

An Nós Imeachta Athbhreithnithe maidir le Gearáin ó Thuismitheoirí



Tabhair do d'aire:

- Cuirfear cóip den nós imeachta seo ar fáil do thuismitheoirí/chaomhnóirí 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 Achta Oideachais, 1998, tá gach scoil faoi bhainistiú a Bhoird Bainistíochta thar ceann phátrún na scoile.

Cuspóir/Spríoc

Rinne Cumann Múinteoirí Éireann agus na comhlachtaí bainistíochta 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 Gearáin 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/leanaí féin a ardú ar bhealach comhaontaithe, cothrom agus trédhearcach.

Aithnítear gurb iad na tuismitheoirí/chaomhnóirí 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/chaomhnóirí dlíthiúla dul i gcomhar leis an scoil maidir leo. Glactar leis go mbeidh an comhar sin tráthúil, cúirtéiseach agus réiteach-dhírthe d'fhonn a chinntiú go dtiocfaidh an caidreamh tábhachtach idir an tuismitheoir agus an scoil slán agus go léirítear meas dó. Glactar leis go nglacfaidh gach páirtí páirt réamhghníomhach sa phróiseas.

Pointí Nóis Imeachta

Is nós imeachta céimnithe 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-éiríonn leis na páirtithe teacht ar réiteach ag na céimeanna luatha, déantar foráil sa nós imeachta go bhféadfaí 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. Glactar leis go n-oibreoidh na páirtithe trí na céimeanna in ord.

- I gcás go n-úsáidtear an téarma 'comhfhreagras i scríbhinn', is éard atá i gceist leis sin go sonrach ná litir nó ríomhphost ó thuismitheoir/chaomhnóir dlíthiúil nó ó thuismitheoirí/chaomhnóirí dlíthiúla.
- Ní dhéanfar imscrúdú ar ghearáin faoi mhúinteoir ach ar chuntar go bhfuil sé i scríbhinn agus sínithe ag tuismitheoir/chaomhnóir dlíthiúil, agus go mbaineann sé lena leanbh féin.
- I gcás go measann an fostóir/bord bainistíochta go mbaineann gearán arna ardú ag tuismitheoir/chaomhnóir 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 shuaibhreasacha 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.
- I ngach cás, ní mór aon chineál comhfhreagrais i scríbhinn a chuirtear faoi bhráid an Bhoird Bainistíochta a thabhairt do Chathaoirleach an Bhoird Bainistíochta **amháin**. D'fhéadfaí 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/chaomhnóir dlíthiúil a ardaíonn 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 Fhoirmiúil 1 Plé

Céim Fhoirmiúil 2 I scríbhinn

Céim Fhoirmiúil 3 An Bord Bainistíochta

Céim Fhoirmiúil 4 Cinneadh

1.1 Cruinniú idir an tuismitheoir/caomhnóir agus an múinteoir

I gcás gur mian le tuismitheoir/caomhnóir dlíthiúil gearán a dhéanamh a bhaineann lena leabhair féin, ba cheart dó nó di coinne a fórg leis an múinteoir atá i gceist d'fhonn an gearán a thabhairt chun réitigh. Is féidir tuilleadh cruinnithe leis an múinteoir a thionól de réir mar is cuí.

1.2 Cruinniú idir an tuismitheoir/caomhnóir agus an Príomhoide¹

I gcás nach n-éiríonn leis an tuismitheoir/caomhnóir dlíthiúil an gearán a thabhairt chun réitigh leis an múinteoir, ba cheart dó nó di coinne a fórg leis an bPríomhoide d'fhonn an gearán a thabhairt chun réitigh. Is féidir tuilleadh cruinnithe leis an bPríomhoide a thionól de réir mar is cuí.

1.3 Cruinniú idir an tuismitheoir/caomhnóir agus an Cathaoirleach

I gcás go bhfuil an gearán fós gan réiteach, ba cheart don tuismitheoir/caomhnóir dlíthiúil coinne a fórg le Cathaoirleach an Bhoird Bainistíochta d'fhonn an gearán a thabhairt chun réitigh. Is féidir tuilleadh cruinnithe leis an gCathaoirleach a thionól de réir mar is cuí.

Gearán tugtha chun réitigh

Is féidir an gearán a thabhairt chun réitigh sa cheim seo.

2.1 Gearán i scríbhinn curtha chuig an gCathaoirleach

Mura dtugtar an gearán chun réitigh ag céim 1 agus más mian leis an tuismitheoir/caomhnóir dlíthiúil feanúint ar aghaidh leis, ba cheart dó nó di an gearán a chur faoi bhiráid Chathaoirleach an Bhoird Bainistíochta i scríbhinn. Cuirtear tús le céim 2 leis sin.

2.2 Cóip curtha ar fáil ag an gCathaoirleach don mhúinteoir

Ba cheart don Chathaoirleach cóip den gearán i scríbhinn a chur ar fáil gan mhoill don mhúinteoir a ndearmadh an gearán ina (h)aghaidh.

2.3 Cruinniú/cruinnithe tionóla ag an gCathaoirleach

Ba cheart don Chathaoirleach iarracht a dhéanamh an gearán a thabhairt chun réitigh idir an múinteoir agus an tuismitheoir/caomhnóir dlíthiúil laistigh de 10 lá scoile ó thús cheim 2.1. Le déanamh amhlaidh, d'fhéadfadh sé go mbeadh ar an gCathaoirleach cruinniú amháin nó níos mó ná sin a thionól leis an múinteoir/tuismitheoir/caomhnóir dlíthiúil agus le pearsanra eile de chuid na scoile de réir mar a mheasann an Cathaoirleach a bheith iomchuí.

Gearán tugtha chun réitigh

Is féidir an gearán a thabhairt chun réitigh ag an gcéim seo.

3.1 Tuairisc fhoirmiúil tugtha ag an gCathaoirleach don Bhor

Má tá an gearán fós gan réiteach tar éis cheim 2 agus más mian leis an tuismitheoir/caomhnóir dlíthiúil feanúint ar aghaidh leis, ba cheart dó nó di an méid sin a chur in iúl don Chathaoirleach i scríbhinn. Ba cheart don Chathaoirleach tuairisc fhoirmiúil a thabhairt don Bhor Bainistíochta tráth nach déanaí ná 10 lá tar éis an ráiteas i scríbhinn sin a fháil. Ag an gcruinniú seo, is féidir leis an mBord cinneadh a dhéanamh dul ar aghaidh chuig céim 3.2 nó céim 3.3.

3.2 Gearán tugtha chun críche

Féadtar an próiseas a thabhairt chun críche ag an gcéim seo má mheasann an Bord:

- a) Go bhfuil an gearán suaibhreosach nó cráiteach;
- b) Go bhfuil imscrúdú déanta ag an mBord ar an ngearán cheana féin;
- c) Gurbh oiriúnaí plé a dhéanamh leis an ngearán trí chiorcláin níos ábhartha ón Roinn Oideachais, nó;
- d) I gcás go bhfuil tús curtha le cás dlí.

I gcás go gcinneann an Bord go bhfuil an gearán curtha i gcrích ag an gcéim seo, ba cheart an tuismitheoir/caomhnóir dlíthiúil a chur ar an eolas amhlaidh tráth nach déanaí ná cuig lá tar éis an chruinnithe boird.

3.3 Dul ar aghaidh go héiteacht

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

- a) ba cheart a chur in iúl don mhúinteoir go bhfuil an gearán le dul ar aghaidh go héiteacht iomlán agus ní mór don Chathaoirleach a chinntiú go gcuirfead ar fáil don mhúinteoir na doiciméid go léir atá á mbreithniú ag an mBord.
- b) ba cheart don Bhor cruinniú a shochtú leis an tuismitheoir/gcaomhnóir dlíthiúil má mheasann sé go bhfuil gá lena leithéid. Tá sé de cheart ag an tuismitheoir/gcaomhnóir dlíthiúil cara a bheith in éineacht leis nó léi ag aon chruinniú den sórt sin agus cunamh a fháil ón gcara sin le linn an chruinnithe.
- c) ba cheart leis a thabhairt don mhúinteoir a c(h)ás a chur i láthair an Bhoird. Tá sé de cheart ag an mhúinteoir go ndéanfaidh cara leis nó léi nó ionadaí ceardchumainn ionadaíocht dó nó di. Ceadaítear don chara nó don ionadaí ceardchumainn sin duine eile a bheith in éineacht leis nó léi le cabhrú leis nó léi nó le nótaí a ghlacadh chomh maith.
- d) ba cheart go n-iarrafaí ar an mhúinteoir ráiteas i scríbhinn a chur faoi bhraid an fhostóra (an Bord) mar fhreagra ar an ngearán. Is féidir an fostóir agus an fostaí a bheith an ráiteas sin agus ní roimfead le haon tríú páirtí é.
- e) tionólaí an cruinnithe den Bhor Bainistíochta dá dtagraítear in 3(b), (c) agus (d) tráth nach déanaí ná 10 lá tar éis an chruinnithe dá dtagraítear in 3.1, a mhéid is féidir.

4.1 Cinneadh i scríbhinn ón gCathaoirleach

Déanfaidh an Bord an gearán agus an freagra a cuireadh ar fáil a mheas agus déanfaidh siad breithniú ar an ábhar. Ba cheart don Chathaoirleach cinneadh an Bhoird a chur in iúl i scríbhinn don mhúinteoir agus don tuismitheoir/caomhnóir dlíthiúil nó do thráth nach déanaí ná cuig lá tar éis an chruinnithe a tionóladh ag céim 3.3.

4.2 Gearán tugtha chun críche

Cinneadh críochnaitheach a bheidh i gcinneadh an Bhoird.

¹ I gcás go bhfaightear gearán faoi phríomhoide, tosaítear ar an bpróiseas thuas 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



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.



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.



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.

Complaint resolved

The complaint may be resolved during this stage.

Formal Stage 2 Written

(10 days)



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.



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.



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 at this stage.

Formal Stage 3 Board of Management

(20 days)

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 3.2 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:

- The complaint is frivolous/vexatious;
- The complaint has already been investigated by the board;
- The complaint is more appropriately dealt with through a more relevant DE circular, or;
- 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:

- 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,
- 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,
- 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,
- 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,
- 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.

Formal Stage 4 Decision

(5 days)



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.