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PROCEDURES FOR VOLUNTARY SECONDARY SCHOOLS WITH BOARDS OF MANAGEMENT

COMPLAINTS PROCEDURE

ASSOCIATION OF SECONDARY TEACHERS, IRELAND
WINETAVERN STREET
DUBLIN 8

JOINT MANAGERIAL BODY
EMMET HOUSE, MILLTOWN
DUBLIN 14

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 practices are good 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 – employer, employees and their representatives - in the event of complaints being made against teachers.

EXCLUSIONS

(a) When complaints are deemed by the Principal/Manager/Board of Management to be:-
   (i) on matters of professional competence which cannot be dealt with at school level and which are to 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;

   they shall 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 at Stage 1. Only those complaints which are written and signed by the complainants may be investigated through stage two and stage three of the procedure.

PROCEDURES

Stage 1

1.1 A parent/guardian/student who wishes to make a complaint should, unless there are local arrangements to the contrary, make an appointment and discuss the matter with the teacher with a view to resolving the complaint.

1.2 Where 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 Stages 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 should acknowledge receipt of the complaint, note it formally and appoint two authorised representatives, one of whom may be the Principal, to deal with the matter.

2.3 The authorised representatives should, subject to the general authorisation of the board:-
(a) supply the teacher with a copy of the written complaint, and
(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 a colleague or the ASTI School Steward at this stage of the procedure.

2.5 The authorised representatives should convey the outcome of these discussions / investigation, in writing, to the teacher, complainant and the Board of Management 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 s/he shall indicate this in writing to the Board of Management within 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 so informed within three days of the Board meeting.

3.2 If the Board of Management considers that the complaint warrants further investigation, it should proceed as follows:
(a) the teacher should be informed that the investigation is proceeding to the next stage;
(b) the teacher should be supplied with a copy of any written evidence relevant to the complaint;
(c) the teacher should be requested to supply a written statement to the Board of Management in response to the complaint;
(d) the teacher should be afforded an opportunity to make a formal presentation of their case to the Board of Management. The teacher would be entitled to be accompanied and assisted by a colleague or union representative at any such meeting, and
(e) the Board of Management may arrange a meeting with the complainant. The complainant would be entitled to be accompanied and assisted by a friend at any such meeting, and
(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 should be conveyed in writing to the teacher and the complainant within five 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 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.

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 BOM/Parent/Guardian/Student and Teacher, and
(c) the steps and /or decision taken.

Copies of this written record may be made available for inspection to the parties to the complaint and to the teacher(s) concerned.

(iii) The Complaints Procedure shall be reviewed by the parties every three years or at the request of any one of the parties.