



St. David's CBS Complaints Procedure

**PROCEDURE FOR PROCESSING COMPLAINTS MADE BY PARENTS /
GUARDIANS OR STUDENTS (WHO HAVE REACHED THE AGE OF 18
YEARS) AGAINST A TEACHER**

Introduction

Procedures are necessary to ensure fair treatment for all in the school and acceptable procedures should be known, agreed, and observed in the interest of good industrial relations and harmony in the school environment. Periodic review of all procedures should take place to ensure that such procedures are in line with good practice and adhere to any developments in employment legislation or other legislation or case law.

Purpose of Complaints Procedure

- (a) To provide a fair, consistent and equitable mechanism for processing complaints by Parents/Guardians or Students (who have reached the age of 18 years) against Teachers.
- (b) To do so in a manner that affords all concerned full rights in accordance with natural justice.
- (c) To outline the procedures, which should be followed by all employers, employees and their representatives, in the event of complaints being made against teachers.

Exclusions

- (a) When complaints are deemed by the Principal//Board of Management to be:
 - (i) On matters of professional competence which cannot be dealt with at school level and which may be referred to the Department of Education and Science for investigation.
 - (ii) Frivolous, vexatious or anonymous complaints and complaints which do not impinge on the work of a teacher in a school.
 - (iii) Complaints in which either party has had recourse to law or to another standard procedure, may be excluded from the scope of this procedure.
- (b) Verbal complaints may be processed informally through Stage 1 of the procedure. Where the complaint is made in writing initially, the complaint should be processed through Stage 1 but a copy of the complaint should be given to the teacher. Only those complaints which are written and signed by the complainants may be investigated through stage 2 and or stage 3 of these procedures.

Procedures

All members of staff at St. David's CBS are dedicated to promoting the welfare and best interests of all our students. From time to time, difficulties may arise sometimes between a parent and a teacher or a student and his teacher and these are generally best resolved through open communication and a mutually respectful discussion between the parent/student and teacher concerned.

Stage 1

1.1 Parent/guardian/student (who has reached the age of 18 years) who wishes to make a complaint should, unless there is good and sufficient reason, in the first instance make an appointment to discuss the matter with the teacher concerned, with a view to resolving the complaint.

1.2 If the parent/guardian/student is unable to resolve the complaint with the teacher, she/he should approach the principal with a view to resolving it.

1.3 The resolution and outcome of Stages 1.1. and 1.2 should be communicated verbally to both parties.

1.4 If after stage 1.2 the complaint is still unresolved, the parent/guardian/student should be advised that they may raise the matter formally with the Board of Management as set out at Stage 2 with a view to resolving it.

1.5 In the case of a complaint against a principal, the parent/guardian/student should discuss the complaint with the principal in the first instance. If the parent/guardian/student is unable to resolve the complaint with the principal, the complaint may be processed as provided for at stage 2 and 3 of this procedure.

Stage 2

2.1 If the issue is not resolved at Stage 1 then the parent/guardian/student should lodge the complaint in writing with the Board of Management

2.2 The Board of Management should acknowledge receipt of the complaint, note it formally and appoint a member of the Board of Management and the school principal to deal with the matter.

2.3 The authorised representatives should, subject to the general authorisation of the Board of Management

a) supply the teacher with a copy of the written complaint

b) arrange a meeting with the teacher and, where applicable, the principal and the complainant, with a view to resolving the complaint. Such a meeting should take place within 10 school days of receipt of the written complaint as specified at 2.1.

2.4 The teacher may be accompanied by their union school steward or another colleague at this stage

2.5 The authorised representatives of the Board of Management should convey the outcome of any discussions / investigation, in writing, to the teacher, complainant and the BOM and indicate whether or not the matter has been resolved to the satisfaction of all parties.

2.6 If the complaint has not been resolved at this stage and the complainant wishes to proceed to Stage 3 she/he shall indicate this in writing to the Board of Management within a maximum of 10 school days of receipt of the letter referred to in 2.5

Stage 3

3.1 If the Board of Management considers the complaint is not substantiated, the teacher and the complainant should be informed within 3 days of the Board of Management meeting.

3.2 If the Board of Management considers that the complaint warrants further investigation, it shall proceed as follows:

(a) the teacher shall be informed that the investigation is proceeding to the next stage

(b) the teacher shall be supplied with a copy of all written evidence relevant to the complaint

(c) the teacher shall be requested to supply a written statement to the Board of Management in response to the complaint

(d) the teacher shall be afforded an opportunity to make formal presentations of his or her case to the Board of Management. The teacher is entitled to be accompanied and assisted by a union representative or colleague at any such meeting

(e) the Board of Management may arrange a meeting with the complainant. The complainant is entitled to be accompanied and assisted by a friend at any such meeting.

(f) the meeting/hearing of the Board of Management referred to in 3.2(d) and 3.2 (e) will take place within 15 days of the meeting referred to in 2.3 (b)

3.3 When the Board of Management has completed its investigation, the decision of the Board of Management shall be conveyed in writing to the teacher and the complainant within 5 school days of the decision being taken.

3.4 The decision of the Board of Management shall be final, except in respect of matters governed by appeals procedures in the Education Act 1998.

3.5 In the case of a complaint which is upheld, the matter may be dealt with by the Board of Management under the provisions of stage 3 of the agreed disciplinary procedures. In such circumstances, members of the Board who have acted as authorised representatives in the

investigation of the complaint should not participate in the decisions of the Board relating to the application of disciplinary action.

3.6 Where the complaint lodged is proved to be groundless then all correspondence relating to the complaint should be removed from the teachers file except for a statement of the complaints and outcome of the investigation.

3.7 If the complaint is upheld then the relevant file may be removed from the school records following agreement from all parties involved.

Notes

- (i)** In this procedure a school day means a day on which the school is in operation.
- (ii)** At all stages of the Complaints Procedure a written record should be kept of a) the investigation undertaken; b) communications to the Board of Management/Parent/Guardian or a Student (who has reached the age of 18 years) and Teacher, and c) the steps and /or decision taken. Copies of this written record may be made available for inspection to the Complainant and to the Teacher concerned.
- (iii)** The Complaints procedure will be reviewed by the parties every three years or at the request of any one of the parties