

Regulation Assessors iMMO

Preamble

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

iMMO uses free lance professionals – especially physicians and psychologists – who have the required knowledge and expertise, who commit themselves on a voluntary basis and who are not bound to iMMO by an employment contract. The relationship between iMMO and these professionals distinguishes itself by permanence, shared vision and mutual respect. In this regulation these professionals are named ‘assessor’.

Assessors are trained by iMMO and, within the procedures, formats and protocols of iMMO, perform assessments working independently within the framework of their professional responsibility and report their findings to the bureau of iMMO.

iMMO is a fiduciary institution, high demands are made with regard to its integrity and confidentiality. In iMMO sensitive information about persons is exchanged, revelation of which could cause damage to iMMO and the parties concerned.

iMMO intends to distinguish itself primarily by the objective professionalism of its judgment and judging process.

For reasons of transparency for all parties concerned, as well as quality assurance and external accountability it is desirable that the position of the assessor is regulated. This regulation gives the most important rights and obligations of iMMO and the assessor. Besides the performance of assessments the activities of the assessor also comprise work on projects and committees of iMMO.

Regulation

1. Definitions

Some terms in this regulation carry the following meaning.

- 1.1. Assessed person:
The natural person being assessed or on who's behalf an assessment has been applied for.
- 1.2. Assessment:
The forensic medical and/or psychological assessment of a natural person or natural persons regarding questions with regard to torture or inhumane treatment.
- 1.3. Assessor:
The professional affiliated with iMMO – physician, psychologist or otherwise – who, within the procedures, formats and protocols of iMMO, performs assessments working independently within the framework of his/her professional responsibility and report his/her findings to the bureau of iMMO.
- 1.4. Bureau:
The associate, any number of associates or the entirety of associates employed by iMMO in order to support the assessors.

1.5. Other activities:
Activities on behalf of iMMO that as such are not directly an assessment, such as the participation in committees and project teams, developmental work and trainings.

1.6. Roll of Assessors:
The list of assessors having a permanent collaborating relationship with iMMO and who may be invited to perform assessments.

2. **Profile of the assessor**

2.1. The assessor has enjoyed a professional training and experience relevant to the assessments to be performed and has affinity with the specific field of (violations of) human rights. He/she is prepared to acquire specific knowledge and skills and keep them up to date and is willing to learn from peer reviews.

2.2. The assessor is registered in the BIG-register, if and insofar as is applicable for the professional discipline concerned.

2.3. The assessor endorses the mission, vision and values of iMMO.

2.4. The assessor has excellent communicative skills, especially in recognizing and appreciating cultural differences which may play a role in the expression and interpretation of symptoms, more especially with regard to traumatized persons.

2.5. The assessor has a proficient command of language, orally and in writing, especially with regard to making a report, in the Dutch and if possible in the English language.

2.6. The assessor has adequate computer skills, especially regarding word processing and email.

3. **Beginning and end of being an assessor**

3.1. The assessor who as such has been accepted by iMMO will be registered in the Roll of Assessors. He/she signs a Declaration of Enrolment that binds him/her to the provisions of this regulation and other relevant rules and regulations of iMMO.

3.2. iMMO may at all times with due motivation end the enrolment (striking from the Roll) by means of a formal notice in writing or by email to the assessor.

3.3. The assessor may at all times without motivation end the enrolment by means of a formal notice in writing or by email to iMMO.

4. **General obligations iMMO**

4.1. iMMO provides an adequate organization of the assessment procedures and processes – comprising planning, information transfer and providing translators – and responds swiftly and adequately to requests for help or information on the part of the assessor.

4.2. iMMO will send the report to third parties concerned, having the consent to do so of the bureau as well as the assessor.

4.3. iMMO offers the assessor in each assessment coaching by way of peer review.

4.4. iMMO informs the assessor as best as possible timely and adequately about the progress in the asylum procedure of the person assessed by him/her.

4.5. iMMO informs the assessor on a regular basis about the policy development of the institute. When circumstances permit it, the assessor is consulted beforehand

regarding changes in iMMO's policies that are of great import to the functioning of the assessor.

- 4.6. iMMO develops and deploys a program of expertise enhancement, in which the assessor may participate without cost.

5. General obligations of the assessor

- 5.1. In concurrence with him/her and within the bounds of the provisions of this regulation the assessor will be available for the activities mentioned in this regulation. He/she commits himself/herself to the time investment determined in iMMO for the preparation, execution and reporting of the assessment and the planning of the process.
- 5.2. The assessor performs his/her duties as conscientious as iMMO may expect of a good assessor and in accordance with the standards of the profession concerned.
- 5.3. The assessor informs iMMO timely and adequately about any change in his/her position, a possible conflict of interest, the possibility of no longer conforming to the profile of the assessor, restrictions or alterations in the license to practice, amongst which a penal or disciplinary condemnation, or other issues that to his/her reasonable understanding are of substantial consequence for his/her functioning as an assessor.
- 5.4. The assessor participates with good results in the program for expertise enhancement as developed and deployed by iMMO and cooperates with peer reviews and other evaluations.
- 5.5. The assessor cooperates with the complaints procedure of iMMO.

6. Independence

- 6.1. The assessor may not have been involved in the diagnosis and/or treatment of the assessed person prior to the assessment.
- 6.2. The assessor who is invited by iMMO to perform an assessment will – if and when applicable – at this occasion spontaneously inform iMMO of a possible conflict of interest.
- 6.3. The assessor will from the date of delivery of his/her advice to iMMO until the moment that the legal procedures of the assessed person are exhausted and in all circumstances for one year after delivery of his/her advice not participate in activities on behalf of the assessed person – other than follow up actions on behalf of iMMO – and also will during this term not express or accept any obligation to do that after this term has expired.
- 6.4. With regard to assessments performed by him/her the assessor will not claim or accept – be it directly or indirectly – any provision, payment, reward or any other favours from persons or institutions other than iMMO.

7. Confidentiality

- 7.1. The assessor will in accordance with the law (WGBO) keep confidential all information that has come to his/her attention as an assessor. This confidentiality refers to all information the assessor must reasonably understand to be confidential.
- 7.2. The assessor takes care that all documentation that has become available to him/her, be it in paper or electronic or other form, will not be accessible to other parties. The assessor will take care of an adequate destruction of the materials or will offer them for destruction to the secretariat of iMMO, within the bounds of legally required preservation terms.

- 7.3. The assessor will not use this information for other purposes than his/her role in iMMO.
- 7.4. The obligations regarding confidentiality will persist after the assessment has been completed or the other activities as mentioned in this regulation are ended and will also persist after ending the enrolment in the Roll of Assessors.

8. Other aspects with regard to the assessed person

- 8.1. The assessed person and/or his/her legal representative will in all cases give a written permission for the performance of the assessment, irrespective of who has made the application for the assessment. The permission implies the permission for iMMO to expedite the advice, considering the following provisions in this article.
- 8.2. The assessed person and/or his/her legal representative may challenge the assessor who has been selected by iMMO for reasons that stand in the way of acceptance of the assessment as an objective professional judgment. This comprises not exclusively a too narrow personal relationship, an undesirable connection with prior cases or an incompatibility of personalities. The challenge must be brought forward within three 24 hour periods after the first interview by the assessor and the assessed person and/or his/her legal representative.
- 8.3. The assessor may for the same reasons as go for the assessed person and/or his/her legal representative request iMMO to be relieved from performing the assessment.
- 8.4. The challenge by the assessed person and/or his/her legal representative of an assessor selected by iMMO may happen no more than two times in a single procedure.
- 8.5. The report of the assessor will, when and insofar the proceedings allow, as a rule be presented to the assessed person and/or his/her legal representative and/or his/her legal aid, for reasons of factual correction. In all cases they will receive a copy of the advice given by iMMO.
- 8.6. For the expedition of the report no further permission of the assessed person and/or his/her legal representative is required, other than that mentioned in the first provision of this article.

9. Compensation

- 9.1. The assessor is entitled to a reimbursement for his/her activities, in case and insofar as they have been made reimbursable by the chief executive or the board.
- 9.2. The assessor may of his/her own accord refrain from enjoying the reimbursement as mentioned in the previous provision of this article.
- 9.3. If applicable the assessor will provide a specified claim in accordance with a format presented by iMMO or an invoice. He/she will specify who the beneficiary of the payment will be.
- 9.4. The payment made to the assessor or the beneficiary is supposed to contain all taxes and social security premiums. The assessor or beneficiary will himself/herself take care of reporting this to the relevant authorities and will indemnify iMMO against all claims of them.

10. Liability

- 10.1. iMMO will take an insurance policy or indemnify the assessor with regard to liability for legal damages as a result of the activities for iMMO, unless there is deliberate intent or gross negligence on the part of the assessor.

- 10.2. iMMO will take an insurance policy or indemnify the assessor with regard to the costs of legal assistance in civil, penal or disciplinary procedures as a result of the activities for iMMO, unless there is deliberate intent or gross negligence on the part of the assessor.

11. Other provisions

- 11.1. The assessor is entitled to communicate his/her enrolment in the Roll of Assessors in all private and business utterances, amongst which résumé (CV), stationary, website and social media.

12. Determination, application and change of the Regulation

- 12.1. This regulation is determined by the chief executive and approved by the board.
- 12.2. For instances not foreseen in this regulation the chief executive decides. In an individual case the chief executive may for important reasons, in the interest of iMMO and within the bounds of the values of iMMO and its contractual obligations to third parties, deviate from the provisions in this regulation.
- 12.3. This regulation may at all times be changed by the chief executive of iMMO – as a rule having consulted the assessors – and will after approval by the board subsequently in its altered form be in force for the assessor.
- 12.4. The chief executive informs the assessors registered in the Roll of Assessors timely and adequately of any change of this regulation.

Determined and approved by the board
Diemen, February 20th 2012.