

D9 Concerns and complaints policy procedures and processes

Operational Processes and Procedures

D9a Concerns and complaints beliefs

- i. *At all times attempts will be made to resolve complaints informally by the complainant, where appropriate, communicating initially with the person whose actions have given rise to the complaint. If the complainant is not satisfied then the complaint should be made, preferably in writing, to the principal.*
- ii. *Complaints will be treated in confidence, however in the interest of natural justice any person included in a complaint must have the opportunity to hear all details of the complaint and formulate a reply.*
- iii. *The principal will discuss all complaints with the Board chairperson to determine the seriousness of the complaint. All complaints received by the Board chairperson directly will be referred to the principal in the first instance.*

D9b Principal's Duties on receipt of a complaint

- i. *The principal will deal with a complaint by:*
 - *ensuring the issue is mediated (by the principal or designated staff member) to the satisfaction of all parties or*
 - *adjudicating on the complaint; or*
 - *by referring the complaint to the Board providing a written report with all relevant information affecting the complaint noting the complaint in the complaints register.*
- ii. *Where parents/caregivers are dissatisfied with the principal's actions or decisions concerning any complaint they should place their concerns in writing to the Board of Trustees chairperson.*

D9c Board's Duties on receipt of a complaint

- i. *Any complaint referred to the Board shall be dealt with in the Public Excluded session by the whole Board and will be:*
 - *considered on the information presented in writing*
 - *either concluded with no further action, referred back to the principal with or without recommendations, or referred to a Complaints Committee of no less than three people.*
 - *based on the principles of natural justice which require that all parties have the opportunity to present their views in writing and/or orally;*
 - *answered by the Board by writing to the complainant with appropriate information as to how the complaint was resolved or what action is to be taken next.*
 - *referred back to the principal for further information or mediation as appropriate.*

- ii. *The Board recognises that not all complainants will be satisfied with the outcome of a complaint. If a complainant is not satisfied with the Board's decision then the chairperson should advise the complainant of other avenues e.g. Ombudsman.*

D9d *The Complaints Committee*

- i. *Should it be necessary to establish a complaints committee, the Board has the authority to include personnel from outside the Board who have appropriate expertise.*
- ii. *The Complaints Committee will have the responsibility of deciding whether a complaint has been established. No one with a personal interest or predetermined view will become a member of the Complaints Committee or take part in any Board deliberations.*
- iii. *The Complaints Committee will:*
 - *consider all relevant information.*
 - *entitle any party to have a supporter, lay advocate or legal representation.*
- iv. *The Board will not be liable for any expenses incurred by the other parties.*
 - *After a hearing the Complaints Committee may:*
 - *Find the complaint not established.*
 - *Find the complaint established and make recommendations on a course of action to the Board.*

D9e *Complaints against the teaching therapy or support staff*

- i. *All complaints against staff shall be dealt with in accordance with the relevant Employment Agreement.*
- ii. *All complaints against staff are to be referred in the first instance to the principal.*
- iii. *Copies of the letter of complaint should be given to the staff member for a written response.*
- iv. *The staff member should be advised that they can seek representation from a professional and/or union representative.*
- v. *In the case of allegations that may have serious disciplinary implications, the Board should convene the Complaints Committee to investigate and report on the substance of the complaint. This committee should also include a support person nominated by the staff member and may include a professional adviser selected by the Board.*
- vi. *Examples of serious complaints include:*
 - *Assault of a student – physical or sexual*
 - *Bringing of or under the influence of alcohol/ illicit drugs while in school*
 - *Failure to intervene or act for the protection of a student when it would be unreasonable not to do so.*
 - *Assault of a fellow employee*
 - *Conviction of a criminal offence that brings the school into disrepute*
 - *Fraud*
 - *Refusal to obey a lawful instruction*
 - *Repeated non-compliance following a written warning.*
 - *Non-disclosure of material information at the time of appointment*

- *A serious breach of trust that renders an employee unsuitable for employment*
- *Undermining Board policy or otherwise damaging the integrity of the school.*

D9f *Complaints against the Board of Trustees*

- i. Complaints against the Board alleging misconduct and/or dereliction of duty will be referred to a panel (appointed by an independent JP) comprising three or more people and may include:*
 - *A principal of a local school*
 - *A STA representative*
 - *Any other suitable person.*
- ii. It is recognised that the Board has no power of discipline over individual Board members under any Act of Parliament.*

D9g *Complaints against the Principal*

- i. Complaints against the principal shall be in writing and referred to the Board Chairperson who will inform the Board and, where appropriate, initiate mediation.*
- ii. All complaints against the principal will be dealt with in accordance with the relevant employment agreement and the procedures for complaints against staff members.*

D9h *Complaints against a student*

- i. Complaints against or about students will be dealt with by the Senior Management and in specific cases the Board*
- ii. Parents and caregivers of students involved in a complaint when taken to the Board, will be informed of the complaint and asked for information to help understand the situation*

Supporting School Documentation

In the School documentation folder, the following forms can be found:

D9.1 Complaints flow chart