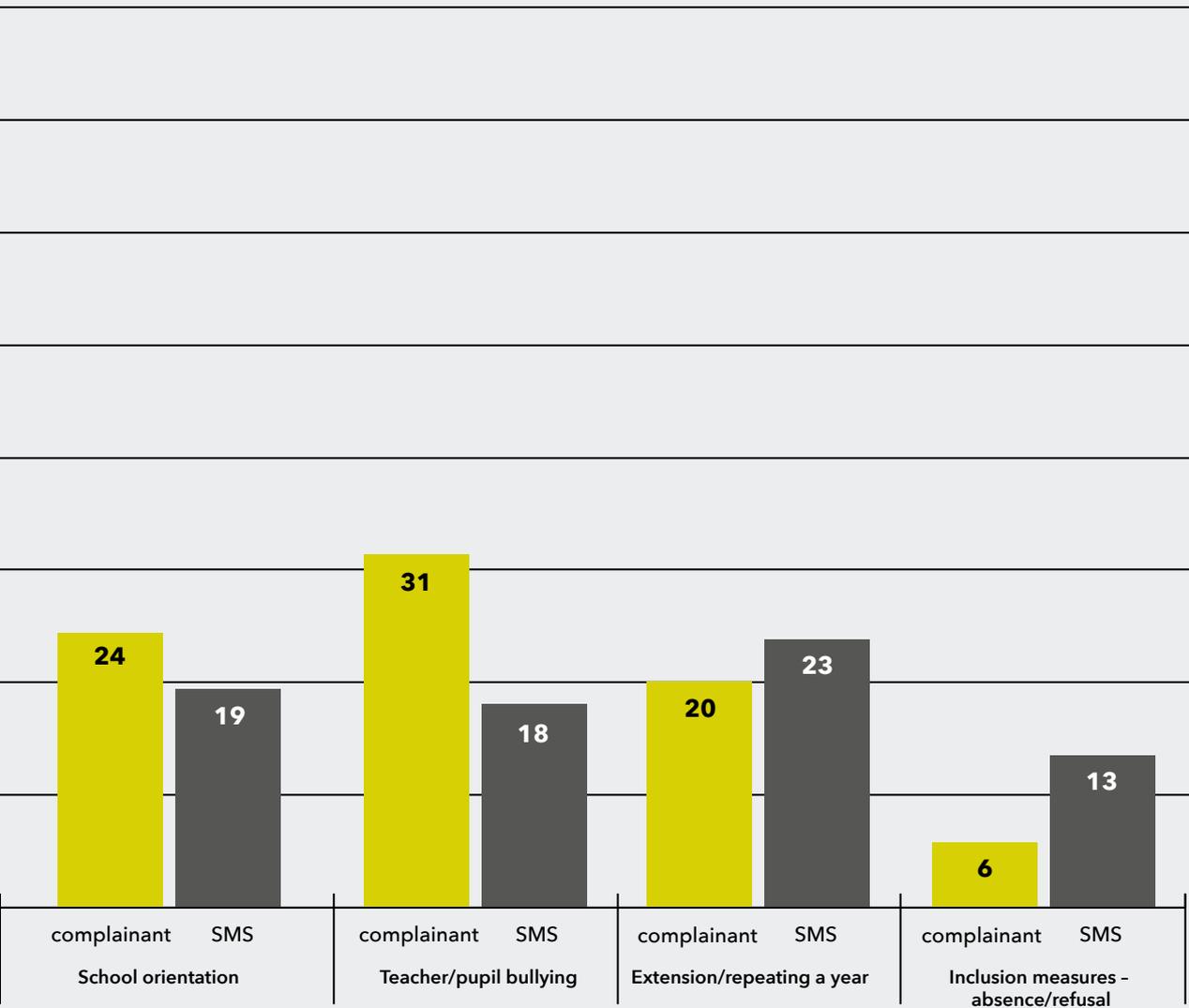
COMPLAINTS IN FIGURES



Main categories of complaints



COMPLAINTS IN FIGURES



Note on the graphs:

A complaint can belong to several categories (up to three).

The SMS may assign categories to cases until they are closed. With 48 cases from 2023-2024 still open at the time of writing, the number of SMS categories is provisional and may be revised upwards.

This data excludes the 35 complaints that fall outside the SMS's scope.

SHEDDING LIGHT ON CATEGORY DEFINITIONS

Extension/repeating a year: in primary school, extending the cycle, and in secondary school, repeating the same year

Communication - management: communication difficulties between a family/a pupil and a directorate for primary education or the management of a secondary school or competence centre

Communication - teachers: this also includes other professionals of the schools

School registration: most often, this covers cases such as schools refusing to register a pupil for various reasons, failing to respond to a pre-registration or registration or registering a child in a different language group to that requested, etc.

The **Inclusion measures** topic is divided into:

- Inclusion measures - **implementation**
- Inclusion measures - **absence/refusal** (refusal can be on the school's part or, more rarely, from families)
- Inclusion measures - **inadequacy**

Teacher/pupil bullying: when a pupil reports being bullied by a teacher or teachers, or vice versa

COMPLAINTS IN FIGURES

A granular comparative analysis of the categories as assigned by the complainant and by the SMS demonstrates the issues that underlie the topic originally raised by the parents. It also reveals that parents' perception of the situation sometimes differs from the observations of the SMS, which are as neutral and impartial as possible.

For example, in many complaints (71 in 2023–2024), according to the parents, the difficulties arose during the process of registering the pupil with the school. However, this symptom is often linked to deeper issues, such as differing levels of efficiency within a service run by the Ministry, abuse of conditional admission within a secondary school (see page 42, the general recommendation), poorly implemented inclusion measures, a lack of French-language training offer or a lack of companies providing training, etc.

When families complain about bullying by teachers (31 complaints in 2023–2024), the SMS will sometimes determine the cause to be a communication failure between the teacher or school management and the family, a lack of necessary inclusion measures or unrecognised mental suffering by the pupil.

Conversely, what parents in other cases essentially describe as communication difficulties with a teacher may, over the course of the involvement of the SMS, ultimately be determined to be concealing a greater problem, such as inclusion measures that are planned but never implemented, completely absent or refused entirely by relevant bodies within the school system.

Pupil/pupil bullying can reflect issues surrounding exclusion of pupils with special educational needs or in psychological distress, a poorly managed class dynamic or the school's inability to receive bullying complaints and take action for it to end.

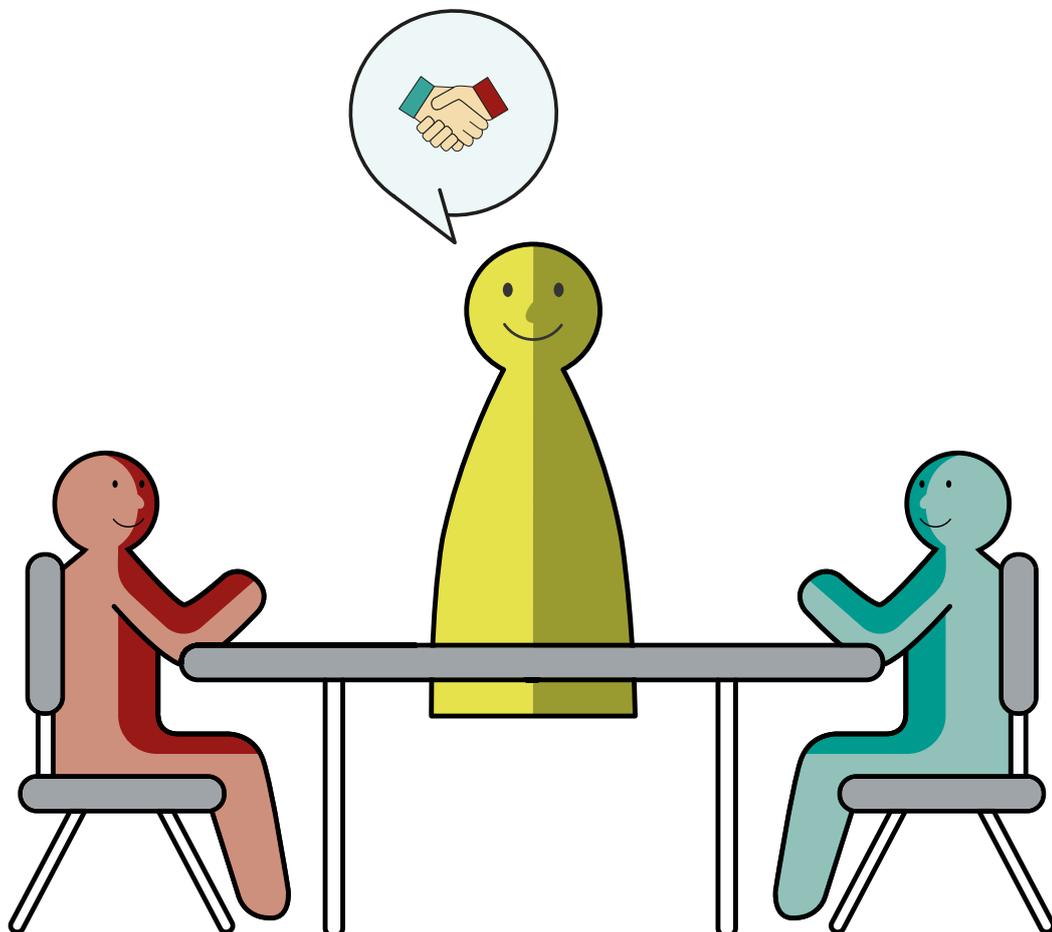
Categories offer a new means of analysis that helps the SMS meet its need for improved understanding, resulting in better action at all levels.

Taking the time: 472 mediation sessions

The number of mediation sessions and the time taken to process a complaint vary. They depend on the complexity of each individual case and the emotional charge that accompanies it.

Thus, the processing of a complaint may involve several individual mediation sessions (with one of the parties) and/or collective sessions (with all parties) in order, first of all, to re-establish dialogue and thereafter to seek an amicable agreement. Between 15 September 2023 and 14 September 2024, the SMS conducted some 472 mediation sessions (450 in 2022-2023). This figure hides the intense internal consultation that happens throughout the process of supporting families. It occurs at least twice a week during "discussion spaces" on Tuesday and Thursday mornings, when required during the service-wide meeting on Wednesdays and within each tandem (see page 31).

Cases can also be closed very quickly, for example, in cases merely requiring a simple piece of information.

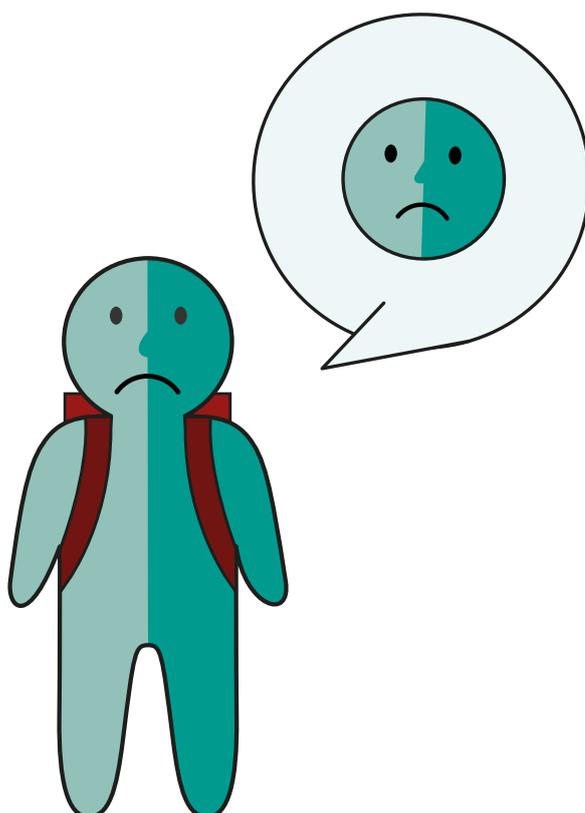


What about when there is no legal basis? A comparative assessment of lack of pupil well-being

To verify the legitimacy of a complaint, the SMS refers to the rights and responsibilities of both parties, consulting education laws and regulations and citizens' rights, among other sources.

But how can the legitimacy of a complaint be assessed when it relates to the daily interactions between the family and the school and where there are few or no "verifiable" standards in terms of attitude, communication or practices?

The School Mediator is urgently addressing this question in light of increasing numbers of such complaints in Luxembourg. The trend does not appear to be specific to our country; it also occurs elsewhere, such as in France. A comparative assessment.



LUXEMBOURG

After reading and analysing in detail 60 referrals made over neuf months (from July 2023 to March 2024) falling within the area of Retention in school, the SMS observed four trends in Luxembourg.

1. Retention in school covers the majority of complaints (66%) compared to Inclusion and Integration.
2. Within the area of Retention in school, almost half of complaints arise from situations relating to lack of well-being, relationship conflicts, violent communication (such as threats), violent acts, mistreatment, bullying or discrimination, all involving members of the school community¹. Below, we will refer to these complaints as "Good treatment" complaints.
3. Two thirds of Good treatment complaints come from primary education and the remaining third from secondary education. Note that in 2023-2024, the SMS received more complaints on behalf of secondary school pupils (54%).

In primary education, complaints relate to the following issues (in decreasing order of frequency):

- Teacher<=>pupil bullying
 - Communication with the teacher
 - Bullying among pupils
 - Teacher<=>pupil physical violence
 - Physical violence/threats by another pupil
 - Discipline
4. In the vast majority of "Good treatment" cases in primary education, i.e. in 80% of cases, the child in question is a pupil experiencing educational or psychosocial difficulties, and is frequently a pupil with special educational needs, whether diagnosed or undiagnosed.

Source: School Mediation Service

¹ The school community includes pupils, all staff and pupils' parents.

FRANCE

“39% [of cases referred by education system users: pupils, parents, students] relate to daily life and conflicts within schools.

These cases have become the leading category for the past two years, growing rapidly in 2023 and doubling in five years..

The school-family relationship seems to be worsening.

A culture of power struggles – the antithesis of the educational partnership needed to support pupils and give them a high-quality education – appears to be emerging.

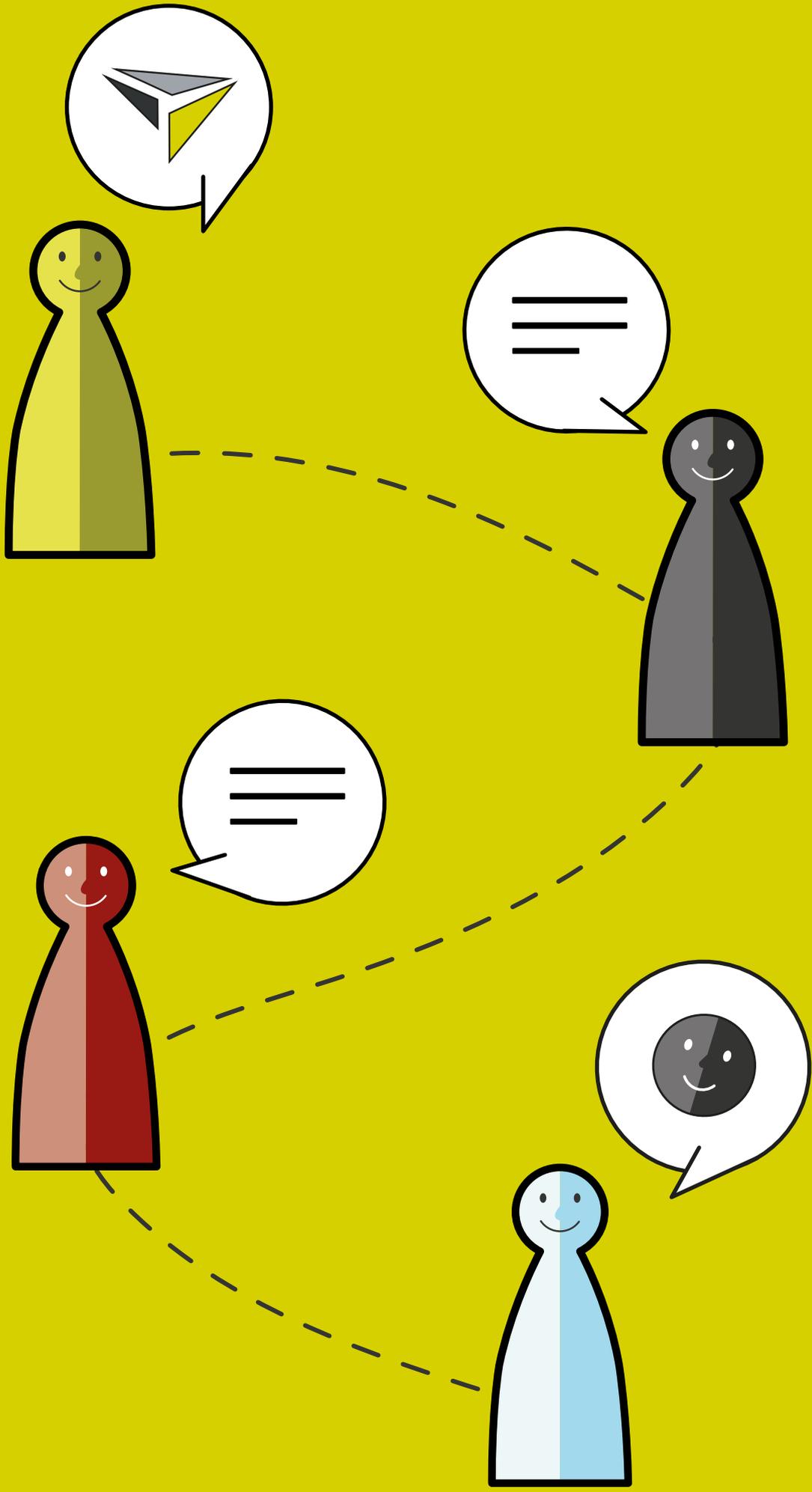
This development, which can be observed from primary school (30% of complaints), has a tangible impact on staff well-being.” (page 10)

“Sometimes, pupils express their aggression physically. It is important to note that many of the children committing violent acts do not have disabilities: in 2023, 73.5% of respondents report having experienced frequent or very frequent difficulties with “severely disturbed” children. This speaks to the feeling of powerlessness among professionals, who report that 63.7% of these children are not under a school inclusion programme.” [according to l’Autonome de solidarité laïque.]

It is often when processing a request requires communication with the professionals concerned that they express their dismay. They lack resources within their school and sometimes feel discouraged, and they emphasise the need for training and support from specialists to acquire the tools to meet these pupils’ needs.” (page 75)

Source: 2023 report by the French Mediator for National Education and Higher Education

Although laws and regulations on bullying and discrimination are being developed and taking clearer shape, stakeholders’ subjective experience, emotions, testimonies and expectations continue to form the basis of the mediation work regarding the complaints documented above. In our view, the path ahead seems to be primarily one of facilitating communication and finding solutions based on a constructivist, collaborative approach. Together, stakeholders will have to set out their respective realities with the aim of restoring dialogue and finding tailored solutions. The School Mediator’s role is not to give orders or perform inspections; instead she or he supports the process as an expert in social and relationship dynamics.



05.

**OUR PROMOTIONAL
AND NETWORKING
ACTIVITIES**



The *Service de médiation scolaire* continues to develop its promotional activities: it participates in fairs and conferences with various communication and awareness-raising materials; it takes part in, or organises, regular exchanges with members of the school community and individuals, groups and institutions involved in promoting the well-being of pupils; and it offers training courses for professionals.

Almost 75 discussions with institutions

In 2023–2024, the SMS held almost 75 meetings with institutions for various reasons: finding a solution to specific cases, passing on useful information gathered during the SMS's work, learning about school and non-school services' procedures regarding cases handled by the SMS, making informal connections to facilitate cooperation, developing joint projects, pooling knowledge and know-how and raising awareness of the SMS and its growing expertise, among others.

Chief among these institutions are:

- MENJE services: the IFEN's *Division du soutien et de l'accompagnement professionnel et psychosocial* (Division for professional and psychosocial support and guidance), the *Service des droits de l'enfant* (Children's Rights Service), the *Service de l'intégration et de l'accueil scolaires* (School Integration and Welcome Service), the *Direction générale de l'enseignement fondamental* (General Directorate for Primary Education), the *Direction générale de l'enseignement secondaire* (General Directorate for Secondary Education), the *Service des écoles privées* (Private Schools Service), the *Service des offres internationales et européennes* (Service for International and European Schooling Offer), the *Centre psychosocial et d'accompagnement scolaires* (Psychosocial Counselling and School Support Centre), the *Service national de l'éducation inclusive* (National Service for Inclusive Education), the *Commission des aménagements raisonnables* (Reasonable Accommodations Commission), the *Cellule d'accueil pour élèves hospitalisés* (Hospitalised Pupil Support Unit), Eltereforum, the *Service presse et communication* (Press and Communication Service), the *Office national de l'enfance* (National Office for Children) and the Data Protection Officer, including regular meetings with the ministerial cabinet, the Ministry's legal experts, the Minister's office and the network of communications advisors;
- bodies within National Education: the *Observatoire national de l'enfance, de la jeunesse et de la qualité scolaire* (National Observatory for Children, Youth and School Quality), Jugendrot, the *Conférence nationale des élèves du Luxembourg* (National Students' Conference in Luxembourg) and the *Représentation nationale des parents* (National Representation of Parents);
- services within other ministries: the Ministry of State's *Service information et presse* (Information and Press Service) and the Civil Service's *Service psychosocial* (Psychosocial Service);
- bodies responsible for rights and/or mediation: Ombudsman fir Kanner a Jugendlecher (OKaJu), the Ombudsman, the *Service national du Médiateur de la consommation* (National Consumer Mediator Service), the *Centre de médiation civile et commerciale* and the *Centre pour l'égalité de traitement*;
- associations and initiatives operating in sectors relevant to the SMS: ALAN-Maladies rares Luxembourg, *Service de consultation et d'aide psychomotrice* (SCAP, Psychomotor Consultation and Support Service), Bee Secure, dyspraxie.lu, Respect.lu, etc.

As part of the conference entitled *Les défis de la jeunesse au Luxembourg* (The challenges faced by young people in Luxembourg), organised by the Chamber of Deputies, the SMS held multiple discussions with the Chamber's Scientific Unit. Ahead of the seminar in December 2024, it also established links with a professor from the Education and Social Work department of the University of Luxembourg.

Increasing our presence at events

The School Mediator and her assistants took part in some 25 events: conferences and symposiums (*Regards croisés sur l'obligation au secret*, organised by the Luxembourg Bar; *Et l'enfant dans tout ça ?*, an event by the *Association internationale francophone des intervenants auprès des familles séparées*, a conference by Dr Najat Maalla M'jid, Special Representative to the UN Secretary-General on Violence against Children, etc.), discussion days (such as the OKaJu's Summer Seminar Children's rights and the OEJQS's All inclusive day), official receptions (the back-to-school meeting for public education stakeholders), presentations of annual reports (such as the OKaJu's presentation of its report) and reports on specific topics (the public international education available in Luxembourg, etc.), and cinema and theatre evenings (*Je verrai toujours vos visages*, an initiative from Luxembourg's new restorative justice service, etc.).

The Mediator was also asked to take part in multiple events, and spoke at the conference on *Les défis de la jeunesse au Luxembourg* organised by the Chamber of Deputies, the Conference on children's rights and child protection concepts by the Ministry's *Service des droits de l'enfant*, a round table entitled LNB Talks - Mobbing at Lycée Nic-Biever and a post-show discussion following *Kevin*, a play about school at the Centre culturel Kinneksbond..

The SMS team ran an information stand on four occasions: at the CNEL's Bichermaart goes Jugendmaart, at Kannerrechtsfest (with activities for children) coordinated by the *Service des droits de l'enfant*, at the *Foire didactique sur les droits de l'enfant et sur les concepts de protection de l'enfant*, and at both days of Alles Normal - Lëtzt Celebrate Inclusion, an event from the Ministry of Family Affairs, Solidarity, Living Together and Reception of Refugees.

The highlight of the 2023-2024 year was the celebration of the SMS's fifth anniversary on 5 October 2023, attended by some 120 people: education system stakeholders, including the Minister, Claude Meisch, mediation stakeholders, parents and representatives of associations and institutions. It was particularly poignant to hear from three parents who shared their stories of being supported by the SMS.

SPEECH BY LIS DE PINA, SCHOOL MEDIATOR, ON THE FIFTH ANNIVERSARY OF THE CREATION OF THE SMS ON 5 OCTOBER 2023

Dear Minister, dear colleagues, dear partners, dear friends,

Thank you all for joining us this evening, thank you, Minister, for your kind words.

Five years old isn't yet the age of reason, but we've already grown considerably and, above all, we've learned a lot!

The beginnings were a little challenging: the Service de médiation scolaire was like a black box to our interlocutors.

Since then, relations with school and non-school partners have done more than improve: they have taken a turn for the better. We are now - for the most part - perceived as a service that offers a different perspective and a different dynamic when faced with deadlock or misunderstanding.

Our team has gradually grown. The legal experts from the early days have been joined by two psychologists. Where possible, they work in tandem, bringing their complementary perspectives to bear on the situation.

Our infrastructure also speaks to our growth over the past five years. We left our cramped offices on boulevard de la Pétrusse for more spacious premises in rue Bender, before moving again two or three years ago to a complete building in the Grund, which will be able to accommodate around 20 employees.

The environment in which we are called to work is also changing.

While we are facing more emotionally charged conflicts, which means they are more delicate and time-consuming to resolve, we can also welcome the promises of improvement brought about by the laws that have recently come into force:

- the streamlined procedure for supporting pupils with special needs as part of the creation of the *Service national de l'éducation inclusive* (SNEI, National Service for Inclusive Education),
- improved monitoring of foreign pupils with the creation of the *Service de l'intégration et de l'accueil scolaires* (SIA, School Integration and Welcome Service),
- the creation of education and psychosocial departments within secondary schools,
- and the creation of pupil protection officers.

We're an unusual mediation service in more than one way.

Over the past five years, I have sometimes heard people criticise that the SMS supports parents "too much". The legislator has indeed conferred on us the mission of supporting pupils and parents of pupils in their procedures. But to us, supporting parents does not necessarily mean agreeing with them. We understand this support as providing guidance that also involves accepting a situation that can often be painful. This can take time - time that is essential if we want to work peacefully with the various stakeholders.

The SMS is not intended to give out good or bad marks, or to criticise parents or professionals, but to facilitate finding solutions so that pupils can continue their educational path in the right conditions.

If something went wrong at some point, well, these things happen. Our involvement offers the chance for a fresh start.

Some have criticised us for not letting people revisit the past and the strong emotions that have been created. This is because we work on urgent cases, because solutions need to be put in place quickly and because during mediation sessions, we cannot always go back over what has been said or done in the past. Of course, dealing with these emotions, which can poison relationships, is crucial, hence the importance of supervision sessions for professionals.

What I would also like to share with you today are two or three reflections that have arisen from our brief yet intense experience.

Almost every day, we feel how urgent it is that every one of us steps out of our comfort zone, of our own particular professional fields, to cooperate more closely with others who work with children. Seeking the help of other professionals is not a weakness. It allows us to see a child or young person in a different light, to take a step back, and thus to better help them stay on track.

The mission of schooling in the 21st century calls for pupils to be viewed as individuals in their own right, not just as learners. An interdisciplinary approach should become routine whenever difficulties arise. Many professionals are involved in a child's life, and it can sometimes be difficult to gather and share information. In the view of the SMS, there is still a lack of organised, systematic and fluid coordination.

In this cooperative approach, teachers play a key role, as they interact with pupils on a daily basis. Of course, they cannot do everything, but their vigilance is crucial. It enables them to alert parents in time and seek the services of professionals who can investigate the issue further and support the child with kindness and discretion.

Professionals should not hesitate to talk with parents either, offering them advice or support. Without judging them.

The French writer and politician André Malraux liked to say:

"Before judging, one must understand, and once one has understood, one no longer wants to judge."

Children's best interests are at the heart of all of our concerns. Sometimes parents lose their composure, but their anger must not be taken personally, because it very often reflects their deep distress.

By being less judgemental, it is easier to resolve conflicts in a positive way. This resolution must be lasting so the pupil can continue his or her school career in peace.

Simple communication failures are often at the root of conflicts, whether involving information that is incomplete or insufficiently clear to parents.

OUR PROMOTIONAL AND NETWORKING ACTIVITIES

There are several intercultural mediators here this evening. They are a real asset to our education system. Their work helps to overcome the cultural and linguistic misunderstandings that occur all too often.

We need to raise awareness of their existence still further.

Looking ahead to tomorrow, we already know that more cases await us. Cases that are increasingly linked to acts of violence or harassment. The SMS will soon be assisted by a new colleague who is a specialist in this field. She will be able to advise our mediation team, parents and professionals if they feel the need.

We have always been supported in our growth by the ministry and I hope that the same will be true after this Sunday [legislative elections of 8 October].

We will need ongoing reinforcement to cope not only with the increase in complaints, but also with the longer case processing times. The burden of emotions and the increasing numbers of stakeholders involved demand more and more time.

It matters to me that I protect my colleagues from burnout, because having discussion after discussion, meeting after meeting – as we sometimes have to do – is not manageable in the long term. We need to be able to clear our minds by focusing on other tasks.

Finally, I would like to thank you, Minister, for having had the courage to create the School Mediation Service.

Thank you for giving us administrative, organisational and infrastructure support while granting us the independence that enables us to act with neutrality and work in an environment of total confidence with families and professionals.

Thanks to all of you here and those who cannot be here today, we have gradually built a network of professionals who are committed to working together in the interest of pupils.

We are proud of our unique relationship with the CNEL, which regularly directs pupils to us and always invites us to introduce ourselves at its events.

I would also like to express my gratitude to the many institutions and associations we work with on a daily basis – too many for me to name them here.

Last but not least, a huge thank you to my assistant mediators, who never let themselves lose heart. Every time, despite the animosity, the worry, the reluctance, the complications, they refuse to fail! And I owe equally heartfelt thanks to our dedicated administrative team, who we can always rely on.

The most wonderful presents we could ever receive – today, on our anniversary, and throughout our long days of work – are the smiles on children's faces, the letters from grateful teens, parents' relieved expressions and the outstretched hands of colleagues."

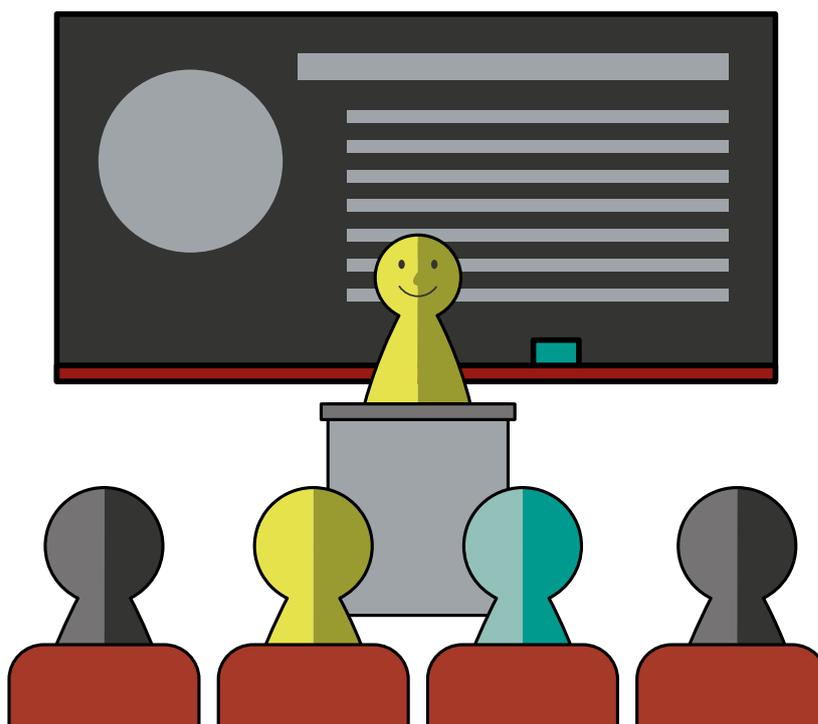
Raising awareness through training

En November 2023, the SMS partnered with the OKaJu to deliver a two-afternoon training course at IFEN, *Les champs de compétence de l'OKaJu et du SMS*. Following the great success of the first programme, it was repeated in June 2024. It was advertised widely, and as a result participants included people from all kinds of professions: social workers, psychologists, educators, intercultural mediators, a broad range of roles from competence centres and a manager of *maisons relais*, but each time there were only one or two teachers. The efforts to reach them must be continued.

The SMS also once again made itself known to pupils at the *Lycée technique pour professions éducatives et sociales* during Sensibilisierungswoche zu der kannerrechtsbasierter Sozialarbeit a Berufsethik in June 2024.

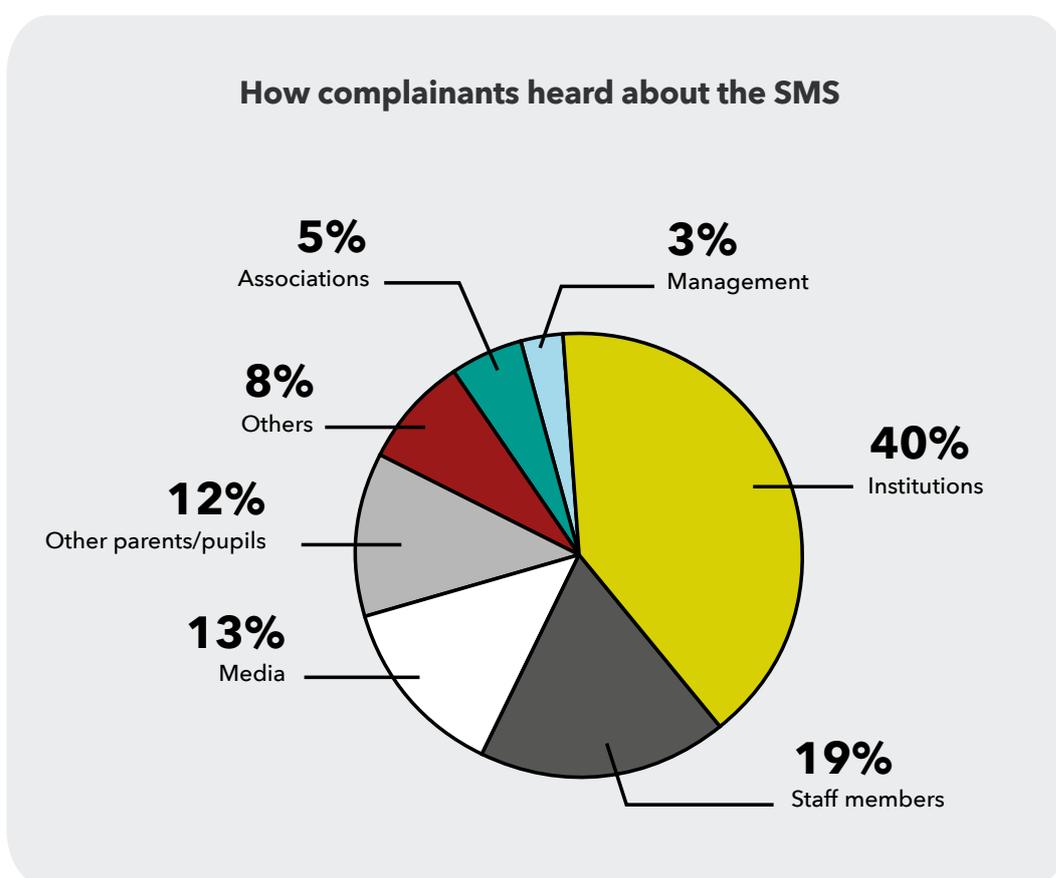
As in previous years, the School Mediator and her deputy introduced the SMS to students of the *Cours complémentaire de droit luxembourgeois* (supplementary course on Luxembourg law) in October.

In March 2024, the SMS met with social workers at the *centres de compétences en psychopédagogie spécialisée* (competence centres for specialised psychopedagogy).



How complainants heard about the SMS

Les effets de la promotion du SMS et particulièrement de son intense mise en réseau s'observent dans les réponses des réclamants à la question « Comment avez-vous connu le SMS ? » : dans près de 40 % des réclamations, ce sont d'autres institutions qui sont à l'origine de l'orientation des familles vers le SMS.



SHEDDING LIGHT ON THE ORIGINS OF COMPLAINTS

Institutions: Ombudsman, Ombudsman fir Kanner a Jugendlecher, the *Service national de la jeunesse* (National Youth Service), *Maison de l'orientation*, the *Office national de l'enfance* (National Office for Children) and its regional offices, etc.

Staff members: teachers, SePAS members, etc.

The media : the press, online searches, etc.

Other parents/pupils: word of mouth or parents/pupils who had already called on the SMS

Others: friends, lawyers, etc.

Associations: regular partners of the SMS such as *ALAN Maladies rares*, the EPI Foundation, etc.

Management: principals and deputy principals of secondary schools, directors and deputy directors of a regional directorate for primary education or a competence centre

mediationscolaire.lu: a more attractive, more accessible site for everyone

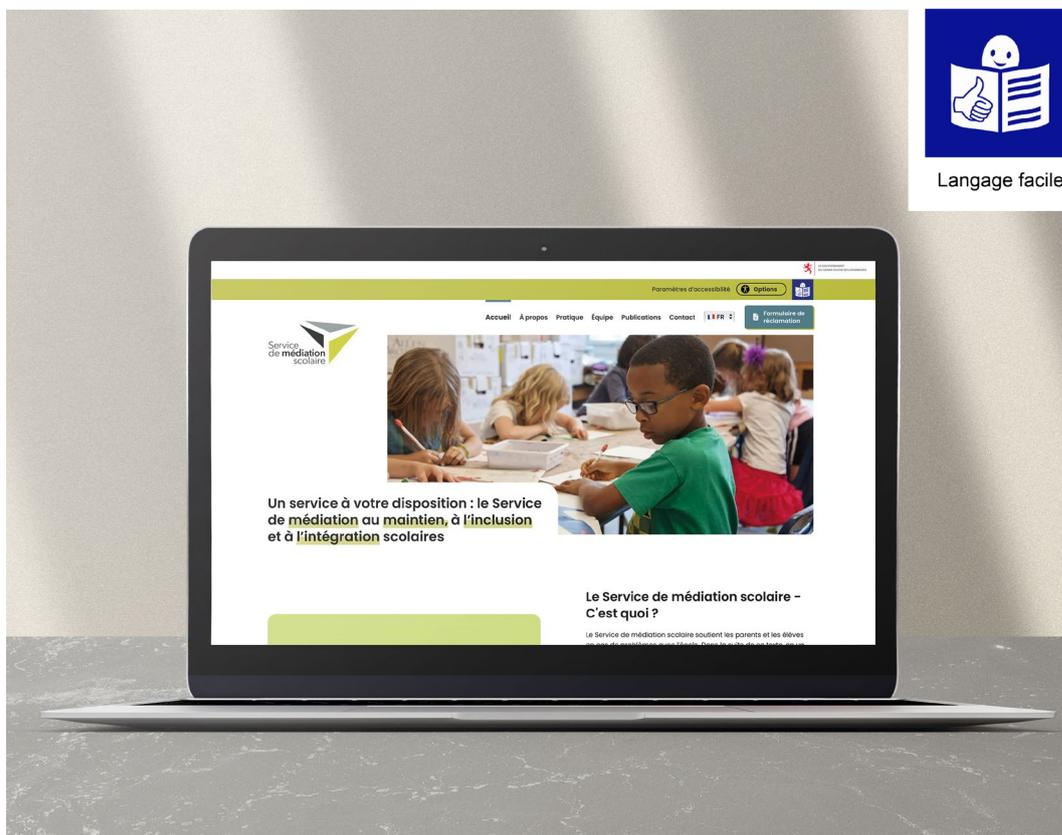
In 2023-2024, the SMS completely redesigned both the form and content of its website.

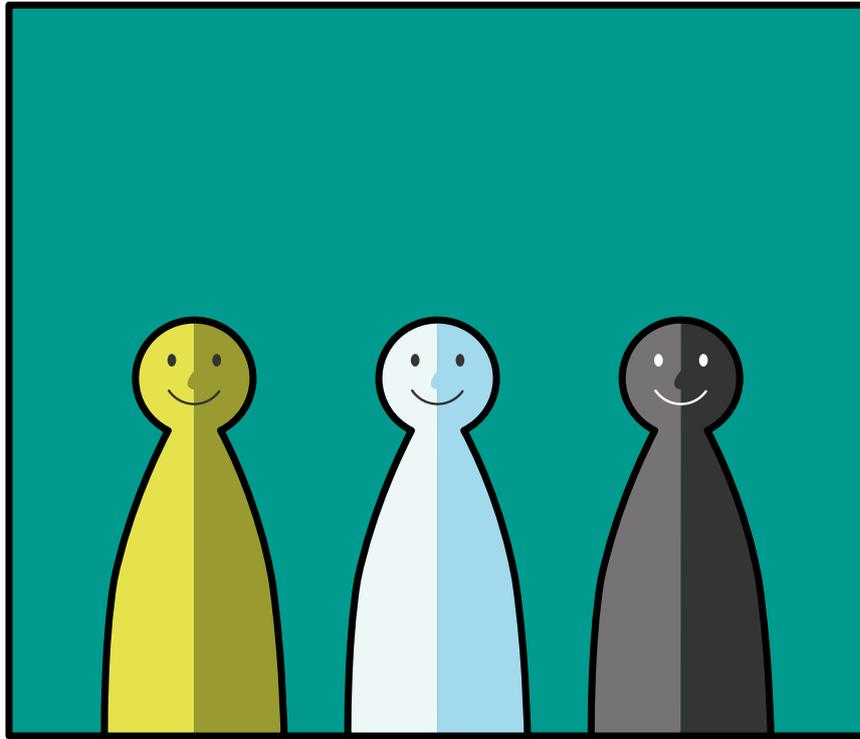
In 2023-2024, the SMS completely redesigned both the form and content of its website.

It is still available in five languages (French, Luxembourgish, German, English and Portuguese), but is now written in "Easy Read", a clear, simple writing style accessible to everyone. The new text is a co-production with [Klaro](#), the official centre for Easy Read in Luxembourg, and the APEMH's workshop review group.

The site complies with key digital accessibility principles and has been assessed by the [Centre pour le développement de la vue](#) (CDV, Competence Centre for the Development of Vision-Related Skills).

The voiceover to the animation introducing the SMS has also been rewritten to make its message easier to listen to and understand.





Five horizontal light blue lines, each with a thin black outline, arranged vertically. The lines are of varying lengths, with the bottom-most line being the shortest and the others being longer and roughly equal in length to each other.

A large, solid yellow triangle that starts at the top-left corner of the page and extends diagonally towards the bottom-right corner, leaving a white triangular area in the bottom-right.

ANNEXES

Short glossary

APPROPRIATE ADMINISTRATIVE PROCEDURES OR PRE-LIMINARY PROCEDURES

Remedies that the complainant must have pursued within the school community before referring the matter to the School Mediator (having addressed his/her complaint to the teacher, the regional directorate for primary education or management of the secondary school concerned, etc.).

COMPLAINANT

Parent of a minor pupil acting with parental authority, pupil of legal age or National Education official/employee who submits a complaint to the SMS.

COMPLAINT

Referral to the SMS by a complainant who believes that, in a given situation, the school has either not provided adequate training, has not operated in accordance with its mission or is contravening the laws, regulations and instructions in force.

GENERAL RECOMMENDATION

Written recommendation addressed directly by the School Mediator to the Minister of Education, Children and Youth. It concerns a general issue that has come to the attention of the School Mediator in the course of handling one or more complaints. It may be published in the activity report if the School Mediator believes this would be beneficial.

INCLUSION IN SCHOOL

Measures to enable every child, regardless of his/her special educational needs, to continue his/her schooling in a regular school.

INDIVIDUAL MEDIATION

Stage in the mediation process at which the SMS meets with one of the parties to hear their position and arguments

INDIVIDUAL RECOMMENDATION

Written recommendation drawn up by the School Mediator following a complaint referred to the SMS concerning a specific pupil. It is sent directly and exclusively to the relevant service of the Ministry of Education, Children and Youth or to the school concerned. In it, the School Mediator proposes a solution to be implemented within a specific time-frame. For reasons of confidentiality, individual recommendations are not published. However, they may be forwarded to the Minister if the recipient does not act on them.

INTEGRATION IN SCHOOL

Measures to ensure that children from immigrant backgrounds have the best possible chances of academic success.

MEDIATION

An ethical communication process based on the responsibility and autonomy of the participants, in which an impartial, independent third party (...) uses confidential discussions to promote the establishment or restoration of social ties and the prevention or resolution of the situation in question.¹

OFFICIAL COMPLAINT

When the complainant referred the matter to the School Mediator by signing online or on site the complaint form, which authorises the School Mediator to receive all the information necessary to open an investigation.

UNOFFICIAL COMPLAINT

When the complainant contacted the SMS but did not wish to submit a formal complaint by signing the complaint form.

This may also cover informal requests for information that do not fall within the scope of the SMS or referral from a professional following which parental consent is refused.

RETENTION IN SCHOOL

Measures to keep pupils at risk of dropping out of school in education, i.e. those who are at risk of leaving the education system without qualifications; measures aimed at taking preventive action.

¹ « La médiation », Que sais-je ?; PUF; 4th edition 2007.

Frequently used abbreviations

Compétence centres	<i>Centres de compétences en psychopédagogie spécialisée</i> (Competence centres for specialised psychopedagogy)
CI	<i>Commission d'inclusion</i> (inclusion commission) (MENJE)
CNEL	<i>Conférence nationale des élèves du Luxembourg</i> (National Students' Conference in Luxembourg)
CMCC	<i>Centre de médiation civile et commerciale asbl</i>
EBS	<i>Élèves à besoins éducatifs spécifiques</i> (pupils with special educational needs)
ESEB	<i>Équipes de soutien des élèves à besoins éducatifs spécifiques</i> (support teams for pupils with special educational needs)
IFEN	<i>Institut de formation de l'Éducation nationale</i> (National Education Training Institute) (MENJE)
INAP	<i>Institut national d'administration publique</i> (National Institute for Public Administration)
MENJE	<i>Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse</i> (Ministry of Education, Children and Youth)
OEJQS	<i>Observatoire de l'enfance, de la jeunesse et de la qualité scolaire</i> (Observatory for Children, Youth and School Quality) (MENJE)
OKaJu	<i>Ombudsman fir Kanner a Jugendlecher</i>
SePAS	<i>Service psychosocial et d'accompagnement scolaires</i> (Psychosocial Counselling and School Support Service) (MENJE)
SMS	<i>Service de médiation scolaire</i> (School Mediation Service) (MENJE)

Our framework Law

Loi du 18 juin 2018 portant institution d'un service au maintien, à l'inclusion et à l'intégration scolaires de l'Éducation nationale (Law of 18 June 2018 establishing a service for the retention, inclusion and integration in school within the National Education system)

ART. 1^{ER}.

Au sens de la présente loi, on entend par :

- 1° « école » : une école fondamentale publique ou privée, un lycée public ou privé, le Centre de logopédie, les centres et instituts de l'éducation différenciée et le centre socio-éducatif de l'État ;
- 2° « service » : un service d'une administration chargé de la scolarisation d'enfants ou de l'organisation des écoles ;
- 3° « directeur » : le directeur de région, le directeur de lycée, le directeur ou chargé de direction du Centre de logopédie, des centres et instituts de l'éducation différenciée et du centre socio-éducatif de l'État ;
- 4° « maintien scolaire » : les actions et mesures visant :
 - a) à prévenir que des adolescents ou jeunes adultes de moins de 25 ans qui ne sont plus en obligation scolaire quittent l'école sans qualification, c'est-à-dire, sans avoir obtenu un diplôme de fin d'études secondaires, ni un diplôme de technicien, ni un diplôme d'aptitude professionnelle, ni un certificat de capacité professionnelle, ni une qualification équivalente à l'un de ces diplômes ou certificats ; ou
 - b) à réintégrer ces derniers au lycée ou à une autre formation ;
- 5° « inclusion » : la scolarisation dans les écoles fondamentales et les lycées des élèves à besoins éducatifs spécifiques ou particuliers ;
- 6° « intégration sociale » : l'intégration d'élèves d'une école fondamentale ou d'un lycée qui n'ont pas passé toute leur scolarité au Luxembourg et qui pâtissent de ce fait de déficits langagiers en allemand, en français ou en luxembourgeois qui entravent leur scolarisation ;

7° « parents d'élève » : personnes investies de l'autorité parentale.

ART. 2.

(1) Il est institué auprès du ministre ayant l'Éducation nationale dans ses attributions, désigné ci-après par « le ministre », un service de médiation au maintien, à l'inclusion et à l'intégration scolaires de l'Éducation nationale, désigné ci-après par « le service de médiation ».

(2) Le service de médiation est dirigé par un médiateur au maintien, à l'inclusion et à l'intégration scolaires, désigné ci-après par « le médiateur scolaire ».

Le médiateur scolaire est nommé par le Grand-Duc, sur proposition du Gouvernement en conseil.

(3) Le cadre du service de médiation comprend un médiateur scolaire et des fonctionnaires des différentes catégories de traitement telles que prévues par la loi modifiée du 25 mars 2015 fixant le régime des traitements et les conditions et modalités d'avancement des fonctionnaires de l'État.

Le cadre peut être complété par des fonctionnaires stagiaires, des employés et salariés de l'État suivant les besoins du service.

ART. 3.

Le médiateur scolaire a pour mission de :

1° recevoir, dans les conditions fixées par la présente loi, les doléances et réclamations d'élèves majeurs, de parents d'élèves mineurs ou d'agents de l'Éducation nationale des écoles, relatives à des situations où l'école soit n'offre pas de formation adéquate, soit n'a pas fonctionné conformément à la mission qu'elle doit assurer ou contrevient aux lois, règlements et instructions en vigueur ;

2° soutenir les élèves et les parents d'élèves dans leurs démarches ;

- 3° ouvrir une enquête relative à l'objet de la doléance ou réclamation ;
- 4° requérir auprès du service ou de l'école visé toutes les informations nécessaires à son enquête ;
- 5° formuler des recommandations à l'endroit du service ou de l'école visé ;
- 6° formuler des recommandations suite à ses observations au ministre et à l'Observatoire national de la qualité scolaire.

ART. 4.

Tout parent d'élève, tout élève majeur ou agent de l'Éducation nationale se trouvant dans une situation telle que décrite à l'article 3, point 1, peut, par une réclamation individuelle écrite, saisir le médiateur scolaire.

Cette réclamation ne porte pas préjudice aux droits du concerné de s'adresser à d'autres instances ou d'introduire un recours.

La réclamation doit être précédée des démarches administratives appropriées instituées dans le cadre de la communauté scolaire aux fins d'obtenir satisfaction.

ART. 5.

Sur autorisation écrite de l'élève majeur ou des parents de l'élève mineur, le médiateur scolaire peut demander, par écrit ou oralement, au service ou à l'école visé par la doléance ou la réclamation tous les renseignements qu'il juge nécessaires pour ouvrir une enquête. Le directeur ou le responsable du service remet au médiateur scolaire dans les délais fixés par celui-ci tous les dossiers et informations concernant l'affaire. Le caractère secret ou confidentiel des pièces dont il demande la consultation ne peut lui être opposé.

ART. 6.

En vue d'assurer le respect des dispositions relatives au secret professionnel, le médiateur scolaire veille à ce qu'aucune mention permettant l'identification des personnes dont le nom lui aurait été révélé ne soit faite dans les documents établis sous son autorité ou dans ses communications.

ART. 7.

- (1) Lorsqu'une réclamation lui paraît justifiée, le médiateur scolaire conseille le réclamant et le service ou l'école et fait toutes les recommandations utiles au service ou à l'école, ainsi qu'au réclamant, afin de permettre un règlement à l'amiable. Les recommandations peuvent notamment comporter des propositions visant à améliorer le fonctionnement du service ou de l'école visé.
- (2) Lorsqu'il apparaît au médiateur scolaire, à l'occasion d'une réclamation dont il a été saisi, que l'application d'une décision aboutit à une iniquité, il peut recommander, dans le respect des dispositions législatives et réglementaires, au service ou à l'école mis en cause, toute solution permettant de régler en toute équité la situation du réclamant et suggérer les modifications qui lui paraissent opportunes d'apporter aux textes législatifs ou réglementaires qui sont à la base de la décision.
- (3) Le médiateur scolaire est informé par le directeur ou le responsable du service des suites données à son intervention dans un délai qu'il fixe.
- (4) Le médiateur scolaire a l'obligation d'informer la personne qui se trouve à l'origine de la réclamation par écrit des suites y réservées. Lorsqu'une réclamation ne lui paraît pas justifiée, le médiateur scolaire en informe le réclamant en motivant sa décision.
- (5) À défaut de réponse satisfaisante dans le délai qu'il a fixé ou en cas d'inaction du service ou de l'école suite à son intervention, le médiateur scolaire en informe le ministre.
- (6) La décision du médiateur scolaire de ne pas donner de suite à une réclamation n'est pas susceptible d'un recours devant une juridiction.

ART. 8.

Le médiateur scolaire établit un rapport d'activités annuel concernant le domaine d'activités dans ses attributions. Ce rapport contient les recommandations que le médiateur scolaire juge utiles. Le rapport est communiqué au Gouvernement et à la Chambre des députés. Il est publié sur le site du ministère compétent.

ART. 9.

À l'article 21 de la loi modifiée du 6 février 2009 relative à l'obligation scolaire sont apportées les modifications suivantes :

1° L'alinéa 1^{er} est remplacé par les alinéas suivants :
« Chaque année au mois de novembre, le ministre ou son délégué transmet aux bourgmestres le relevé des élèves de la commune qui sont inscrits dans les établissements scolaires de l'Éducation nationale. Il appartient au collège des bourgmestres et échevins de vérifier pour les résidents de la commune qui ne figurent pas sur cette liste, que l'obligation scolaire est respectée.

Si un élève en obligation scolaire quitte son établissement scolaire au courant de l'année scolaire et ne s'inscrit pas dans un autre lycée, le ministre ou son délégué en informe le bourgmestre.

Si le bourgmestre constate une infraction aux dispositions des articles 7, 13 et 14 ou s'il est informé par le président du comité d'école ou le directeur du lycée ou par le médiateur au maintien, à l'inclusion et à l'intégration scolaires d'une telle infraction, il met les parents en demeure par écrit dans les huit jours de se conformer à la loi et leur rappelle les sanctions pénales encourues. »

2° L'ancien alinéa 2, devenu l'alinéa 4, est complété par les mots « dans les quinze jours suivant la mise en demeure des parents ».

ART. 10.

L'article 1^{er}, alinéa 2, de la loi modifiée du 9 décembre 2005 déterminant les conditions et modalités de nomination de certains fonctionnaires occupant des fonctions dirigeantes dans les administrations et services de l'État, est complété par un tiret libellé comme suit :

« - le médiateur au maintien, à l'inclusion et à l'intégration scolaires ».

ART. 11.

La loi modifiée du 25 mars 2015 fixant le régime des traitements et les conditions et modalités d'avancement des fonctionnaires de l'État est modifiée comme suit :

1° À l'article 12, paragraphe 1^{er}, alinéa 7, point 12, les termes « de médecin-directeur adjoint du

contrôle médical de la sécurité sociale et de médecin-directeur adjoint de l'Administration d'évaluation et de contrôle de l'assurance dépendance » sont remplacés par les termes « de médecin-directeur adjoint du contrôle médical de la sécurité sociale, de médecin-directeur adjoint de l'Administration d'évaluation et de contrôle de l'assurance dépendance et de médiateur au maintien, à l'inclusion et à l'intégration scolaires » ;

2° À l'annexe A, catégorie de traitement A, groupe de traitement A1, sous-groupe de traitement à attributions particulières, grade 17, sont ajoutés les termes « le médiateur au maintien, à l'inclusion et à l'intégration scolaires.

ART. 12.

La référence à la présente loi se fait sous la forme suivante : « loi du 18 juin 2018 portant institution d'un service au maintien, à l'inclusion et à l'intégration scolaires de l'Éducation nationale ».

ART. 13.

La présente loi entre en vigueur deux mois suivant sa publication au Journal officiel du Grand-Duché de Luxembourg.



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