



& CDETБ Craft Unions (e.g. TEEU, INPDU, UCATT and BATU)

Guidance Note for ETBs

to support the ETB Complaint Procedure

A procedure for processing complaints made by parents/guardians of students or adult learner(s) currently enrolled in an ETB school/centre against a staff member employed by an Education and Training Board (ETB)

Nationally agreed for implementation 19 April 2018

FOREWORD

The *Guidance Note for ETBs* is provided by way of a resource to ETB administration offices to support the *ETB Complaint Procedure – A Procedure for processing complaints made by parents/guardians of students or adult learner(s) currently enrolled in an ETB school/centre against a staff member employed by an Education and Training Board (ETB)*.

The *Guidance Note* should always be read in conjunction with the actual procedure. Wherever a disputed issue may arise with respect to interpretation, the procedure shall have primacy.

The *Guidance Note* may be subject to review, modification and updates from time to time as may arise on direction of the ETBI/Unions' Consultative Forum.

All references to ETB are understood to comprehend the appropriate Education and Training Board (ETB).

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Template A - Record of the Outcome of Mediation (Exemplar)

Note: Mediators can be drawn from any of the following approved websites:

1. Mediators' Institute of Ireland: <http://www.themii.ie/find-a-mediator.jsp>
2. Mediation Forum Ireland: <http://mediationforumireland.com/index.php>
3. Workplace Mediation Service, Workplace Relations' Commission: https://www.workplacelrelations.ie/en/Workplace_Relations_Services/Mediation_Services/

Record of the Outcome of Mediation under the *Procedure for processing complaints made by parents/guardians of students or adult learner(s) currently enrolled in an ETB school/centre against a staff member employed by an Education and Training Board (ETB)*

Name(s) of complainant:

Name(s) of ETB staff member:

Name of Mediator:

Dates of session/s undertaken:

The above-named parties have engaged in a mediated process involving <X number> of sessions.

The outcome of these sessions has resulted in:

An agreed outcome

OR

An agreed outcome not being achieved

Mediator's signature: _____

Date: _____

This record should be furnished by the Mediator, to the HR department of the ETB (marked strictly private and confidential for the attention of the Head of HR) and copied to the parties to mediated process.

A copy will be retained in a dedicated complaint file for a period of one year where mediation has been successful. Where mediation has been unsuccessful, a copy will be retained on both files until the expiration of Formal Procedure (if invoked) and for a period not exceeding six years thereafter.

Template B - Statement of Outcome to Stage 2 Facilitation meeting/s at school/centre/section level

Statement of Outcome - Facilitation Stage 2

To be completed by the person conducting the stage 2 facilitation at the end of the process of facilitation.

This statement of outcome is used where the complaint is resolved or not resolved

Name of Person conducting stage 2 facilitation:	
Title of person conducting stage 2 facilitation:	
Name(s) of complainant(s):	
Names of Persons present at meeting:	
If complainant is making a complaint on behalf of the student, please supply the name of the student/s concerned:	
Name of ETB staff member – the subject of the alleged complaint	
Role of ETB staff member – the subject of the alleged complaint	
Has there been engagement at stage 1?	YES/NO <i>(Circle as appropriate)</i>
Outcome of engagement at stage 2:	Resolved/Not Resolved <i>(Circle as appropriate)</i>
Signature of Stage 2 Facilitator:	
Signature of Complainant:	
Signature of ETB staff member:	
Date of statement:	

This record should be furnished by the Facilitator to the parties to the complaint. A copy will be provided to the parties to the complaint by the Facilitator.

A copy will be retained in a dedicated complaint file for a period of one year where facilitation has been successful. Where facilitation has been unsuccessful, a copy will be retained until the expiration of Formal Procedure (if invoked) and for a period not exceeding six years thereafter.

Template C1- Statement of Outcome of Stage 3 where resolution is reached

Statement of Outcome - Facilitation

To be completed by the person conducting the stage 3 facilitation at the end of the process of facilitation.

This statement of outcome is used where the complaint is resolved.

Name of Person conducting stage 3 facilitation:	
Title of person conducting stage 3 facilitation:	
Name(s) of complainant(s):	
Names of Persons present at meeting:	
If complainant is making a complaint on behalf of the student, please supply the name of the student/s concerned:	
Name of ETB staff member – the subject of the alleged complaint:	
Role of ETB staff member – the subject of the alleged complaint:	
Outcome of engagement at stage 3:	Resolved

Signature of Facilitator:	
Signature of Complainant:	
Signature of ETB staff member:	
Date of statement:	

This record should be furnished by the Facilitator to the parties to the complaint. A copy will be provided to the parties to the complaint by the Facilitator.

A copy will be retained in a dedicated complaint file for a period of one year where facilitation has been successful.

Template C2 - Statement of Outcome of Stage 3 where resolution is not reached

Statement of Outcome - Facilitation Stage 3

To be completed by the person conducting the stage 3 facilitation at the end of the process of facilitation

This statement of outcome is used where the complaint fails to reach an agreed resolution.

Part I

Name of Person conducting stage 3 facilitation:	
Title of person conducting stage 3 facilitation:	
Name(s) of complainant(s):	
Names of Persons present at meeting:	
If complainant is making a complaint on behalf of the student, please supply the name of the student/s concerned:	
Name of ETB staff member – the subject of the alleged complaint:	
Role of ETB staff member – the subject of the alleged complaint:	
Outcome of engagement at stage 3:	Not resolved

Part II

Number of meeting/s conducted at stage 3:	
Dates of meetings conducted at stage 3:	
<p>Summary of the key points of the complaint raised by the complainant Parent/ Guardian/Adult Learner</p> <p><i>(Note: This is not expected to be detailed but should capture the essence of the complaint – it may be useful to use bullet points to document the key elements of the complaint)</i></p>	

Where no agreed resolution is achieved from Stage 3, is there a proposal on what should happen next?

Part III

Signature of Stage 3 Facilitator:	
Signature of Complainant:	
Signature of ETB staff member:	
Date of statement:	

This record should be furnished by the Facilitator to the parties to the complaint. A copy will be provided to the parties to the complaint by the Facilitator.

A copy will be retained in a dedicated complaint file for a period of one year where facilitation has been successful. Where facilitation has been unsuccessful, a copy will be retained until the expiration of Formal Procedure (if invoked) and for a period not exceeding six years thereafter.

Template D - Panel of investigators under Stage 4 and protocol for selection of investigators

General

The list of names and contact details are provided for ETB administrative use only to facilitate organising the investigation. **The full list of panels for investigators is therefore NOT to be supplied to the parties/witnesses to a complaint.**

The ETB should select one nominee from panel A and one nominee from panel B in accordance with the protocol advised below. Both management and union panels are approved at national level for use by ETBs.

Protocol for selection from Panels of Investigators under Stage 4 Formal Procedure

Nominees comprising both panels A and B are fully endorsed in their capacity to act as independent investigators empaneled for the purpose of conducting investigations in accordance with Formal Procedure Stage 4. The role of the investigator is not an advocacy role but an independent investigation role irrespective of the body nominating them.

Conflict of Interest: There is no provision for the complainant (i.e. parent/guardian/adult learner) or the staff member who is party to a complaint proposed for investigation at Formal Stage 4, to reject a nominee proposed from either or both panels (Panel A or B) save in the very exceptional circumstance where an individual drawn from a panel is related to, or a personal friend of, either the complainant or the staff member concerned to the complaint. In such circumstances, it is the responsibility (whether complainant or staff member) to disclose such interests by contacting the ETB Human Resources Department by phone/email/in writing prior to any investigation commencing to facilitate the selection, by the ETB as employer, of an alternative investigator to conduct the Formal Stage 4 investigation.

Selection from the panel will be undertaken by the ETB as employer in accordance with this protocol:

- Where an investigation is required under Formal Stage 4, one nominee from Panel A (management nominees) **and** one nominee from Panel B (union nominees) will be selected to comprise the investigation team.

For management nominees on Panel A

- For management nominees, select a nominee of your choice having regard to such matters as the investigator's availability and geographical distance.

For union nominees on Panel B

- Where a staff member is a member of a specified trade union subscribing to this procedure, the nominee will be drawn from the respective subpanel.
- The ETB will advise the union head office of the respective nominee selected from Panel B.
- Where a staff member is not a member of a specified trade union, the nominee can be drawn from any of the subpanels on the full Panel B list, having regard to the investigator's availability and other matters of geographical distance.

Other related matters:

- ETBs are encouraged to appoint from the panels so that the same nominees are not used for a number of investigations.
- **Fee structure for investigators:** A fee not exceeding €650 gross is the recommended fee payable to each investigator conducting an investigation plus appropriate rates for travel and subsistence. Costs arising from the preparation of an investigation report will be considered to be part of the fee of €650 gross and not an additional cost. The preparation of the final investigation report should be undertaken by agreement between the two investigators comprising the investigation team. Mileage rates will be in accordance with public sector rates. The ETB may request vouched evidence of any expenses incurred.

Panel lists: The panel lists have been removed for the purposes of publication.