



# Belvedere College SJ

<b>Name of Policy/Document:</b>	<b>PROCEDURE FOR PROCESSING COMPLAINTS MADE BY PARENTS/GUARDIANS OR STUDENTS (WHO HAVE REACHED THE AGE OF 18 YEARS) AGAINST A TEACHER</b>														
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**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 best practice and adhere to developments in employment and/or other relevant legislation and 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 respects the rights of all concerned and is 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 Headmaster/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 & Science/Teaching Council 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.

Note: where a complainant or the subject of the complaint has recourse to law during the course of a complaints procedure the College will suspend the procedure forthwith.

- (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**

### **Context:**

**All members of staff of Belvedere College SJ are dedicated to promoting the welfare and best interests of all our students. From time to time, difficulties may arise 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 A parent/guardian/student who wishes to make a complaint should 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 Headmaster 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 the Headmaster, the parent/guardian/student should discuss the complaint with the Headmaster in the first instance. If the parent/guardian/student is unable to resolve the complaint with the Headmaster, 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 Headmaster, to deal with the matter. The Headmaster shall not be one of the authorised representatives if he is the subject of the complaint.
- 2.3. The authorised representatives should, subject to the general authorisation of the Board:
  - (a) supply to the teacher with a copy of the written complaint and allow him/her a reasonable time within which to consider the matter and with regard to the timeframe set out in 2.3 (b) below;
  - (b) arrange a meeting with the teacher and, where applicable, the Headmaster 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 (if the teacher is a member of the ASTI) 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 the letter referred to in 2.5.

### **Stage 3**

- 3.1 If the Board of Management considers the complaint does not warrant further investigation on the basis of there being no reasonable grounds or there being insufficient evidence, the teacher and the complainant should be so informed within three days of the Board Meeting. The Board shall explain, briefly and in writing, its reason(s) for such a finding.
- 3.2 If the Board of Management considers that the complaint warrants further investigation, it should proceed as follows:
- (a) the teacher shall be informed that the investigation is proceeding to the Stage 3;
  - (b) The teacher shall be supplied with a copy of any written or other 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 a formal presentation of his/her case to the Board of Management. The teacher is entitled to be accompanied and assisted by a colleague or union representative at any such meeting, and
  - (e) The Board of Management may, if it deems such to be necessary, request the complainant to attend a meeting of the Board. The complainant is entitled to be accompanied and assisted by a friend at any such meeting, and
  - (f) The meeting(s) of the Board of Management referred to in 3.2(d) and/or 3.2(e) will take place within 15 school days of the meeting referred to in 2.3(b).
  - (g) The Board of Management will complete its investigation within a reasonable timeframe but no later than twenty school days from the date of the meeting(s) referred to in 3.2 (d) and/or 3.2 (e) whichever is the later.
- 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 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.

Note: If an investigation coincides with or runs into a period when the school is not in session for a prolonged period, e.g. the summer holidays, the Board shall make every reasonable effort to bring the process to a conclusion as quickly as possible in the interests of fairness to all parties to the complaint.

- (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 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.