

# An Nós Imeachta Athbhreithnithe maidir le Gearán ó Thuismitheoirí



Tabhair do d'aire:

- Cuirfear cóip den nós imeachta seo ar fáil do thuismitheoirí/caomhnóirí dlíthiúla ar láithreán gréasáin na scoile agus/nó ach í a iarraidh ar an scoil. Tá an nós imeachta seo le teacht i bhfeidhm ar 1 Eanáir 2024.
- De réir an Acharta Oideachais, 1998, tá gach scoil faoi bhainistiú a Boird Bainistíochta thar ceann phátrún na scoile.

## Cuspóir/Sprioc

Rinne Cumann Múinteoirí Éireann agus na comhlachtaí bainistíocha bunscoileanna (Cumann Bainistíochta na mBunscoileanna Caitliceacha, Eaglais na hÉireann, an Foras Pátrúnachta, Bord Bunoideachais na Moslamach, Foghlaim le Chéile agus Cumann Náisiúnta na mBord Bainistíochta don Oideachas Speisialta) an Nós Imeachta maidir le Gearán ó Thuismitheoirí a athbhreithniú agus a chomhaontú in 2023. Tá sé deartha le próiseas oscailte a leagan amach go soiléir d'fhonn cumasú do thuismitheoirí/chaomhnóirí dlíthiúla nithe is údar imní a bhaineann lena leanbh/leanai féin a ardú ar bhealach comhaontaithe, cothrom agus tréadhearcach.

Aithnítear gurb iad na tuismitheoirí/caomhnóirí dlíthiúla na príomhoideachasóirí i saol an linbh agus, dá réir sin, go bhféadfadh nithe is údar imní teacht chun cinn ó am go chéile a mbeadh ar na tuismitheoirí/caomhnóirí dlíthiúla dul i gcomhar leis an scoil maidir leo. Glastar leis go mbeidh an comhar sin tráthúil, cúirtíseach agus réiteach-dhírithe d'fhonn a chinntí go dtiocfaidh an caidreamh tábhachtach idir an tuismitheoir agus an scoil slán agus go léirítear meas dó. Glastar leis go nglacfaidh gach páirtí páirt réamhghníomhach sa phróiseas.

## Pointí Nóis Imeachta

Is nós imeachta céimníthe é an nós imeachta ina ndéantar gach iarracht an t-ábhar a thabhairt chun réitigh a luaithe is féidir. I bhformhór na gcásanna, déanfar plé leis na nithe is údar imní go neamhfhoirmiúil nó déanfar plé leo go foirmiúil ag céim luath den nós imeachta. I gcás nach n-eíríonn leis na páirtithe teacht ar réiteach ag na céimeanna luatha, déantar foráil sa nós imeachta go bhféadfar an t-ábhar a thabhairt os comhair an Bhoird Bainistíochta. Leagtar amach sa nós imeachta seo, i gceithre chéim, an próiseas atá le leanúint chun gearán a dhéanamh agus an sceideal ar leith atá le leanúint. Glastar leis go n-oibreoidh na pártithe trí na céimeanna in ord.

- I gcás go n-úsáidtear an téarma 'comhfheagras i scríbhinn', is éard atá i gceist leis sin go sonrach ná litir nó ríomhphost ó thuismitheoir/chaomhnóir dlíthiúil nó ó thuismitheoir/caomhnóirí dlíthiúla.
- Ní dhéanfar imscrúdú ar ghearáin faoi mhúinteoir ach ar chuntar go bhfuil sé i scríbhinn agus sínithe ag tuismitheoir/caomhnóir dlíthiúil, agus go mbaineann sé lena leanbh féin.
- I gcás go measann an fostóir/bord bainistíochta go mbaineann gearán arna ardú ag tuismitheoir/caomhnóir dlíthiúil leis na nithe seo a leanas, ní bheidh feidhm ag an nós imeachta seo;
  - ábhair a bhaineann le hinniúlacht ghairmiúil a chuirtear faoi bhráid na Roinne Oideachais;
  - gearáin shuaibhreosacha nó chráiteacha agus gearáin a bhaineann le hábhair nach gcuireann isteach ar obair an mhúinteora sa scoil; nó
  - gearáin ar ina leith ar féidir le ceachtar páirtí dul chun dlí nó dul le nós imeachta eile atá ann cheana féin.
- In gach cás, ní mór aon chineál comhfheagras i scríbhinn a chuirtear faoi bhráid an Bhoird Bainistíochta a thabhairt do Chathaoirleach an Bhoird Bainistíochta **amháin**. D'fhéadfai a mheas go bhfuil aon diall uaidh sin dochrach agus gurb ionann é agus gníomhú lasmuigh de raon feidhme an chomhaontaithe seo.
- **Is iad laethanta scoile atá i gceist le laethanta sa nós imeachta seo.** Is éard is lá scoile ann ná lá a bhfuil an scoil ag feidhmiú. Ní áirítear tréimhsí saoire, tréimhsí dúnta scoile ná tréimhsí neamhláithreachta mar laethanta scoile chun críche an nós imeachta seo.
- Ní dhéantar foráil do ghrúpghearáin/chomhghearáin agus déanfar plé ar leithligh le gach tuismitheoir/caomhnóir dlíthiúil aardaíonn ní is údar imní tríd an bpróiseas seo.
- Is fóram inmheánach é an nós imeachta agus, dá réir sin, níl sé i gceist ag an lucht bainistíochta ná ag Cumann Múinteoirí Éireann go mbeadh ionadaíocht dhlíthiúil ann ag am ar bith.
- Ba cheart nithe is údar imní a ardú go tráthúil. Is chun leas an linbh é go n-ardófaí nithe is údar imní gan mhoill d'fhonn teacht ar réiteach leis an múinteoir a luaithe is féidir, agus an dalta fós i rang an mhúinteora sin más féidir ar chor ar bith é.

# Céim Fhoirmíúil 1 Plé

## Céim Fhoirmíúil 2 Iscribhinn (10 lá)

## Céim Fhoirmíúil 3 An Bord Bainistíochta

# Céim Fhoirmíúil 4 Cinneadh (5 lá)

### 1.1 Crúinniú idir an tuismitheoir/caomhnóir agus an múinteoir

I gcás gur mian le tuismitheoir/ caomhnóir díthiúil gearán a dhéanamh a bhainean lena leanbh féin, ba cheart dó nó colinne a lorg leis an múinteoir atá i geist d'fhonn an gearán a thabhairt chun réitigh. Is féidir tulleadh crúinnithe leis an múinteoir a thionól de réir mar is cui.

### 2.1 Gearán i scribhinn curtha chuig an gCathaoirleach

Mura dtugtar an gearán chun réitigh ag céim 1 agus más mian leis an tuismitheoir/gcaomhnóir díthiúil leanúntar aghaidh leis, ba cheart dó nó di an gearán a thabhairt chur faoi bhráid Chathaoirleach i scribhinn. Ba cheart don Chathaoirleach tuiarsc fhoirmíúil a thabhairt don Bhord Bainistíochta tráth nach déanai ná 10 lá tar éis an ráiteas i scribhinn sín a fháil. Ag an grúinniú seo, is féidir leis an mBord cinneadh a dhéanamh dul ar aghaidh chuiig céim 3.2 nó céim 3.3.

### 3.1 Tuairisc fhoirmíúil tugtha ag an gCathaoirleach don Bhord

Má tá an gearán fós gan réiteach tar éis chéim 2 agus más mian leis an tuismitheoir/gcaomhnóir díthiúil leanúntar aghaidh leis, ba cheart dó nó di an gearán a thabhairt chur faoi bhráid Chathaoirleach an Bhord Bainistíochta i scribhinn. Cuirtear tus le céim 2 leis sin.

### 3.3 Dul ar aghaidh go héisteacht

I gcás go ginneann an Bord dul ar aghaidh go héisteacht, ba cheart dó dul ar aghaidh mar seo a leanas:

- ba cheart a chur in iúl don mhúinteoir go bhfuil an gearán le dul ar aghaidh go Héisteacht ionlán agus ní mór don Chathaoirleach a chintú go gcuirear ar fail don mhúinteoir na doiciméid go léir atá a mbreithníu ag an mBord.

### 4.1 Cinneadh i scribhinn ón gCathaoirleach

Déanfaidh an Bord am gearán agus an freagra a cuireadh ar fail a mheas agus déanfaidh siad breithníu ar an ábhar. Ba cheart don Chathaoirleach cinneadh an Bhord a chur in iúl i scribhinn don mhúinteoir agus don tuismitheoir/gcaomhnóir díthiúil nó do na tuismitheoir/caomhnóir díthiúil tráth nach déanai ná cùig lá tar éis an chruinnithe a tionloadh ag céim 3.3.

### 4.2 Gearán tugtha chun críche

Cinneadh criochraitheach a bheidh i gcinneadh an Bhord.

- ba cheart don Bhord crúinniú a shocriú leis an tuismitheoir/gcaomhnóir díthiúil má mheasann sé go bhfuil grá lena leithéid. Tá sé de cheart ag an tuismitheoir/gcaomhnóir díthiúil cara a bheith in eíneacht leis ná léi ag aon chruinniú den sórt sin agus cúnamh a fháil ón gara sin le linn an chruinnithe.

- ba cheart deis a thabhairt don mhúinteoir a c(h)as a chur i láthair an Bhord. Tá sé de cheart ag an mhúinteoir go ndéanfaidh cara leis ná léi ná ionadai ceardchumainn ionadaidach dó ná di. Ceadaítear don chara ná don ionadai ceardchumainn sin duine eile a bheith in éineacht leis ná léi le cabhrú leis ná léi ná le nótá a ghacadh chomh maith.

- ba cheart go bhfuil ráiteas i scribhinn a chur faoi bhráid an fhostóra (an Bord) mar fhreagra ar an ngeárán. Idir an fostoir agus an fostai a bheidh an ráiteas sin agus ná roinmfear le haon tríu páirtí.

- ba cheart go bhfuil ráiteas i scribhinn a chur faoi bhráid an fhostóra (an Bord) mar fhreagra ar an ngeárán. Idir an fostoir agus an fostai a bheidh an ráiteas sin agus ná roinmfear le haon tríu páirtí.

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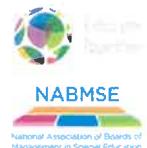
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<sup>1</sup> I gcás go bhfaigheart gearán faoi phróiseas truis ag Céim 1.2.

# Revised Parental Complaints Procedure



Note:

- A copy of this procedure will be available for parents/legal guardians on the school website and/or on request from the school.
- This procedure comes into effect on the 1st of January 2024.
- Under the Education Act 1998, legally, all schools are managed by the school's Board of Management, on behalf of the school patron.

## Purpose/Objective

The parental complaints procedure was revised and agreed by the Irish National Teachers' Organisation and the management bodies of primary schools, the Catholic Primary Schools Management Association, the Church of Ireland, An Foras Pátrúnachta, the Muslim Primary Education Board, Educate Together and the National Association of Boards of Management in Special Education in 2023. It is designed to provide an open and clearly defined process to facilitate parents/legal guardians in raising concerns about their own child/children in an agreed, fair and transparent manner.

It is recognised that parents/legal guardians are the primary educators in a child's life and as such from time-to-time concerns may arise which they may need to engage with the school. It is expected that engagement will be timely, courteous and resolution focused to ensure that the important relationship between the parent and school can be preserved and respected. It is expected that all parties concerned will engage proactively.

## Procedural Points

The procedure is a staged procedure where every effort is made to resolve matters at the earliest possible stage. In most cases, concerns will be dealt with either informally or formally at the earlier stages of the procedure. Where it has not been possible to agree a resolution at the earlier stages, the procedure does allow for the escalation of the matter to the Board of Management. This procedure sets out, in four stages, the process to be followed in progressing a complaint and the specific timescale to be followed. It is expected the parties will follow each stage in sequence.

- Where the term written correspondence is used, this refers specifically to a letter or email correspondence from a parent/legal guardian(s).
- Only complaints about a teacher which are written and signed by a parent/legal guardian, and which relate to their own child, will be investigated.
- Where a complaint raised by a parent/legal guardian is deemed by the employer/board of management to relate to the following, this procedure will not apply;
  - matters of professional competence and which are to be referred to the Department of Education;
  - 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.
- In all circumstances, any form of written correspondence for the attention of the Board of Management must be supplied to the Chairperson of the board of management **only**. Any deviation from this could be deemed prejudicial and as acting outside the scope of this agreement.
- **Days in this procedure refer specifically to school days.** A school day is a day on which the school is in operation. Holiday periods, school closures and leaves of absences are not counted as school days for the purpose of this procedure.
- Group/collective complaints are not provided for and each parent/legal guardian raising a concern will be dealt with separately through this process.
- The procedure is a domestic forum and accordingly, neither management nor the INTO intends that there would be legal representation at any stage.
- Issues should be raised in a timely manner. It is in the best interests of the child that issues are raised to achieve early resolution at the earliest possible stage with the teacher, ideally while the pupil is in that teacher's class.

## Formal Stage 1 Discussion

## Formal Stage 2 Written

## Formal Stage 4 Decision

**1.1 Parent/guardian meets teacher**  
A parent/legal guardian who wishes to make a complaint in respect of their own child, should, seek an appointment with the teacher concerned with a view to resolving the complaint. Further meetings with the teacher can be convened as appropriate.

**2.1 Written complaint sent to Chairperson**  
If the complaint has not been resolved at stage 1, the parent/legal guardian who wishes to pursue the matter further should submit the complaint in writing to the Chairperson of the Board of Management. This commences stage 2.

**1.2 Parent/guardian meets Principal**  
Where the parent/legal guardian is unable to resolve the complaint with the teacher, they should seek an appointment with the Principal with a view to resolving the complaint. Further meetings can be convened by the Principal as appropriate.

**2.2 Chairperson provides a copy to the teacher**  
The Chairperson should provide a copy of the written complaint to the teacher against whom the complaint has been made, without delay.

**1.3 Parent/guardian meets Chairperson**  
Where the complaint remains unresolved, the parent/legal guardian should seek an appointment with the Chairperson of the Board of Management with a view to resolving the complaint. Further meetings can be convened by the Chairperson as appropriate.

**2.3 Chairperson convenes meeting(s)**  
The Chairperson should seek to resolve the complaint between the teacher and the parent/legal guardian within 10 school days of the commencement of stage 2.1. This may require one or more meetings to be convened by the Chairperson with the teacher/parent/legal guardian and other parties as deemed appropriate by the Chairperson.

**Complaint resolved**  
The complaint may be resolved during this stage.

**Complaint resolved**  
The complaint may be resolved at this stage.

**3.1 Chairperson makes a formal report to the Board**  
If the complaint remains unresolved following stage 2 and the parent/legal guardian wishes to pursue the matter, they should inform the Chairperson in writing of this fact. The Chairperson should make a formal report to the Board of Management within 10 days of receipt of this written statement. At this meeting, the Board can decide to proceed to either stage 3 or 3.3.

**3.2 Complaint concluded**  
Where the Board considers the complaint, the process may be concluded at this stage, if the board considers that:

- a) The complaint is frivolous/vexatious;
- b) The complaint has already been investigated by the board;
- c) The complaint is more appropriately dealt with through a more relevant DE circular; or;
- d) where recourse to law has been initiated.

Where the Board determines the complaint is concluded at this stage, the parent/legal guardian should be so informed within five days of the Board meeting.

**3.3 Proceed to a hearing**  
Where the Board decides to proceed to a hearing, it should proceed as follows:

- a) the teacher should be informed that the investigation is proceeding to a full hearing and the Chairperson must ensure the teacher has been supplied with all documents which are being considered by the Board.
- b) the Board should arrange a meeting with the parent/legal guardian if it considers such to be required. The parent/legal guardian is entitled to be accompanied and assisted by a friend at any such meeting.
- c) the teacher should be afforded an opportunity to make a presentation of their case to the Board. The teacher is entitled to be represented by a friend or a union representative, who may be accompanied for the purpose of assistance and note taking.
- d) the teacher should be requested to supply a written statement to the board as the employer in response to the complaint. This written statement will be confidential to the employer and will not be shared with any third party.
- e) the meeting of the Board of Management referred to in 3(b), (c) and (d) will take place within 10 days of the meeting referred to in 3.1, in so far as possible.

### 4.1 Written decision from Chairperson

The Board will consider the complaint and the response provided and will adjudicate on the matter. The Chairperson should convey the decision of the Board in writing to the teacher and the parent/legal guardian(s) within five days of the meeting held at stage 3.3.

### 4.2 Complaint concluded

The decision of the Board shall be final.