

St. Mary's College Dundalk



Complaints Procedure

Approved by BOM 28th November 2016

**PROCEDURES FOR VOLUNTARY SECONDARY SCHOOLS
WITH BOARDS OF MANAGEMENT
COMPLAINTS PROCEDURE**

Joint agreement between JMB & ASTI

1st September 2000

Mission Statement

St Mary's College is a Catholic secondary school under the patronage of the Marist Fathers. The primary aim of the College, through its spiritual and humanistic endeavours, is to promote and develop a sense of community where those entrusted to its care can be brought to the fullness of their human potential in accordance with the teachings of the Gospel.

The College, through its academic, pastoral and spiritual undertakings strives to provide for the holistic development and welfare of each of the students in its care.

Rationale

The procedure as outlined was put in place to:

- To avoid complaints
- Set out the procedures should a complaint be forthcoming
- Clarify areas of responsibility
- Protect against possible litigation.

Relationship to College Ethos

The College promotes positive home and College interaction, not only in relation to the welfare of our students but also in relation to all aspects of College life. This procedure is in keeping with the College ethos through the provision of a safe, secure and caring educational environment and the furthering of positive home and College links.

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 College and acceptable procedures should be known, agreed, and observed in the interest of good industrial relations and harmony in the College 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

- 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.
- To do so in a manner that affords all concerned full rights in accordance with natural justice.
- 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

When complaints are deemed by the Principal and Board of Management to be:

- On matters of professional competence which cannot be dealt with at College level and which are to be referred to the Department of Education and Skills for investigation;
- Frivolous, vexatious, or anonymous complaints and complaints which do not impinge on the work of a teacher in the College
- 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.
- 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 Parents / Guardians / students who wish 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 Parents / Guardians / students are unable to resolve the complaint with the teacher, they 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, Parents / Guardians / students 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 Parents / Guardians/ students should discuss the complaint with the Principal in the first instance. If the Parents / Guardians / students 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 Parents / Guardians / students 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 of Management
- Supply the teacher with a copy of the written complaint, and
 - 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 they 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 of Management 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 of Management under the provisions of Stage 3 of the agreed Disciplinary Procedures. In such circumstances, members of the Board of Management who have acted as authorised representatives in the investigation of the complaint should not participate in the decisions of the Board of Management relating to the application of disciplinary action.

Notes

- In this procedure a school day means a day on which the school is in operation.
- At all stages of the Complaints Procedure a written record should be kept of
 - a. The investigation undertaken;
 - b. Communications to Board of Management / Parents / Guardians / students and teachers, and
 - c. The steps and/or decision taken.
- Copies of the written record may be made available for inspection to the parties to the complaint and to the teacher(s) concerned.

Evaluation of Procedure

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

Signed: *Diarmuid Ó Murchú*
Chairperson, Board of Management, St. Mary's College

Dated: 28th November 2016