



Brief Guidance for Parents who wish to make a Complaint about a Teacher or other staff members at Holy Cross School

INTRODUCTION

This guidance note aims to generally inform parents about who they should contact to make a complaint against a teacher or other staff member of their child's school; as well as providing guidance on options they may choose to follow, likely timeframes involved and how they can appeal a decision of a school in relation to their child's education. The guidance provided on this page does not apply to complaints in relation to actions or decisions by schools on allegations of child protection, suspensions, permanent exclusions, refusals to enrol and those decisions which may discriminate against a child. Guidance to parents on these issues is set out overleaf.

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 Boards of Management which is also the employer of teachers in a school. Accordingly, parents 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 below 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 individuals complaint cases, or
- to investigate individual complaints

While the Department does not pass judgment on individual complaints it can clarify for parents 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 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, Millenium 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 Health Services Executive. Accordingly, the most expedient way of reporting a child abuse allegation is to contact the Child Care Manager of your local Health Service Executive Office. Any allegation of child abuse received by staff in the Department is dealt with in accordance with the Department'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, the Health Service Executive and/or An Gardaí. 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 who are dissatisfied with how a school investigated a child abuse allegation should report this to the Health Service Executive 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 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 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. 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. Further information about the complaints procedure and complaint forms can be obtained at www.equalitytribunal.ie.

APPENDIX 1

INTO/CPMSA COMPLAINTS PROCEDURE GUIDELINES FOR PRIMARY SCHOOLS.

INTO / CPSMA COMPLAINTS PROCEDURE

The Irish National Teachers' Organisation and the Catholic Primary School Managers' Association reached agreement in 1993 on a procedure for dealing with complaints by parents against teachers. The purpose of the procedure is to facilitate the resolution of difficulties where they may arise in an agreed and fair manner. The agreement lays out in five stages the process to be followed in progressing a complaint and the specific timescale to be followed at each stage.

Introduction

Only those complaints about teachers which are written and signed by parents/guardians of pupils may be investigated formally by the Board of Management, except where those complaints are deemed by the Board to be:

- (i) on matters of professional competence and which are to be referred to the Department of Education;
- (ii) frivolous or vexatious complaints and complaints which do not impinge on the work of a teacher in a school; or
- (iii) complaints in which either party has recourse to law or to another existing procedure. Unwritten complaints not in the above categories may be processed informally as set out in

Stage 1 of this procedure.

Stage 1

1.1 A parent/guardian who wishes to make a complaint should, unless there are local arrangements to the contrary, approach the class teacher with a view to resolving the complaint.

1.2 Where the parent/guardian is unable to resolve the complaint with the class teacher she/he should approach the Principal with a view to resolving it.

1.3 If the complaint is still unresolved the parent/guardian should raise the matter with the Chairperson of the Board of Management with a view to resolving it.

Stage 2

2.1 If the complaint is still unresolved and the parent/guardian wishes to pursue the matter further she/he should lodge the complaint in writing with the Chairperson of the Board of Management.

2.2 The Chairperson should bring the precise nature of the written complaint to the notice of the teacher and seek to resolve the matter between the parties within 5 days of receipt of the written complaint.

Stage 3

3.1 If the complaint is not resolved informally, the Chairperson should, subject to the general authorisation of the Board and except in those cases where the Chairperson deems the particular authorisation of the Board to be required:

(a) supply the teacher with a copy of the written complaint; and

(b) arrange a meeting with the teacher and, where applicable, the Principal Teacher with a view to resolving the complaint. Such a meeting should take place within 10 days of receipt of the written complaint.

Stage 4

4.1 If the complaint is still not resolved the Chairperson should make a formal report to the Board within 10 days of the meeting referred to in 3.1(b).

4.2 If the Board considers that the complaint is not substantiated the teacher and the complainant should be so informed within three days of the Board meeting.

4.3 If the Board considers that the complaint is substantiated or that it warrants further investigation it proceeds 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 in support of the complaint;

(c) the teacher should be requested to supply a written statement to the Board in response to the complaint;

(d) the teacher should be afforded an opportunity to make a presentation of case to the Board. The teacher would be entitled to be accompanied and assisted by a friend at any such meeting;

(e) the board may arrange a meeting with the complainant if it considers such to be required. The complainant would be entitled to be accompanied and assisted by a friend at any such meeting; and

(f) the meeting of the Board of Management referred to in (d) and (e) will take place within 10 days of the meeting referred to in 3.1(b).

Stage 5

5.1 When the Board has completed its investigation, the Chairperson should convey the decision of the Board in writing to the teacher and the complainant within five days of the meeting of the Board.

5.2 The decision of the Board shall be final.

5.3 This Complaints Procedure shall be reviewed after three years.

5.4 CPSMA or INTO may withdraw from this agreement having given the other party three months' notice of intention to do so.

In this agreement 'days' means schools days

Ratification

Ratified by the Board of Management on 28.11.2016

Review date November 2019.