



Bord Oideachais & Oiliúna  
**LUIMNIGH & AN CHLÁIR**

**LIMERICK & CLARE**  
Education & Training Board

# FET LEARNER COMPLAINTS PROCEDURE

This procedure is to provide a system which allows learners participating in Further Education and Training offered by Limerick and Clare Education and Training Board to make complaints in respect of the conduct and/or behaviour of learners who are attending in the same FET Campus or Programme/Course.

### Purpose of the Procedure

The purpose of this procedure is to establish a protocol for dealing with complaints. It is the ETB's policy to keep a record of all complaints received for a fixed period of time, in accordance with the ETB's Record Retention Schedule and to endeavour to respond to complaints as quickly as possible.

### Scope/To Whom It Applies

The procedure applies to all learners participating in a Further Education and Training course provided by the ETB but excludes:

- a. complaints made by learner(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 learner or by an adult learner currently enrolled in a FET Centre, against a staff member employed by the ETB*.
- b. anonymous allegations, unless they are deemed to fall under the definitions as set out in the 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;
- 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 the ETB's premises, except where the conduct and/or behaviour brings the ETB into disrepute and/or potentially affects the reputation of the ETB.

### 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 they be accompanied by their 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 staff member or learning practitioner<sup>1</sup> through discussion with the learner(s) involved in the complaint;
- In circumstances where the matter cannot be resolved, the relevant learning practitioner advises the complainant that they may refer the complaint to the Programme Manager<sup>2</sup> or an alternative Designated Person;

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<sup>1</sup> The term "Learning Practitioner" is used to cover the roles of Teacher, Trainer, Tutor and Instructor.

<sup>2</sup> Programme Manager includes: Principal, Deputy Principal, Provision Co-ordinator, FET Training Provision and Support Services Manager, FET Training Provision and Support Services Assistant Manager, or other person designated by Limerick and Clare Education and Training Board.

- Where a complaint is being referred to Stage 2, the complainant will be required to submit their complaint in writing.

### Stage 2

- The Programme Manager or 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 Programme Manager or Designated Person may convene a meeting separately and/or jointly with the parties to the complaint to facilitate a resolution;
- When the Programme Manager or Designated Person is satisfied that the matter has either concluded or that they cannot facilitate a resolution, they 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 relevant Provision Manager;
- Where the Provision Manager<sup>3</sup> has heard the complaint under Stage 2, as a designated person, the matter shall be referred to the Director of Further Education & Training in accordance with Stage 4.

### Stage 3

- The Provision Manager 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 Provision Manager may convene a meeting separately and/or jointly with the parties to the complaint to facilitate a resolution;
- The Provision Manager may also meet with subject learning practitioners, course co-ordinators and/or any other person they deem necessary;
- The Provision Manager may put forward proposals in an effort to resolve issues;
- When the Provision Manager is satisfied that the matter has either concluded or that they cannot facilitate a resolution, they 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 Director of FET.

### Stage 4

- The Director of FET (or 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 Director of FET (or Designated Person) may convene a meeting separately and/or jointly with the parties to the complaint to facilitate a resolution;
- The Director of FET (or Designated Person) may also meet with subject learning practitioners, course co-ordinators and/or any other person they deem necessary;
- The Director of FET (or Designated Person) 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 Director of FET's (or Designated Person's) decision, which shall be final.

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<sup>3</sup> May include: Director of Further Education and Training, FET Managers, Principal, Deputy Principal, Provision Co-ordinator, FET Training Provision and Support Services Manager, FET Training Provision and Support Services Assistant Manager, or other person designated by Limerick and Clare Education and Training Board.

### Gross Misconduct

- Where a complaint is raised which may be considered as gross misconduct, the Provision Manager shall designate the Programme Manager or Designated Person to investigate the matter;
- On completion of an investigation, the Programme Manager or Designated Person shall furnish the Provision Manager with a report of the findings of fact with a recommendation as to whether there is a case to be answered or not;
- The Provision Manager 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 Provision Manager and to answer to the findings of the investigation;
- The Provision Manager 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.