



COMPLAINTS PROCEDURES

Approved at Board Meeting

DECEMBER 2010

Review Date: December 2014

Internal and external circulation

COMPLAINTS PROCEDURES

for inclusion in the Staff Handbook

11.9 Principles for Handling a Complaint Against a Teacher

The investigation of complaints should be governed by certain basic principles as follows:

1. The time scale of the investigation should reflect the urgency of the procedure without compromising the adequacy of the time needed to gather and consider the facts and evidence.
2. The consideration of language issues is important. Translation or language support should therefore be provided where reasonably requested.
3. Proceedings should be seen to be transparent and inclusive as far as possible without compromising the legal rights and obligations of the College and the individuals concerned.
4. The internal investigation of a complaint is not a legal proceeding and therefore no formal legal representation will be permitted as a part of this process for the parties to the complaint.
5. Investigations of a complaint can be distressing and each of the parties is therefore permitted to be accompanied by one friend. The friend will not be permitted to make representations on behalf of the teacher, except at a full hearing of the complaint.

Procedure for Handling a Complaint Against a Teacher

- A complaint against a teacher should, in the first instance, be made directly to the teacher concerned. The complaint may be made orally and/or in writing. However, the College encourages parties to a dispute to attempt to resolve differences through constructive face-to-face dialogue, with or without a mutually acceptable mediator. Therefore, where a complaint is made in writing, the College encourages parties, where possible, to discuss the issues as soon as practicable after the complaint has been made. A complainant is not obliged, however, to follow this particular procedure if he or she feels uncomfortable about complaining to, or discussing the matter with, the teacher directly.
- If a complaint cannot be resolved through constructive dialogue, for whatever reason, the complaint may be referred to the Principal. The Principal shall have the right to request that the complaint be made in writing as a precondition to conducting an investigation.
- If referred to the Principal, an investigation will be conducted into the complaint and the Principal shall have the power either to conclude the investigation in the manner he deems appropriate or he may refer the matter to the Standing Sub-Committee (the “Committee”) established by the Management Committee of the Board for further investigation and/or consideration. Any complaints against the Principal, if they cannot be resolved with the Principal directly, may be referred to the Committee directly.

- The Standing Sub-Committee (“the Committee”) currently comprises:

The Chairman of the Board of Directors of the College (“the Board”)

The Vice-chairman of the Board

The Supervisor

The Convener of the Staffing Sub-committee

Two other members of the Board.

Four members of the Committee will form a quorum.

- Where the complaint concerns a matter that involves, or may involve criminal activity, the matter shall be referred to the Committee, following the procedures set out above. The Committee shall have the authority to determine whether the matter should be reported to outside authorities.
- The teacher about whom a complaint has been made (the “respondent”) should be informed as soon as practicable of the substantive allegations that have been made against him/her, unless to do so is likely, in the opinion of the Principal of the Committee (whoever is handling the investigation), to compromise the investigation of the complaint.
- Once the respondent has been informed about the allegations, there must be sufficient time allowed for the respondent to prepare his/her response to those allegations.
- A reasonable time frame for any proceedings in respect of the complaint should be clearly defined by the Committee or the Principal. This time frame for the proceedings should be communicated to the parties concerned, if and as appropriate.
- Where the allegations have been communicated to the respondent, the following procedure applies to complaints referred to the Committee:
 - o Written statements will be requested from the parties concerned who may also be interviewed if the Committee considers it necessary.
 - o The Committee will review the statements, seek further clarification and obtain more evidence where necessary, and make a determination as to whether the case should receive a full hearing.
 - o If a full hearing is considered by the Committee to be unnecessary, the Committee shall deliberate and make a decision in respect of the complaint and the remedial or disciplinary measures (if any) to be taken.
- Any legal issues that may arise in the process will be referred to the College’s lawyers for advice. The staff member involved has the right to consult his/her own lawyer if he/she wishes to do so.
- If a full hearing is decided to be necessary:
 - o The parties concerned will be given notice thereof, and, if necessary, may be requested to submit further statements and evidence and present their case at a hearing of the Committee.

- o Both the respondent and the complainant should receive a copy of any written statements and evidence in support of the complaint/response prior to the hearing.
 - o Witnesses for the complainant and the respondent shall not be present at the hearing except when giving their own evidence. For the avoidance of doubt, witnesses shall not be present whilst other witnesses are giving evidence.
 - o Appropriate rest breaks may be taken during the hearing as directed by the Committee. During such breaks, any witnesses who are in the process of giving evidence and who have not completed their evidence must not discuss the case with any other persons.
 - o Witnesses must respect the confidentiality of the investigation.
 - o Each of the parties in the full hearing should be allowed one advocate/advisor to help present their case (but who may not be acting in a legal capacity). Alternatively, if either of the parties does not wish to be represented, they may be accompanied by one friend
 - o The Committee may require the Principal and other persons to attend the hearing to provide advice to the Committee to assist in its deliberations.
 - o The Committee will review all evidence presented, consider relevant external advice provided and determine the case.
- The decision of the Committee should be communicated in writing to the parties.
 - Should either party be dissatisfied with the outcome, there shall be a right to make a request to the full management committee of the Board for an appeal against the Committee's decision. A request for an appeal to the Board shall be made in writing, stating in full the reasons for the appeal, within 7 calendar days from the date on which the decision was communicated to the parties. There shall be no right to request an appeal after the termination of a teacher's employment
 - The Board shall inform the parties in writing of its decision whether or not to grant an appeal. If no appeal is granted, the decision of the Committee shall be deemed final. If an appeal is granted, the Board should provide directions on the procedure and time-frame for the provision of further statements and/or evidence. Where an appeal is heard, the decision of the Board shall be final. The decision should be communicated to the parties in writing either by a Board representative or by the Principal as soon as practicable after the decision has been reached.

The above principles and procedures were agreed following discussions between the Chairman and the staff and following meetings between the Staffing-committee and the Staff Consultative Committee.