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*Cork Education and
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Complaints Procedure for College Adult Learners

This procedure is to provide a system which allows adult learners participating in a course of further education to make complaints to the College in respect of the conduct and/or behaviour of learners who are attending in the same college.

Purpose of the Procedure

The purpose of this procedure is to establish a protocol for dealing with complaints. It is College policy to keep a record of all complaints received for a fixed period of time in accordance with Cork ETB retention schedule and to endeavour to respond to complaints as quickly as possible.

Scope/to whom it applies

The procedure applies to all learners of the college who are participating in a course of further education in which the complainant is attending.

Exclusions;

- (a) Complaints made by student(s) against a staff member which are appropriate to being dealt with under the *Code of Practice for dealing with Complaints made by Parent/s, Guardian/s of a Student or by an Adult Learner currently enrolled in a school/centre, against a Staff Member employed by Cork Education and Training Board (ETB)*.
- (b) Anonymous allegations unless they are deemed to fall under the definitions as set out in Cork ETB's Disclosure Policy
- (c) Complaints in respect of child abuse which are dealt with under separate guidelines and procedures issued by the Department of Education and Science
- (d) Complaints which are the subject of legal proceedings or claims for redress under statutory provisions
- (e) Complaints that relate to conduct and/or behaviour that occurs outside of College Premises except where the conduct and/or behaviour bring the College into disrepute and/or potentially affects the reputation of the College.

Procedure Details

Parties are encouraged to raise their complaint informally in the first instance. Complaints, whether verbal or in writing, should be processed informally unless one of the parties objects to same, in which case the formal procedure will apply.

Complaints that may constitute a serious breach of the Learner Code of Conduct will proceed directly to the Gross Misconduct stage in the procedure.

Communication between the parties to the complaint must take place in an atmosphere that is calm, dignified and in a climate that respects the viewpoint of either party to this procedure.

The Learner may request that he/she be accompanied by his/her class representative or a friend during the informal phase on the basis of providing support.

Stage 1

- Initial complaints should be dealt with by the relevant Teacher through discussion with the learner(s) involved in the complaint
- In circumstances where the matter cannot be resolved the relevant Teacher advises the complainant that s/he may refer the complaint to the Course Director or an alternative designated person, which may be the Deputy Principal.
- Where a complaint is being referred to stage 2 the complainant will be required to submit their complaint in writing.

Stage 2

- The Course Director / Designated Person will arrange to meet with both parties to the complaint. The meeting will ideally take place within 5 working days of the complaint being forwarded
- The Course Director / Designated Person may convene a meeting separately and/or jointly with the parties to the complaint to facilitate a resolution
- When the Course Director / Designated Person is satisfied that the matter has either concluded or that they cannot facilitate a resolution, s/he will communicate the outcome in a statement to all parties
- In circumstances where a resolution has not been achieved the complainant may refer the complaint within 5 working days to the Deputy Principal.
- Where the Deputy Principal has heard the complaint under stage 2, as a designated person, the matter shall be referred to the Principal in accordance with Stage 4.

Stage 3

- The Deputy Principal will arrange to meet with both parties to the complaint. The meeting will ideally take place within 5 working days of the complaint being forwarded
- The Deputy Principal may convene a meeting separately and/or jointly with the parties to the complaint to facilitate a resolution
- The Deputy Principal may also meet with Subject Teachers, Course Directors and/or any other person s/he deems necessary
- The Deputy Principal may put forward proposals in an effort to resolve issues
- When the Deputy Principal is satisfied that the matter has either concluded or that they cannot facilitate a resolution, s/he will communicate the outcome in a statement to all parties
- In circumstances where a resolution has not been achieved the complainant may refer the complaint within 5 working days to the Principal.

Stage 4

- The Principal will arrange to meet with both parties to the complaint. The meeting will ideally take place within 5 working days of the complaint being forwarded
- The Principal may convene a meeting separately and/or jointly with the parties to the complaint to facilitate a resolution

- The Principal may also meet with Subject Teachers, Course Directors and/or any other person s/he deems necessary
- The Principal will consider all matters presented and, in the absence of an agreed resolution, make a decision on the appropriate intervention required.
- All parties will be notified in writing of the Principals decision, which shall be final.

Gross Misconduct

- Where a complaint is raised which may be considered as gross misconduct, the Principal shall designate the Deputy Principal to investigate the matter.
- On completion of an investigation, the Deputy Principal shall furnish the Principal with a report of the findings of fact with a recommendation as to whether there is a case to answered or not.
- The Principal will arrange to meet with both parties to the complaint. The meeting will ideally take place within 5 working days of the complaint being forwarded.
- This meeting is to allow parties an opportunity to put their case to the Principal and to answer to the findings of the investigation.
- The Principal on consideration of the report and direct representations, shall make a decision on the appropriate intervention required, which may include referral to the disciplinary procedure up to and including suspension and/or exclusion.