



New Ross Educate Together National School

Barrett's Park, New Ross, Co. Wexford

Tel: 051445398

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www.newrossetns.ie

Roll no 20458M

Complaints Procedure

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School Details:

Name: New Ross Educate Together National School
Address: Barrett's Park, New Ross, Co. Wexford.
Telephone: 051445398
Email: office@newrossetns.ie
Roll Number: 20458M
Principal: Therese White

The school day starts at 8.30 and finishes at 1.10 for infant classes and 2.10 for all other classes.

Introduction and Rationale

The Board of Management of New Ross ETNS has adopted the Complaints Procedure, agreed by the teachers' union INTO and Educate Together (and all other Irish primary management bodies), last updated in July 2014, which provides a mechanism for dealing with parental complaints against a teacher as set out in Section 28 of the Education Act 1998.

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. 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.

Aims/Objectives

The school promotes positive home – school contacts and endeavours to enhance the self-esteem of everyone within the school community. The policy contributes towards those ideals. This procedure forms part of our Code of Conduct and should be read in conjunction with that Code.

- To foster fruitful and trusting relationships between school and parents
- To afford parents an opportunity to express opinions/grievances through the framework of a defined procedure
- To minimize the opportunity for conflict by providing parents an opportunity to liaise with the class teacher

Rights and Responsibilities

Rights of A Person Making A Complaint

In dealing with your complaint, NRETNS will ensure that you receive:

- Fair treatment;
- Courtesy;
- A timely response;
- Accurate advice;
- Respect for your privacy. Complaints will be treated as confidentially as possible allowing for the possibility that we may have to consult with other appropriate parties regarding your complaint; and
- Reasons for our decisions. Where the complaint is justified, we will acknowledge this and address the complaint you have raised. If, after investigation, it is judged there are no grounds for your complaint, you will be advised accordingly.

Responsibilities of A Person Making A Complaint

In making your complaint we would expect that you:

- Raise issues in a timely manner;
- Treat staff with respect and courtesy;
- Provide accurate and concise information in relation to the issues you raise; and
- Use these procedures fully and engage in them at the appropriate levels.

Rights of Parties Involved During the Investigation

The process is non-adversarial and does not provide a role for any other statutory or

non-statutory body.

Complainant

The complainant may be accompanied by another person where it is accepted, by the Principal and Board of Management, that this will assist the investigation and resolution of the complaint.

Staff

Staff may seek advice and support from their professional body or trade union and may also be accompanied by another person where it is accepted, by the Principal and Board of Management, that this will assist the investigation and resolution of the complaint. A member of staff who is directly referred to in a complaint will be provided with a written copy of the complaint and details of any information brought by the parent/guardian before being required to respond to the matters raised (refer to 5.3 Formal Stage: Stage 3).

Legal Representation

Legal representation or representation by person(s) acting in a professional capacity is not permitted within this procedure. This, however, does not take away the statutory rights of any of the participants.

Where A Complainant Is A Member of The Bom

Where the complainant is a member of the Board of Management, they will play no part in the process or appeal of the complaint as set out in this procedure.

Who Will Deal with Your Complaint?

At the informal stage your complaint should be raised and dealt with by the teacher concerned. If you proceed to the formal part of the process, the Principal will assume responsibility for the process, unless s/he is the subject of the complaint, in which case the Chair of the Board of Management will assume responsibility. Should it be necessary, the Board of Management will be responsible for establishing a Complaints Sub-Committee to investigate and resolve the matter.

Complaints Procedure

Stage 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. (whether that is the class teacher or Principal)
2. 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.

Note: In some circumstances the Principal may not be able to deal effectively with your complaint immediately and may require some time to investigate and prepare a response. If time is required you will be informed of the timescale and the likely date by which a response will be issued.

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

1. 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.
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 five days of receipt of the written complaint.

Stage 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

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 Stage 3.1.b).
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.
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(b).

Stage 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.
2. The decision of the board shall be final.
3. The Complaints Procedure shall be reviewed after three years.
4. Primary School Management 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 school days.

Record Keeping

The Principal and Chairperson of the Board of Management shall maintain a record of all correspondence, conversations and meetings concerning your complaint. These records shall

be held confidentially in the school and shall be kept apart from pupil records. All such records will be destroyed three years after the date of the last correspondence on the issue.

Malicious or Vexatious Complaints

Where a Board of Management consider the actions of a parent/group of parents to constitute frivolous or vexatious behaviour, they will seek advice from the relevant Employing Authority in order to protect staff from further such actions.

Involvement of External Bodies

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 staff member is required to submit a written response to his/her board of management, the staff member should contact his/her INTO District Representative or INTO Head Office for advice and assistance.

Child Centred

The office of the Ombudsman for Children published on [A Guide to Child-Centred Complaints Handling](#). It speaks closely to our ethos and we hope to embed the good practice outlined in it in our formal Complaints Procedure.

In order to do this, we endeavour to

- take account of children's needs and being open and flexible in your approach to meeting those needs.
- approach and resolve complaints using a considered process that takes account of what is right for the child or children concerned

- make every effort to ensure that complaints made by and on behalf of children are handled with their input.
- ensure that children and their representatives understand the options that are available to them if they wish to make a complaint, as well as the complaints process itself.
- consider the impact of time and making sure that all decision-making affecting children recognises the possible negative impact that delay can have on children.
- recognise that children are entitled to fair procedures in the resolution of complaints they make and complaints made on their behalf.
- show a commitment that ensures recordkeeping, monitoring and review with a responsibility to allow reflection on practice to improve procedures and the complaints process

Ratification and Review

This policy was adopted by the Board of Management on 16/5/2019.

This policy has been made available to school personnel, published on the school website and provided to the Parents Association. A copy of this policy will be made available to the Department of Education and Skills and the Patron, if requested. Hard copies of this, and all school policies, are available at the school on request.

This policy and its implementation will be reviewed by the Board of Management biannually.

Signed: _____

(Principal)

Signed: _____

(Chairperson, Board of Management)

Date: 16/5/2019

Appendix 1:

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 TUSLA the Child and Family Agency and An Garda Síochána. TUSLA the Child and Family Agency has a duty to assess reports regarding a child's welfare or safety. The specific focus of An Garda Síochána is on the investigation of alleged offences and whether a crime has been committed.

The school has a Designated Liaison Person (DLP) in place for dealing with child protection concerns. The name of the DLP is displayed in a prominent position near the main entrance to the school.

If you wish to report a child protection concern you should speak to the DLP in your school and that person will be responsible for making the report.

The school DLP has responsibility for ensuring that the standard reporting procedure is followed, so that suspected child protection concerns are referred promptly to the designated person in TUSLA the Child and Family Agency or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána.

Where the allegation or concern relates to the DLP, you should without delay, report the matter to the Chairperson of the Board of Management. In such cases, the Chairperson assumes the role normally undertaken by the DLP and shall follow the procedures set out in section 4.2 of the Child Protection Procedures for Primary and Post Primary Schools.

You can report a child protection concern about a school directly to the Child and Family Agency Child Protection Social Work Services by contacting your local social work office. Child and Family Agency, Ely House, Ferrybank, Co Wexford. 053 9185680

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, N91 H30Y, by telephone at 0761 108588 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 2: Office of the Ombudsman for Children

In accordance with the Ombudsman for Children Act 2002, the Office of the Ombudsman for Children provides an independent and impartial complaint handling service. Under section 9 of the Act, the Ombudsman for Children can investigate complaints relating to the administrative actions of a school recognised by the Department of Education and Skills **provided the complainant has firstly and fully followed the school's complaints procedures.** The key criterion for any intervention by the Ombudsman for Children is that the action complained of has or may have adversely affected the child. More information about the Ombudsman for Children can be obtained on www.oco.ie or by contacting them at: Ombudsman for Children's Office, Millennium House, 52-56 Great Strand Street, Dublin 1. Or by email oco@oco.ie. Or by phoning 01 865 6800 or 1800 20 20 40

Appendix 3: Under Performance and Competency

Circular 0049/2018 - Revised Procedures for Suspension and Dismissal of Teachers and Principals (Primary, Secondary, and Community and Comprehensive Schools) outlines agreed procedures that provide for two separate and independent strands which should be utilised in appropriate circumstances:

- Procedures relating to professional competence issues
- Procedures relating to work, conduct and matters other than professional competence

The procedures apply to all teachers other than those teachers serving in a probationary capacity. In relation to teachers serving in a probationary capacity the existing probation arrangement will continue to apply.