

Galway Educate Together NS

Grievance Policy

(includes Parental Complaints about Teachers - Quick link Appendix A)

Rationale

Galway Educate Together is committed to upholding the ethos of Educate Together in dealings with pupils, parents, each other and with the wider community. We strive to create a happy and dynamic learning environment for children, to promote positive home-school relationships and sustain a professional workplace. The rights of all stakeholders in education are acknowledged. Our aim is to create a positive, inclusive community that will help prevent or minimise the need for complaints.

Clarification

In a school of our size we recognise that from time to time mistakes will be made, clarifications will be sought and robust conversations may take place. Parents and guardians are encouraged to seek clarification or express concerns at the earliest possible stage to avoid a build-up of issues. We will approach these issues in a spirit of mutual respect and kindness for the benefit of all.

Introductory Statement

This policy seeks to outline our approach to dealing with the following:

1. Telephone complaints
2. Complaints about the principal made by a parent
3. Complaints about teachers made by a parent
4. Complaints about teachers from pupils
5. Complaints about Special Needs Assistants (SNAs)
6. Complaints about pupils
7. Complaints about parents
8. Complaints about ancillary staff.
9. Complaints about substitute teachers and peripatetic teachers
10. Complaints about visitors to the school
11. Staff Grievance
12. Complaints about a Department of Education and Skills Inspector

1. Telephone complaints

If answered by personnel other than the principal, these will be dealt with by asking for the name of the complainant, his/her relationship to the school and what the call is in connection with, before passing

these details on to the principal. No further details will be sought, nor will the complainant be engaged with over the phone, except by the principal teacher. The principal will decide on a case by case basis, whether to talk to the complainant immediately or to investigate the matter first.

2. Complaints about the principal - Made by parents or pupils

Complaints coming from parents or pupils will be dealt with directly by the principal in the first instance, in order to resolve the issue informally and amicably if possible. If the complainant is unhappy or feels that the complaint has been dealt with unfairly, the complaint may be outlined in writing to the Chairperson of the Board of Management.

3. Complaints about teachers - Made by parents

It is acknowledged that disagreements and/or complaints may arise from time to time. It is recommended that all issues should be addressed initially at an informal level, usually involving communication between parents and teachers. The majority of challenges can be resolved where there is a mutually respectful willingness among stakeholders to discuss difficulties and to engage in a solution-driven approach.

The procedure for dealing with complaints by parents against teachers has been agreed between the INTO and the school management bodies. The purpose of this 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. Please note this is a non-statutory procedure.

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:

- on matters of professional competence and which are to be referred to the Department of Education and Skills;
- 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.

Unwritten complaints, not in the above categories, may be processed informally as set out in Stage 1 of this procedure.

Stage 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.
- Where the parent/guardian is unable to resolve the complaint with the class teacher s/he should approach the principal with a view to resolving it.

- 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

- If the complaint is still unresolved and the parent/guardian wishes to pursue the matter further s/he should lodge the complaint in writing with the chairperson of the board of management.
- 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 five days of receipt of the written complaint.

Stage 3

- 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:
 - supply the teacher with a copy of the written complaint; and
 - 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

- 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(b).
- If the board considers that the complaint is not substantiated the teacher and the complainant should be informed within three days of the board meeting.
- If the board considers that the complaint is substantiated or that it warrants further investigation it proceeds as follows:
 - the teacher should be informed that the investigation is proceeding to the next stage;
 - the teacher should be supplied with a copy of any written evidence in support of the complaint;
 - the teacher should be requested to supply a written statement to the board in response to the complaint;
 - 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;
 - 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
 - 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(b).

Stage 5

- 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.
- The decision of the board shall be final.
- In this agreement 'days' means school days.

Note: *The vast majority of complaints are resolved locally and informally. However, in certain circumstances, for example, where a complaint is considered to be serious in nature, or where the teacher is required to submit a written response to his/her board of management, the teacher should contact his/her INTO District Representative or INTO Head Office for advice and assistance. In advising a teacher, the INTO will be anxious to ensure that there is due process and fair procedures applied, which generally include: that the teacher is fully apprised of all matters being considered by the board of management, including being provided with copies of all relevant documentation; the right to respond and adequate time to prepare a response; entitlement to be represented by the INTO, if necessary. Where a teacher contacts the INTO in relation to a complaint(s) made against him/her, the officials involved will generally meet with the teacher and require him/her to provide detailed written information and documentation on the matter. The officials will assess the case and decide if additional specific legal advice or a legal consultation is required. Specific legal advice is obtained for members in accordance with the Rules of the INTO and the conditions prescribed by the CEC.*

Role of the Teaching Council in addressing complaints against teachers

The BOM is cognisant of the fact that Part 5 (Fitness to Teach) of the Teaching Council Acts 2001-2015 has been commenced and this part of the Act relates to the Council's role in investigating complaints relating to registered teachers. In this context, it is important to note that existing, agreed procedures for dealing with difficulties and complaints at school level will continue to operate. The Council has stated its belief that, in most cases, these existing, agreed procedures will offer the best means for resolving problems as they arise. In this regard, the Council has stated that only complaints which are of a serious nature, relating to registered teachers, can progress to an inquiry. The BOM will facilitate the work of the Teaching Council in any investigation which may be warranted in fulfilling its legal obligations.

4. Complaints about teachers from pupils

If a complaint about a teacher comes from a pupil to another teacher, the teacher to whom the complaint is made will refer to the pupil's teacher. This teacher will then decide whether to deal with the matter her/himself or to refer it to the principal. In either case, the principal should be informed of the circumstances and a written record kept by both the teacher concerned and the principal

If the complaint about a teacher comes from a pupil to the principal, it will be listened to, notes taken and the pupil will be advised that the matter will be discussed with the teacher concerned with a view to resolving the issue. In either case, if the complaint is deemed by the principal, after investigation and

discussion with both the pupil and teacher, to be wrong or vindictive on the part of the pupil, the parents or guardian of the pupil may be invited to the school to discuss the matter.

5. Complaints about Special Needs Assistants (SNAs)

Complaints coming from parents will be dealt with directly by the class teacher who will try to resolve the difficulty amicably.

Similarly, complaints coming from parents to the principal will be dealt with directly by the class teacher who will try to resolve the difficulty amicably.

Complaints about the SNA coming from the class teacher will be dealt with in the first instance by the teacher approaching the SNA with a view to resolving the issue. If the matter cannot be resolved satisfactorily, it will be brought to the principal.

Complaints will be dealt with in line with Circular 72/2011, *Grievance and Disciplinary Procedures for Special Needs Assistants in recognised primary and post party schools*.

6. Complaints about pupils

Complaints made about pupils by other parents will be handled by the class teacher in the first instance and the principal if thought necessary, through the procedures set out in the Code of Good Behaviour and the Anti-Bullying Policy. Under no circumstances will a parent be allowed access to a child other than their own child in the school

Complaints made about pupils by other pupils will be handled by the teacher to whom the complaint is made in the first instance and by referring the matter to the principal if considered necessary.

7. Complaints about Parents

Teachers will follow the Complaints Procedure (Appendix 1) by referring the complaint to the Principal in the first instance. If the teacher is unhappy about the Principal's response or recommendation, Stage 2 of the Complaints Procedure may be invoked.

8. Complaints about Ancillary Staff

These will be referred to the principal who will approach the staff member directly in order to resolve the issue.

9. Complaints about substitute teachers and peripatetic teachers

These will be referred to the principal who will approach the teacher in question directly with a view to investigating and resolving the issue.

10. Complaints about visitors to the school

In the case of visitors to the school, (e.g. students on work experience, students on teaching practice, visiting members of other agencies) the complainant will refer the issue to the principal in the first instance

If not resolved at this stage, the issue will be referred to the management body dealing with the worker with a view to resolving the issue.

11. Staff Grievance

In keeping with the ethos of the school, staff members will seek to resolve internal conflict issues amicably between those concerned. However, if this process fails the following procedure will be adopted.

The following procedure for handling grievances in schools has been agreed between the INTO and the principal management bodies.

The purpose of this procedure is to provide a mechanism for the resolution of a grievance which a teacher in a national school, including a principal teacher, has against:

1. the board of management in respect of the exercise of any of its responsibilities for the governance of the school; or
2. the chairperson of the board in an individual capacity; or
3. the principal teacher in respect of his/her duties and responsibilities for the organisation, conduct and day to day activities of the school.

The grievance procedure shall generally relate to breaches of school rules, policies, procedures or practices. The grievance procedure shall not deal with curricular matters.

If a grievance, which concerns a matter covered by the Employment Equality Act (1998) or other relevant legislation, is referred to the Director of Equality Investigations or the Labour Court, this procedure shall not be used. Such a referral would serve to terminate the grievance procedure.

Stage 1: The principal

1. The aggrieved teacher shall give notice in writing to the principal that the grievance procedure is being invoked.
2. The teacher shall discuss the grievance with the principal teacher with a view to resolving it.
3. If the grievance is not resolved within ten school days, the teacher shall be entitled to invoke stage 2, within a further ten school days.

Stage 2: The chairperson

1. The aggrieved teacher shall give notice in writing to the principal and chairperson of the board of management that stage 2 of the grievance procedure is being invoked.

2. The teacher shall discuss the grievance with the chairperson of the board with a view to resolving it.
3. The chairperson shall immediately take such steps as she/he considers appropriate to have the grievance resolved informally.
4. If the grievance is not resolved within ten school days the teacher shall be entitled to invoke stage 3, within a further ten school days.

Stage 3: The board of management

1. The aggrieved teacher shall give notice in writing to the chairperson of the board of management that stage 3 of the grievance procedure is being invoked.
2. The teacher shall make a written submission which shall include the details of the grievance(s) and the redress being sought. The submission shall be presented to the chairperson for consideration by the board of management.
3. The normal rules of due process shall apply to the exchange of documentation, (c/f section b, pgs 12 – 13) and accordingly, the chairperson shall copy the submission to the person against whom the grievance is being taken.
4. Where the grievance involves the principal teacher, she/he shall be requested by the chairperson to prepare a written response to the submission. The written response shall address all of the points made in the aggrieved teachers' submission and shall be furnished to the aggrieved teacher(s) within 10 school days of the date of the written submission. Similarly, where the grievance is against the chairperson of the board of management or the board itself, the aggrieved teacher shall be entitled to a written response from the chairperson or the board, as the case may be. Such response shall also be furnished within 10 school days.
5. The chairperson shall invite the aggrieved teacher to be in attendance at a hearing of the board, which shall be held within ten school days of the date of the written response. The hearing shall afford each party to the grievance an opportunity to hear at first hand, what the other party has to say and also to question and/or respond to the other party.
6. In circumstances, where the grievance is against the principal teacher, he/she shall attend at the board hearing in an individual capacity and not as a member of the board of management. Similarly, where the grievance is against the chairperson of the board of management (in an individual capacity) he/she shall also attend at the board hearing in an individual capacity and an acting chairperson shall be appointed. Further, the principal teacher or the chairperson, as the case may be, shall withdraw from the board's deliberations and decision making on the matter.
7. Where appropriate, the parties shall be entitled to bring witnesses. The same principles of due process apply to hearing witnesses.
8. The board shall try to resolve the grievance by conciliation and if the grievance is resolved the matter is concluded. If the board is unable to resolve the grievance by conciliation it shall make a decision on the matter, except as provided under paragraph 9 below.
9. In cases where the grievance is against the board itself, the board shall hear the grievance as outlined above, shall try to resolve the matter by conciliation, but failing resolution, the matter may proceed to stage 4 in accordance with the provisions of paragraph 11 below.

10. The chairperson shall convey the outcome in writing to the parties within 5 school days of the hearing specified at stage 3 / paragraph 5 above.
11. The teacher shall have the right to invoke stage 4 of the procedure:
 - if the board fails to give a hearing to the aggrieved teacher;
 - if the chairperson fails to convey the outcome of the hearing within the specified period;
 - or
 - if the teacher is unwilling to accept the outcome of stage 3.

Stage 4: An independent tribunal

1. The teacher who wishes to proceed with an appeal to stage 4 shall give notice of same, by letter, to the chairperson of the board of management, within ten school days of receiving the written outcome of stage 3 (or at the end of the period specified in stage 3 / no. 5, if the board fails to arrange a hearing). The date of that letter shall be referred to as the “date of appeal” and the teacher may include, in the letter, any additional arguments he/she wishes to put forward.
2. On receipt of the letter of appeal, the chairperson of the board of management shall notify the patron (or a designated representative of the patron) and the General Secretary of the INTO (or a designated representative of the INTO) and invite these parties:
 - to select an agreed independent person to act as chairperson of a tribunal;
 - each to appoint a person who is not associated with the school to serve on the tribunal;
 - to arrange a meeting of the tribunal within 15 school days of the date of appeal.
3. The chairperson of the board of management shall also furnish each member of the tribunal, prior to its first meeting:
 - with a report on the proceedings at each of the previous stages;
 - and with:
 - a copy of the aggrieved teacher’s letter of appeal;
 - a copy of the aggrieved teacher’s submission;
 - a copy of any written response;
 - any other relevant documentation.
4. The tribunal shall arrange a hearing(s) for the parties and shall ensure that the normal rules of due process and fair procedures apply (c/f section b, pg 12 – 13), which include:
 - that the parties shall be given reasonable notice of the hearing by the tribunal. When notifying parties of the date of the hearing(s), the tribunal should indicate to the parties concerned that in the event of failure to appear, without reasonable cause, the tribunal may proceed to decide the case if considered appropriate;
 - that each party shall be afforded an opportunity to access and respond to relevant documentation, including the letter of appeal;
 - that the parties shall have an opportunity to hear at first hand, what each has to say and also to question or respond to the other party through the chairperson of the tribunal;
 - that witnesses may attend as appropriate; that the tribunal itself, shall be entitled to question each party or seek further information;

- that where appropriate, the tribunal shall afford each party an opportunity to provide further information, on the clear understanding, that the other party shall have an opportunity to access and respond to same; and
 - that if necessary, the tribunal shall agree to adjournments.
5. The tribunal shall be considered a domestic forum and accordingly, neither management nor the INTO intends that there would be legal representation at any hearings.
 6. The tribunal shall be empowered to conciliate with a view to reaching a friendly settlement.
 7. Failing such a settlement the tribunal shall determine the issue by unanimous or majority vote.
 8. The tribunal's decision shall be conveyed in writing by the chairperson of the tribunal to all the parties and shall be final and binding.

Please note that any expenses involved in stage 4 will be shared by the parties who nominate the tribunal provided that prior sanction for same has been obtained from INTO and the relevant management body.

Notes

- Until such time as the dispute is resolved or determined the aggrieved teacher shall continue to carry out the legitimate instructions of the principal teacher or the board of management as the case may be.
- The grievance procedure shall also apply where two or more teachers share a grievance.
- Where a principal teacher, or a principal teacher and one or more other teachers, share a grievance, stages 2, 3 and 4 of the procedure shall apply.
- Where the grievance is against an individual chairperson or the board of management itself, stages 2, 3 and 4 of the procedure shall apply.
- Where there is a single manager as opposed to a board of management, stages 1, 2 and 4 only shall apply. In these circumstances the aggrieved teacher shall supply a written submission at stage 4, and the normal procedures of due process will apply to the exchange of documentation and the right of response.
- An aggrieved teacher(s) may be represented at stages 3 and 4 by the INTO staff representative or by a branch or district committee member or by a teacher colleague.
- Attention is also drawn to paragraph 15 of the Constitution of Boards and Rules of Procedure, particularly with regard to disclosure of interest.
- Where the aggrieved teacher is a member of a religious order, the INTO will consult her/his representative association before nominating a member of the independent tribunal envisaged in stage 4.
- A school day is a day on which the school is in operation.
- Any difficulty arising out of the implementation of this procedure shall be referred for resolution to the parties to this agreement.

12. Complaints about a Department of Education and Skills Inspector

In the case of complaints against a school inspector, the guidelines established by the INTO in the publication: 'Procedures for Review of Inspections' and the Department of Education and Science 'Comments and Complaints' guidelines will be followed.

As stated in the guidelines, any complaint will be issued and conveyed to the Inspectorate on the day in question or by the end of the following day.

Roles and Responsibilities

All stakeholders involved in the education of pupils will take responsibility for implementing the policy.


Review

The Policy will be evaluated on an ongoing basis by representatives from the whole school community and will be reviewed every three years.

Ratification and Communication

The Policy will be presented to the Board of Management for Ratification on _____

Signed:

Principal: 

Chairperson: 

Appendix A

Complaints about teachers - Made by parents

It is acknowledged that disagreements and/or complaints may arise from time to time. It is recommended that all issues should be addressed initially at an informal level, usually involving communication between parents and teachers. The majority of challenges can be resolved where there is a mutually respectful willingness among stakeholders to discuss difficulties and to engage in a solution-driven approach.

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Stage 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.
- Where the parent/guardian is unable to resolve the complaint with the class teacher s/he should approach the principal with a view to resolving it.
- 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

- If the complaint is still unresolved and the parent/guardian wishes to pursue the matter further s/he should lodge the complaint in writing with the chairperson of the board of management.
- 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 five days of receipt of the written complaint.

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Stage 4

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- If the board considers that the complaint is substantiated or that it warrants further investigation it proceeds as follows:
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 - the teacher should be supplied with a copy of any written evidence in support of the complaint;
 - the teacher should be requested to supply a written statement to the board in response to the complaint;
 - 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;
 - 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
 - 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(b).

Stage 5

- 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.
- The decision of the board shall be final.
- In this agreement 'days' means school days.

NOTE: In this agreement 'days' means school days. Cf. Section 29 of Education Act