



An Chomhairle  
Mhúinteoireachta



**The Teaching Council**

# How to make a complaint about a registered teacher

Information for the public

JULY 2016

## About this booklet

This booklet tells you how you can make a complaint about a registered teacher. We have included a glossary to help you understand important terms.

## About the Teaching Council

The Teaching Council is the professional standards body for teaching that promotes and regulates the teaching profession. It acts in the interests of the public good while upholding and enhancing the reputation of the teaching profession. One of the functions of the Teaching Council is to investigate complaints and, where appropriate, hold inquiries about registered teachers.

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# 1

## General information

### Who can make a complaint about a teacher?

Any person, including members of the public, employers and other teachers may make a complaint about a registered teacher. In addition, the Teaching Council can itself make a complaint about a registered teacher.

### Should I complain to the school or to the Teaching Council?

In general, you should first bring your complaint to the teacher's school before you consider making a complaint to the Teaching Council.

In most cases we cannot look into a complaint until the school's disciplinary procedures (established under section 24 of the Education Act, 1998) have been exhausted (or come to an end)<sup>1</sup>, unless there are good and sufficient reasons. It is up to the Investigating Committee to decide whether there are good and sufficient reasons. Good and sufficient reasons may include where children or vulnerable persons are, or may be, at risk of harm.

### What can I complain about?

We can only consider complaints in relation to registered teachers.

We can look into complaints on a number of grounds including:

- > professional misconduct;
- > poor professional performance;
- > engaging in conduct contrary to the Code of Professional Conduct;
- > being medically unfit to teach; and
- > a court conviction for certain offences.

<sup>1</sup> Section 28 of the Education Act, 1998, requires the Minister for Education and Skills to establish grievance and other procedures for students and parents. It is referred to in the Teaching Council's fitness to teach legislation. However, this section has not been brought into operation by the Minister to date and is therefore not referred to in this information booklet. When section 28 is brought into operation by the Minister, we will generally not be able to look into a complaint until the school's grievance procedures (established under section 28 of the Education Act 1998) have been exhausted. The exception to this is where the Investigating Committee decide there are good and sufficient reasons for conducting an investigation.

You can find the list of grounds of complaint at section 42(1) of the Teaching Council Acts, 2001-2015, which you can view or download from our website, [www.teachingcouncil.ie](http://www.teachingcouncil.ie).

We can generally only consider complaints where the matters complained about took place on or after 25 July 2016. Where the matters complained about happened before 25 July 2016, we can only look into the complaint in certain circumstances. These circumstances include where a teacher was convicted of a particular type of criminal offence, or where the conduct complained about would have constituted a criminal offence at the time that it occurred, and is of such a nature as to reasonably give rise to a real concern that the teacher may harm or contribute to harm or potential harm, to any child or vulnerable person.

For a complaint to be referred by our Investigating Committee to our Disciplinary Committee, the complaint must be of a serious nature.

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### **Can the Teaching Council look into a complaint about something that happened outside Ireland?**

Yes, we can consider complaints about certain matters that happened outside Ireland on grounds including professional misconduct, poor professional performance and convictions for certain offences.

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### **Can the complaint relate to conduct outside the course of the registered teacher's profession?**

Yes, we can consider complaints about certain matters that relate to conduct outside the course of the registered teacher's profession on grounds such as convictions for certain offences, and where the conduct is of such a serious nature as would bring the profession into disrepute.

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### **Can the Teaching Council look into a complaint about something that happened outside of the school, while in the course of the teacher's profession?**

Yes, a complaint against a registered teacher can relate to any school-related professional activity, or any activity or role undertaken in their capacity as a registered teacher.

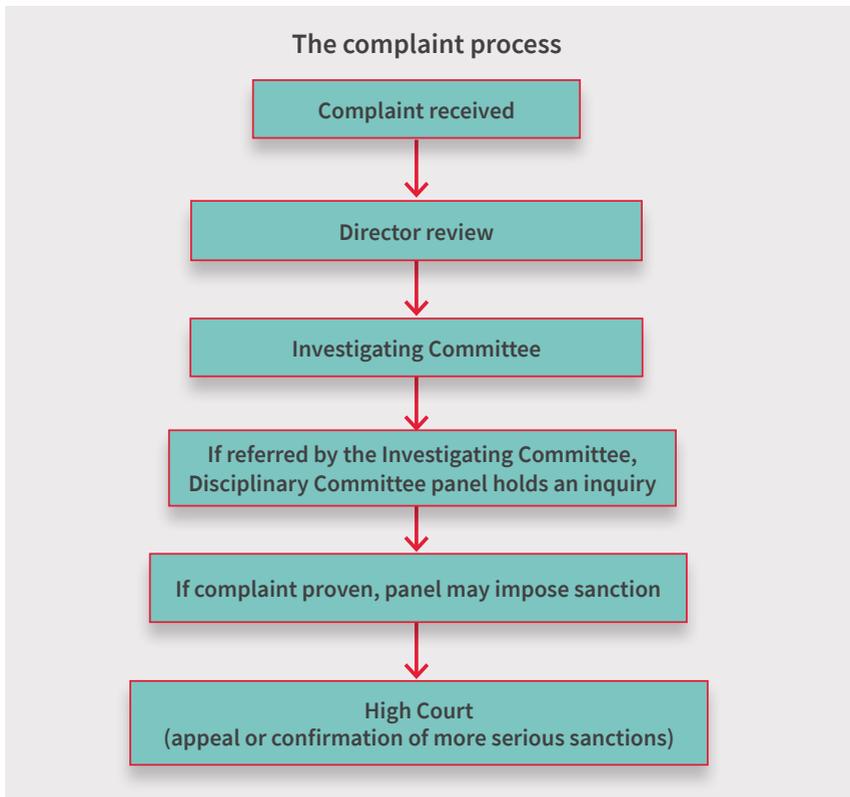
## What should I do if my complaint about a registered teacher relates to child protection or harm to a child?

If you are concerned that children or vulnerable persons are, or may be, at risk of harm you should inform:

- > the school, where appropriate;
- > TUSLA, the Child and Family Agency; or
- > the Gardaí, where appropriate.

You may also wish to submit a complaint to the Teaching Council.

Please see below a chart of the complaint process:



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# The complaint process

### Who looks into my complaint?

When we receive a complaint, it goes first to the Director of the Teaching Council and the relevant staff. The Director will review the complaint.

The Director can refuse the complaint if it is not in writing, signed, and accompanied by relevant documents and information. The Director can also refuse the complaint if the Director considers it to be frivolous, vexatious, made in bad faith or an abuse of process.

If the Director refuses the complaint, you can appeal the Director's decision to the Investigating Committee.

If the Director refers your complaint to the Investigating Committee, this Committee will consider your complaint.

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### Are there any reasons why the Investigating Committee would not look into my complaint?

The Investigating Committee will not look into your complaint if:

- the teacher, the subject of the complaint, is not registered with the Teaching Council;
- the Investigating Committee believes that your complaint does not relate to the teacher's fitness to teach;
- the school's disciplinary procedures (established under section 24 of the Education Act, 1998) have not been exhausted (or come to an end) unless there are good and sufficient reasons;
- the matters you are complaining about took place before 25 July 2016. In these cases, the Investigating Committee may still look into the complaint in certain circumstances as set out in the General information section in part 1 above.

### How does the Investigating Committee look into my complaint?

The Investigating Committee will send copies of your complaint and all the documents it receives in relation to your complaint to the teacher. The Committee may ask the teacher to respond to the complaint in writing.

The Investigating Committee might ask you to send in more information or it might ask the teacher or school, or any other relevant person, to send in information. The Investigating Committee might also seek expert advice or help.

If your complaint suggests that the teacher might not be medically fit to teach, the Investigating Committee might ask the teacher to undergo a medical examination.

Investigating Committee meetings take place in private. You will not be entitled to attend the meetings. All correspondence and documentation issued to you while the complaint is being considered by the Investigating Committee should be treated as strictly private and confidential.

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### **What happens after the Investigating Committee has looked into my complaint?**

The Investigating Committee can either:

- refer all or part of your complaint to the Disciplinary Committee for an inquiry; or
- decide that no further action is required.

If the Investigating Committee decides that no further action is required, the complaint process is at an end. It is not possible to appeal the decision of the Investigating Committee.

For a complaint to be referred by the Investigating Committee to the Disciplinary Committee, the complaint must be of a serious nature.

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## The inquiry process

### What is an inquiry?

In most cases, an inquiry will take the form of an oral hearing before a panel of the Disciplinary Committee. It is similar to a hearing before a court or tribunal. Witnesses give evidence under oath.

However, the teacher can ask that the inquiry take place by an examination of the relevant documents and written submissions rather than as an oral hearing. In addition, the panel of the Disciplinary Committee can ask the teacher to consent to the inquiry taking place by an examination of the relevant documents and written submissions. The panel of the Disciplinary Committee will decide which approach is suitable. In most cases, an oral hearing will take place.

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### If an oral hearing takes place, what is my role?

We may ask you to give evidence, in which case your role is that of a witness. For more information in relation to the role of a witness and what to expect at an oral hearing, please see our Information for witnesses booklet, which you can find on our website [www.teachingcouncil.ie](http://www.teachingcouncil.ie).

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### If an oral hearing takes place, will it be in public or private?

Hearings take place in public unless the teacher or a witness about whom personal matters may be disclosed requests the panel to hold the hearing or part of the hearing in private, and the panel is satisfied that it would be appropriate to do so. If a hearing is held in public, the panel may keep the identity of the people involved, including the teacher, confidential.

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### If my complaint is referred to the Disciplinary Committee for an inquiry, what could happen to the teacher?

The panel of the Disciplinary Committee that considers your complaint will decide whether the complaint is proven and on which grounds (for example, professional misconduct, poor professional performance, being medically unfit to teach, and so on).

Normally, complaints have to be proven beyond a reasonable doubt.

If the complaint is proven and a finding is made against the teacher, the panel of the Disciplinary Committee that considers your complaint may decide to:

- a) advise, admonish or censure the teacher;
- b) place conditions on the teacher's registration;
- c) suspend the teacher from the register for a set time (up to two years);  
(This would mean that the teacher would not be able to teach in a position funded by the Department of Education and Skills for the time that he or she is suspended from the register.)
- d) remove the teacher from the register and not allow him or her to apply to be restored to the register for a set time.  
(As an unregistered teacher, the teacher would then not be able to teach in a position funded by the Department of Education and Skills.)

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### **What can the Teaching Council not do with my complaint?**

We cannot:

- > look into complaints about anyone who is not a registered teacher;
- > pay you compensation or help you to make a claim for compensation;
- > ask the school or the teacher's employer to look into your complaint;
- > ask the teacher's employer to speak to the teacher;
- > make a teacher apologise to you;
- > give legal or professional advice or representation to you;
- > order a teacher to do something for you;
- > resolve any issues that you have with a school or organisation;
- > consider your complaint before the school's disciplinary procedures (established under section 24 of the Education Act, 1998 ) have been exhausted (or come to an end) unless the Investigating Committee believes that there are good and sufficient reasons.

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### **Will the teacher see my complaint?**

Yes, we will notify the teacher when we receive a complaint about him or her. We will also send a copy of your complaint form and any documents enclosed with it, together with any further information you send to us during the complaint process, to the teacher. This is to enable the teacher to respond to your complaint.

## **Will the teacher's school or employer see my complaint?**

Our Investigating Committee will, as soon as possible, notify the teacher's employer if there is a concern that children or vulnerable persons are, or may be, at risk of harm.

In addition, we may look for information from the teacher's school or employer as part of the investigation of your complaint. Therefore, it is likely that the teacher's employer will become aware of your complaint.

At the conclusion of the consideration of the complaint by the Investigating Committee, a copy of the Investigating Committee's decision will be provided to the teacher's employer.

If the Investigating Committee decides to refer the complaint to the Disciplinary Committee for an inquiry, we will tell the teacher's employer of the outcome of the inquiry.

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## **How long will it take the Teaching Council to consider the complaint?**

Each complaint will vary but we aim to have a decision made by the Investigating Committee within six to nine months of the date that we receive a complaint.

If the Investigating Committee decides to refer your complaint to the Disciplinary Committee for an inquiry, we aim to hold the inquiry within six months of the date of this referral.

There may be reasons outside our control which lead to delays in investigating complaints. For example, a complaint could be the subject of an investigation by An Garda Síochána, and the Investigating Committee may decide to pause its own investigation until the conclusion of the Garda investigation, which may take some time. We will keep you updated while your complaint is being considered.

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## **Will I be informed of the outcome of my complaint?**

Yes. We will inform you of the outcome of your complaint.

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## **I have read this booklet and I want to make a complaint. How do I do it?**

You can make a complaint by completing a copy of the Teaching Council's complaint form. You can download the complaint form from the Professional Standards section of our website [www.teachingcouncil.ie](http://www.teachingcouncil.ie).

You must sign the completed form and post it to:

Professional Standards  
Teaching Council  
Block A Maynooth Business Campus  
Maynooth  
Co. Kildare  
W23 Y7X0

If possible, please download the complaint form from our website, type the details on to the complaint form, and then print and sign it. If this is not possible and you are completing the complaint form by hand, please write neatly and clearly.

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### **Where can I find out more about the Teaching Council's complaint process?**

If you would like to know more about our complaints and inquiry process, please go to the Professional Standards section of our website [www.teachingcouncil.ie](http://www.teachingcouncil.ie).

You can also contact us by emailing [professionalstandards@teachingcouncil.ie](mailto:professionalstandards@teachingcouncil.ie) or by calling LoCall 1890 224 224 or (01) 651 7900.

# Glossary

You may not be familiar with all the terms in this booklet so we have explained them below.

**Admonish**

to reprimand firmly.

**Censure**

to express severe disapproval.

**Code of Conduct**

the Teaching Council's Code of Professional Conduct for Teachers is available on the Teaching Council website. It contains guidance for teachers. On the date of publication of this booklet, the most recent version of the Code of Conduct is the version that was published in June 2012 and was updated on the commencement of Part 5 of the Teaching Council Acts, 2001-2015.

**Complainant**

the person who makes a complaint about a registered teacher. This can include members of the public, employers and other teachers. In addition, the Teaching Council can make a complaint about a registered teacher.

**Director**

the Chief Executive Officer of the Teaching Council.

**Disciplinary Committee**

the committee in the Teaching Council from which the panel who will hold the inquiry is formed.

**Employer**

the school Board of Management or the Chief Executive of the relevant Education and Training Board that is employing the teacher in question.

**Evidence**

what a witness says at an inquiry hearing, and documents or other records that are examined during the hearing.

**Frivolous**

of little importance or trivial.

**Inquiry**

either a hearing similar to a hearing before a court or tribunal, or an examination of relevant documents and written submissions.

**Investigating Committee**

the committee in the Teaching Council that considers a complaint and decides whether to refer it to the Disciplinary Committee for an inquiry.

**Panel**

the group of three to five people who will hold the inquiry and decide whether the case is proven or not.

**Poor professional performance**

a failure to meet the standards of competence (whether in knowledge, skill, or the application of knowledge and skill, or both) that can be reasonably expected of teachers.

**Professional misconduct**

disgraceful or dishonourable conduct either in the course of the teacher's profession, or otherwise than in the course of the teacher's profession if the conduct is of such a serious nature as would bring the profession of teaching into disrepute.

**Sanction**

the type of penalty that the Teaching Council can place on a teacher.

**Vexatious**

a complaint made by someone who may not be acting in good faith, without sufficient cause, and made to cause annoyance to the teacher complained about.

**Vulnerable person**

a person other than a child who:

- > is suffering from a disorder of the mind, whether as a result of mental illness or dementia; or
- > has an intellectual disability; or
- > is suffering from a physical impairment whether as a result of injury, illness or age; or
- > has a physical disability, which is of such a nature or degree:
  - as to restrict the capacity of the person to guard himself or herself against harm by another person, or
  - that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

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