



CASTLEBAR EDUCATE TOGETHER
NATIONAL SCHOOL

Castlebar Educate Together National School

Disciplinary and Grievance Procedure

Introduction:

It is in the interest of all pupils, parents and teachers that good relations exist between home and school. Teachers are willing to discuss any problems which may occur from time to time. With mutual respect and goodwill, most problems can be resolved readily. This Policy aims to clarify the procedure used to deal with general complaints by or against School Staff (Principal/Teachers/Ancillary Staff) or internal staff grievance issues.

Rational:

We accept that grievances and complaints are a natural and normal part of the school workplace and we wish to promptly, fairly and effectively deal with issues as they arise.

We aim to protect our employees from unsubstantiated, malicious and untrue allegations.

The INTO and Primary School Management reached agreement in 1993 on a procedure for dealing with complaints by parents against teachers. 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. The CPSMA (Appendix 1 and Handbook), Section 24 Education Act 1998, Circular 60/09 (teachers and principals), Circular 72/2011 (SNAs) and SI 146/2000 (for other employees who do not have any specified grievance procedure outlined in their contract) provide recommended procedures which will be adhered to.

Procedure:

Procedures for dealing with grievances between parent and teacher

There is a possibility during your child/children's primary education that you may need to speak to the class teacher or principal on a one-to-one basis. *(Please be aware that another staff member may be present during a meeting).*

There is a procedure laid down by The Department of Education and Skills and we trust that all parents will co-operate and adhere to these guidelines as they are put in place for your child/children's welfare.

In the interest of privacy and confidentiality private matters are not discussed with others – other than the bodies concerned.

Arranging to meet the class teacher

If a parent needs to meet his/her child's teacher s/he is most welcome to do so. They are advised to speak directly to the child's teacher. Short messages can be communicated at the beginning or end of the school day. If there is an issue that requires discussion parents are advised to make an appointment to see the class teacher at a mutually convenient time.

All email and phone contact should be made through the office only. Messages and emails for teachers are always forwarded to the teacher in question. Teachers' personal phones and email addresses should not be used for school-related matters.

Unfortunately teachers are unable to enter into consultation with parents during teaching hours (8.50am to 2.30pm). Consideration should also be given to the fact that the school has a teaching Principal who has a full timetable during these hours as well.

Behaviour of adults, parents/guardians in our school

The Board of Management has an obligation to protect the welfare of the staff and will **NOT** allow them to be subjected to bullying, intimidation or verbal abuse at any time.

It is central to the vision of our school that everyone has the right to be happy, safe and able to learn. This includes children, staff, parents and the wider community. Anyone entering our school building should feel safe to do so. While the behaviour of the children in our school is of vital importance, ALL adults in the school community also have a responsibility to ensure that their own behaviour models the type of behaviour expected of children.

It is therefore important that the following boundaries be observed:

1. All adults should speak to each other with respect. Shouting or aggressive tones are unacceptable. Anyone who displays any sort of aggressive behaviour may be asked to leave the premises.



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2. All meetings with teachers and staff should be conducted with a view to resolving a particular issue in line with the school's grievance procedure. Walking out of a room or other forms of antagonistic behaviour are unacceptable.
3. Threatening language, verbal, emotional or physical abuse will not be tolerated. The Gardaí may be involved in an incident of inappropriate behaviour between two parties.
4. The staff of the school respects your child's right to privacy so it is asked that the parents respect the privacy of other children and discuss matters pertaining only to their child.

Complaints 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 Teaching Council-Fitness to Teach Procedures (2016);
- 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. The Board would like to outline the procedure which must be adhered to at all times.

Stage 1

- A parent/guardian who wishes to make a complaint should approach the teacher outside of teaching time or ring the school office and request an appointment with the Class Teacher. The vast majority of cases are sorted out at this stage.
- Where the parent/guardian is unable to resolve the complaint with the class teacher s/he should ring the school office and request an appointment with the Principal.
- 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 Stage 3 (with teacher / principal).



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- 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.
- 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 Stage 3.

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.
- The Complaints Procedure shall be reviewed after three years.
- 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.

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.

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.



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Teaching Council and Fitness to Teach

The teaching council has issued "The Code of Professional Conduct for Teachers" (2016)

<http://www.teachingcouncil.ie/en/Publications/Fitness-to-Teach/Code-of-Professional-Conduct-for-Teachers1.pdf>

Any person, including members of the public, employers and other teachers may make a complaint about a registered teacher. In addition, the Teaching Council can itself make a complaint about a registered teacher. It is recommended that you should first bring your complaint to the teacher's school before you consider making a complaint to the Teaching Council. In most cases the Teaching Council cannot look into a complaint until the school's disciplinary procedures (established under section 24 of the Education Act, 1998) have been exhausted (or come to an end), unless there are good and sufficient reasons. It is up to the Investigating Committee to decide whether there are good and sufficient reasons. Good and sufficient reasons may include where children or vulnerable persons are, or may be, at risk of harm.

Addendum:

- It is important to note that the Parent's Association when formed will not be a forum for complaints.
- The parent's nominees on the Board of Management cannot act as a medium for complaints on behalf of individual parents, groups of parents and/or the Parents Association.
- Openness and transparency is ensured through our website, information booklet and through the communication of the "Agreed Report" by the Board to the school community.
- Members of the Board of Management are bound by confidentiality on all issues taking place at board meetings including complaints. Only information that is in the "Agreed Report" will be communicated with the wider school community.
- The stages of the grievances procedure should be made clear to any parents/guardians by members of the Board/Parents Association in the event of being approached with a grievance.

Ratification & Communication

This policy was ratified by the Board of Management of Castlebar Educate Together National School at a meeting on Monday 24th October 2016. It will take effect immediately from time of ratification.

All staff are issued with a copy of this policy on employment and have access to the CPSMA Handbook through the principal and to resources from the Teaching Council. Parents and students are informed on enrolment and regularly reminded of the complaints procedure through newsletters, meetings and on the school notice board. Copies of the complaints / grievance procedures are available on request from the school office.

This policy will be reviewed as necessary.

Signed: _____

Jarlath Munnelly School Manager

Date: 24th October 2016



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Appendix 1

Existing Procedures for Good Practice:

A key asset to working in any school is where **positive staff relations are promoted**. The principal management bodies of primary schools and the INTO are of the view that it is incumbent on the staff and management of each school to promote a culture of positive working relations at all times. Where such a culture prevails, instances of adult bullying or harassment or staff conflict rarely occur. In the event of difficulties in the workplace, clear and specific procedures are vital. With this in mind the Church of Ireland Board of Education, the Catholic Primary School Managers' Association, the National Association of Boards of Management of Special Schools, Educate Together and the Irish National Teachers' Organisation have recommended good practice. These guidelines are published in the **C.P.S.M.A. Management Board Members' Handbook - Revised 2007**. Each Board member has a copy of this document and the principal's copy is available in the school.

Relevant Procedures:

- Appendix 20 – Pages 198: Positive Staff Working Relations
- Appendix 21 – Pages 204: Bullying / Harassment
- Appendix 22 – Pages 208: Grievance Procedure (*Staff Issues*)
- Appendix 50 – Pages 318: Complaints Procedure (*Complaints by Parents*)

The principal, deputy principal, chairperson and board members should ensure that they are up to date with current guidelines and procedures and should always refer to the appendices listed above.

The appropriate procedures to be adopted in relation to the difficulties experienced in a workplace relationship will necessarily vary depending on the relationship in question. Accordingly, it is necessary to deal with the various relationships separately.

Pupil / Staff:

The Board recognises that a pupil has a right to complain of the manner in which he / she is being treated by a staff member in the school. Ordinarily one would expect such complaints to come via the pupil's parents or guardians. However if the pupil is capable of articulating a complaint then the fact that his / her parents have not become involved does not justify disregarding it. In such circumstances arrangements should be made for the pupil to discuss the matter with the principal, whether the pupil seeks such an opportunity or not. Another adult (staff member, board member, the child's parent) may be invited to be present at this discussion.

The staff member about whom the complaint is being made should not be present during such a discussion. However he / she should be informed as soon as possible thereafter of the nature of the complaint. The staff member will be invited to respond to the allegation. He / she will be informed of the steps which the principal proposes to take, whether by way of further investigation or otherwise. In the event of a pupil making a complaint about the principal the deputy principal and / or the chairperson of the Board will discuss the matter with the pupil and investigate further if necessary.

A record should be maintained of the complaint made and of the staff member's response to the complaint. He / she should be entitled to inspect this record and should be entitled to furnish an explanation thereof in writing, which should be added to the record. The pupil's parents or guardians should be kept fully informed of the complaint and the steps taken.

Staff / Pupil:

Where a teacher has a complaint about a pupil which he / she has been unable to deal with as a matter of routine classroom discipline, the complaint should be referred to the principal. This also applies to complaints by non-teaching staff about pupils.

The teacher / staff member is entitled to be kept informed by the principal of the steps, which are taken in relation to any such complaint. The principal should advise the member of staff of any contact which he / she has with the parents or guardians in question in relation to the said complaint.

Parent / Teacher:

(Refer to CPSMA Handbook: Appendix 50 – Page 318: Complaints Procedure)

Parents are always expected to address complaints they may have with the teacher in question. Where an issue remains unresolved and a parent has a complaint to make about a teacher the complaint should be made in the first instance to the principal unless of course the teacher in question is the principal.



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Where any complaint is made about a teacher directly to the Board, or any member thereof including the chairperson, without first being raised with the principal, the parents should be advised as to the appropriate procedure and the Board should take no steps in relation thereto.

Where, by reason of the seriousness of the complaint or for any other reason, the principal feels unable to deal with same, he / she may refer the matter to the Chairperson of the Board of Management who shall convene a meeting of the Board to deal with the matter.

Where the parent is dissatisfied with the manner in which his / her complaint is being or has been dealt with by the principal, the parents should be advised to write to the Chairperson of the Board outlining the reasons for his / her dissatisfaction whereupon the chairperson will convene a meeting of the Board consider the matter.

Staff / Staff:

(Refer to CPSMA Handbook: Appendix 22 – Pages 208: Grievance Procedure)

Where a member of staff has made a complaint about another staff member (other than the principal) the complaint should be made to the principal. The other member of staff concerned is entitled to be informed as soon as practical of the nature of the complaint being made and to be offered an opportunity to be heard in relation thereto. The principal should not require the complaint to be made in the presence of the member of staff about whom the complaint is being made, nor should he / she require the last mentioned teacher to offer an explanation or defence of his / her behaviour in the presence of the complaining member of staff.

If the principal, by reason, of the seriousness of the complaint or for any other reason feels unable to deal with the matter, he / she should refer to the Chairperson of the Board of Management who will convene a meeting of the Board to consider the matter.

If the principal proceeds to deal with the matter and either of the parties involved is dissatisfied with the manner in which it is dealt with by the principal, then either party should be entitled to raise the matter with the chairperson of the Board who will convene a meeting of the Board to deal with the matter.

Staff / Board member:

(Refer to CPSMA Handbook: Appendix 22 – Page 208: Grievance Procedure)

Where a member of staff has a complaint which relates to the behaviour of a member of the Board in his / her capacity as a member of the Board, such complaint follows the grievance procedure as outlined in Appendix 22 of the CPSMA Handbook.

In any situation where the Board is investigating a complaint by or concerning a staff member and requires either party to attend a Board meeting at which the said complaint will be discussed; such party shall be entitled to be accompanied by a legal advisor or a representative from his / her union. If the peers against whom the complaint is made is a member of the Board of Management that person shall withdraw from all meetings while the matter is discussed.

The Board of Management shall act in a fair and impartial manner in order to achieve resolution and shall deal with the matter sensitively, having due regard to the problem.