

Brief Guidance for Parents who wish to make a Complaint about a Teacher or other staff member of the 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.

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. The Board of Management is also the employer of teachers, principals and all other staff in a school. Accordingly, parents wishing to make a complaint against a school or individual staff member of a school should contact the relevant school authorities. ***The complaint procedures adopted by most schools (including our school) 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 and pupils how their grievances and complaints against schools can be progressed. If you require any further clarification please visit www.education.ie and click on the 'Parents' tab. If you require further information you can contact Parents' and Learners' Section, Schools' Division, Department of Education and Skills, Cornamaddy, Athlone, at (090) 648 4264, (090) 648 4267 or (090) 648 4268.

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 Ombudsman for Children's Office is situated at Millennium House, 52-56 Great Strand Street, Dublin 1 and can be contacted by telephoning 1800 20 20 40 or (01) 865 6800 or by emailing oco@oco.ie.

COMPLAINTS RELATING TO CHILD PROTECTION OR REPORTS OF CHILD PROTECTION CONCERNS

The Department of Education and Skills (including staff of the Inspectorate and National Educational Psychological Service) does not investigate child protection concerns. Statutory responsibility for child protection rests with the Health Service Executive. Accordingly, the most expedient way of reporting a child protection concern is to contact the Child Care Manager or Duty Social Worker of your local Health Service Executive Office. Any child protection concern received by staff in the Department of Education and Skills 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 Garda Síochána. The Department cannot guarantee confidentiality to complainants reporting child protection concerns 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 protection concern should report this to the Health Service Executive and/or the Ombudsman for Children. If you wish to report a child protection concern to the Department of Education and Skills rather than contacting the HSE directly, you should contact: Parents' and Learners' Section, Schools' Division, Department of Education and Skills, Cornamaddy, Athlone, tel. (090) 648 4099 or email 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 Appeals Administration Unit, Schools' Division, Department of Education and Skills, Friars Mill Road, Mullingar, Co. Westmeath by telephone at (044) 933 7008 or by email section29@education.gov.ie.

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 Authority, Birchgrove House, Roscrea, Co. Tipperary; email info@equality.ie or freephone 1890 245 545. Further information about the complaints procedure and complaint forms can be obtained at www.equality.ie.

APPENDIX 1

INTO/CPMSA COMPLAINTS PROCEDURE GUIDELINES FOR PRIMARY SCHOOLS

Complaints Procedure

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;
- (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 Teacher 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 3.2 (b).

4.2 If the Board considers that the complaint is not substantiated the teacher and the complainant should be so informed within 3 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;
- (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 5 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 3 months' notice of intention to do so.

In this agreement 'days' means school days.

This policy was reviewed and ratified on January 24th 2023

Signed: James Sejar
Chairman