



## **Brief Guidance for Parents/Guardians who wish to make a Complaint about a Teacher or Other Staff Members at Holy Cross School**

### **INTRODUCTION**

The parental complaints procedure was revised and agreed by the Irish National Teachers' Organisation and the management bodies of primary schools, the Catholic Primary Schools Management Association, the Church of Ireland, An Foras Pátrúnachta, the Muslim Primary Education Board, Educate Together and the National Association of Boards of Management in Special Education in 2023. It is designed to provide an open and clearly defined process to facilitate parents/legal guardians in raising concerns about their own child/children in an agreed, fair and transparent manner. It is recognised that parents/legal guardians are the primary educators in a child's life and as such from time-to-time concerns may arise which they may need to engage with the school. It is expected that engagement will be timely, courteous and resolution focused to ensure that the important relationship between the parent and school can be preserved and respected. It is expected that all parties concerned will engage proactively.

### **MAKING A COMPLAINT**

The 1998 Education Act provides the legal framework for the delivery of education to children through recognised schools. All recognised schools are legally owned by the school patrons or trustees; and managed by a school's Board of Management, which is also the employer of teachers in a school. Accordingly, parents/guardians wishing to make a complaint against a teacher or school should contact the relevant school authorities. The complaint procedures adopted by most schools are those that have been agreed between the teacher unions and school management bodies. The details of these procedures for primary schools are attached in Appendix 1. These procedures lay out the stages to be followed in progressing a complaint and the specific timescale to be followed at each stage. Under the 1998 Education Act, the Minister for Education and Skills provides funding and policy direction for schools. Neither the Minister nor the Department have legal powers to either:

- instruct schools to follow a particular course of direction with regards to individual complaint cases, or
- to investigate individual complaints

While the Department does not pass judgment on individual complaints, it can clarify for parents/guardians and pupils how their grievances and complaints against schools can be progressed. If you require any further clarification, please contact Parents' and Learners' Section,

Schools' Division, Department of Education and Skills, Cornamaddy, Athlone, Ph (090) 6484266, (090) 6484267, (090) 6484268, Fax (090) 648 4058

### **APPEALING TO THE OMBUDSMAN FOR CHILDREN**

The Office of the Ombudsman for Children may independently investigate complaints about schools recognised with the Department of Education and Skills, provided the parent/guardian has firstly and fully followed the school's complaints procedures. The key criterion for any intervention by the Ombudsman for Children is that a child has or may have been negatively affected by the action of a school. The office can be contacted at: Ombudsman for Children's Office, Millennium House, 52-56 Great Strand Street, Dublin 1, (Ph) 1800 20 20 40 or (01) 865 6800, E-mail: oco@oco.ie

### **COMPLAINTS RELATING TO CHILD PROTECTION OR ALLEGATIONS OF CHILD ABUSE**

The Department of Education and Skills (including staff of the Inspectorate or National Educational Psychological Service) does not investigate allegations of child abuse. Statutory responsibility for child protection rests with the TUSLA Child & Family Agency. Accordingly, the most expedient way of reporting a child abuse allegation is to contact the Duty Social Worker of your local TUSLA Office. Any allegation of child abuse received by staff in the office is dealt with in accordance with TUSLA's procedures for responding to allegations of Child Abuse brought to the attention of staff employed by the Department of Education and Skills. Under these procedures, the Department does not pass judgment on the allegations brought to its attention and ensures that the details of the allegation available to the Department are immediately passed on to the relevant investigatory authorities, including the relevant school authorities, TUSLA and/or An Gardaí Síochána. The Department cannot guarantee confidentiality to complainants alleging child abuse as the information it receives must be passed on to the relevant authorities for investigation, including any details of the person making the allegation. Parents/guardians who are dissatisfied with how a school investigated a child abuse allegation should report this to TUSLA and/or the Ombudsman for Children. If you wish to report an allegation of child abuse to the Department of Education and Skills, contact: Parents' and Learners' Section, Schools' Division, Department of Education and Skills, Cornamaddy, Athlone, Ph (090) 648 4099, Fax (090) 648 4058. E-mail: childprotection@education.gov.ie

### **SUSPENSION, PERMANENT EXCLUSION OR REFUSAL TO ENROL**

Parents/guardians can appeal a decision by a school's Board of Management to permanently exclude their child from its school, to suspend their child from attendance at its school for a total of 20 days in any school year, or to refuse to enrol their child. Under Section 29 of the 1998 Education Act, parents/guardians may appeal these decisions by school authorities to the Secretary

General of the Department of Education and Skills. The appeal may be heard by a committee appointed by the Minister for Education and Skills for that purpose. Further information about Section 29 appeals, including the process and application forms, can be obtained from the Department's website [www.education.ie](http://www.education.ie). If you wish to make an appeal under Section 29, please contact: Section 29, Schools Division, Department of Education and Skills, Friars Mill Road, Mullingar, Co Westmeath, Phone 04493 37008, Fax 04493 37070.

## **DISCRIMINATION**

Under the Equal Status Acts 2000 to 2008, discrimination is unlawful on nine grounds: gender, marital status, family status, sexual orientation, religion, age, disability, membership of the Traveller community and race (including colour, nationality, ethnic or national origin). If you feel that your child has been discriminated against in their education; and you have previously raised this matter with your school and remain unhappy with their response, you may refer the matter to: The Equality Tribunal, 3 Clonmel Street, Dublin 2. (Ph) 014774100 or Locall 1890 344424, (Fax) 01 4774141 or (Email) [info@equalitytribunal.ie](mailto:info@equalitytribunal.ie). Further information about the complaints procedure and complaint forms can be obtained at [www.equalitytribunal.ie](http://www.equalitytribunal.ie).

## **APPENDIX 1**

### **INTO/CPMSA COMPLAINTS PROCEDURE GUIDELINES FOR PRIMARY SCHOOLS.**

#### **INTO / CPSMA COMPLAINTS PROCEDURE**

The parental complaints procedure was revised and agreed by the Irish National Teachers' Organisation and the management bodies of primary schools, the Catholic Primary Schools Management Association, the Church of Ireland, An Foras Pátrúnachta, the Muslim Primary Education Board, Educate Together and the National Association of Boards of Management in Special Education in 2023. It is designed to provide an open and clearly defined process to facilitate parents/legal guardians in raising concerns about their own child/children in an agreed, fair and transparent manner. It is recognised that parents/legal guardians are the primary educators in a child's life and as such from time-to-time concerns may arise which they may need to engage with the school. It is expected that engagement will be timely, courteous and resolution focused to ensure that the important relationship between the parent and school can be preserved and respected. It is expected that all parties concerned will engage proactively.

## Procedural Points

The procedure is a staged procedure where every effort is made to resolve matters at the earliest possible stage. In most cases, concerns will be dealt with either informally or formally at the earlier stages of the procedure. Where it has not been possible to agree a resolution at the earlier stages, the procedure does allow for the escalation of the matter to the Board of Management. This procedure sets out, in four stages, the process to be followed in progressing a complaint and the specific timescale to be followed. It is expected the parties will follow each stage in sequence.

- Where the term written correspondence is used, this refers specifically to a letter or email correspondence from a parent/legal guardian(s).
- Only complaints about a teacher which are written and signed by a parent/legal guardian, and which relate to their own child will be investigated.
- Where a complaint raised by a parent/legal guardian is deemed by the employer/board of management to relate to the following, this procedure will not apply:-
  - matters of professional competence and which are to be referred to the Department of Education;
  - frivolous or vexatious complaints and complaints which do not impinge on the work of a teacher in a school; or
  - Complaints in which either party has recourse to law or to another existing procedure.
- In all circumstances, any form of written correspondence for the attention of the Board of Management must be supplied to the Chairperson of the Board of Management **only**. Any deviation from this could be deemed prejudicial and as acting outside the scope of this agreement.
- **Days in this procedure refer specification to school days.** A school day is a day on which the school is in operation. Holiday periods, school closures and leaves of absences are not counted as school days for the purpose of this procedure.
- Group/collective complaints are not provided for and each parent/legal guardian raising a concern will be dealt with separately through this process.
- The procedure is a domestic forum and accordingly, neither management nor the INTO intends that there would be legal representation at any stage.
- Issues should be raised in a timely manner. It is in the best interests of the child that issues are raised to achieve early resolution at the earliest possible stage with the teacher, ideally while the pupil is in the teacher's class.

## **Stage 1 - Discussion**

1.1 A parent/legal guardian who wishes to make a complaint in respect of their own child, should, seek an appointment with the teacher concerned with a view to resolving the complaint. Further meetings with the teacher can be convened as appropriate

1.2 Where the parent/legal guardian is unable to resolve the complaint with the teacher, they should seek an appointment with the Principal with a view to resolving the complaint. Further meetings can be convened by the Principal as appropriate.

1.3 Where the complaint remains unresolved, the parent/legal guardian should seek an appointment with the Chairperson of the Board of Management with a view to resolving the complaint. Further meetings can be convened by the Chairperson as appropriate.

## **Stage 2 - Written (10 days)**

2.1 If the complaint has not been resolved at stage 1, the parent/ legal guardian who wishes to pursue the matter further should submit the complaint in writing to the Chairperson of the Board of Management. This commences stage 2.

2.2 The Chairperson should provide a copy of the written complaint to the teacher against whom the complaint has been made, without delay.

2.3 The Chairperson should seek to resolve the complaint between the teacher and the parent/ legal guardian within 10 school days of the commencement of stage 2.1. This may require one or more meetings to be convened by the Chairperson with the teacher/ parent/legal guardian and other school personnel as deemed appropriate by the Chairperson.

## **Stage 3 Board of Management (20 days)**

3.1 If the complaint remains unresolved following stage 2 and the parent/ legal guardian wishes to pursue the matter, they should inform the Chairperson in writing of this fact. The Chairperson should make a formal report to the Board of Management within 10 days of receipt of this written statement. At this meeting, the Board can decide to proceed to either stage 3.2 or 3.3.

3.2 Where the Board considers the complaint, the process may be concluded at this stage, if the board considers that: a) The complaint is frivolous/vexatious; b) The complaint has already been investigated by the board; c) The complaint is more appropriately dealt with through a more relevant DE circular, or; d) where recourse to law has been initiated. Where the Board determines the complaint is concluded at this stage, the parent/legal guardian should be so informed within five days of the Board meeting.

3.3 Where the Board decides to proceed to a hearing, it should proceed as follows: a) the teacher should be informed that the complaint is proceeding to a full hearing and the Chairperson must ensure the teacher has been supplied with all documents which are being considered by the Board.

b) the Board should arrange a meeting with the parent/legal guardian if it considers such to be required. The parent/ legal guardian is entitled to be accompanied and assisted by a friend at any such meeting. c) the teacher should be afforded an opportunity to make a presentation of their case to the Board. The teacher is entitled to be represented by a friend or a union representative, who may be accompanied for the purpose of assistance and note taking. d) the teacher should be requested to supply a written statement to the board as the employer in response to the complaint. This written statement will be confidential to the employer and will not be shared with any third party. e) the meeting of the Board of Management referred to in 3(b), (c) and (d) will take place within 10 days of the meeting referred to in 3.1. in so far as possible.

#### **Stage 4 - Decision (5 days)**

4.1 The Board will consider the complaint and the response provided and will adjudicate on the matter. The Chairperson should convey the decision of the Board in writing to the teacher and the parent/legal guardian(s) within five days of the meeting held at stage 3.3.

4.2 Complaint concluded. The decision of the Board shall be final.

In this agreement, 'days' means school days.

#### **Ratification**

Ratified by the Board of Management on 7<sup>th</sup> February 2023.

Review date: February 2026