

Students, Parents and Schools

- Developing a Parent and Student Charter for Schools

(This is an explanatory document setting out the basis for introducing a statutory charter in each school. The preparation of statutory guidelines, which will involve the education partners, will determine the national standard for the content of each charter.)

Introduction

The Education Act 1998, while clearly making some provisions that can guide and influence the relationship between a school and its students and their parents, does not provide any cohesive approach or strategy to enhance how students and parents are served by schools. The legislative provisions that attempt to set out what students and parents can expect from schools are limited and those that do exist are not supported by principles which could guide practice, help set standards and increase the extent to which schools are responsive to their needs and expectations.

In specifically providing for student and parental grievances and appeals the Act recognises that difficulties can arise. However the legislative provision in Section 28 is narrowly focused on creating procedures to process grievances or appeals once they have arisen. It is concerned with managing the process of responding to a complaint as distinct from contributing in any way to managing issues in a school differently and before they give rise to grievances.

The alternative is to take a legislative approach that could foster a culture change in schools in terms of student and parent engagement.

Summary of the existing provisions relating to students and parents in the Education Act 1998.

Section 26 of the Education Act, 1998 provides for parent associations in recognised schools to promote the interests of the students. Where established a parent association may advise the Principal or board of a school on any matter relating to the school and the Principal or board shall have regard to that advice. The parents' association may adopt a programme of activities that will promote the involvement of parents.

Section 27 of the Act requires a board to maintain procedures for the purposes of informing students of the activities of the school. It also provides that students of a post-primary school may establish a student council. The board of management of a post-primary school must encourage the establishment of a student council and facilitate and give reasonable assistance to students who wish to establish a council. The student council while empowered to promote the involvement of students in the affairs of the school is required to promote the interests of the school. It might

reasonably be expected that a student council would be put in place in the first instance to promote the interests and perspective of the students rather than constrain it in law to promoting the interests of the school.

While Sections 26 and 27 make certain provision for parents and students to collectively deal with schools through a representative organisation, the Education Act has no more overarching provision that guides and informs the engagement between a school and the individual pupils of that school and their parents.

Dispersed through the Act are a number of provisions concerning parents and students. For example under Section 9 (e) one of the objects of the Act is to promote the rights of parents to send their children to a school of their choice. Section 9 (d) makes it a function of a school to provide the moral, spiritually, social and personal development of students and provide health education for them in consultation with their parents, having regard to the characteristic spirit of the school. In Section 9 (g) there is provision for access by parents to records held by the school relating to the progress of the student. Section 15 (1) places a duty on the board of a school to manage the school on behalf of the patron and for the *benefit of the students and their parents* (emphasis added) but it is silent on how a school might ascertain in detail what might be to the benefit of students or parents or how students or parents might be directly involved in identifying what they consider would be of benefit to them.

Sections 20 and 21 do provide for information to be given to parents and for consultation with them on the school plan and the Act also lists as a function of the Principal the setting of objectives for the school in consultation with parents and students (to an extent appropriate to their age and experience), to monitor the achievement of those objectives and to encourage the involvement of parents and students in the education of those students and in the achievement of the objectives of the school.

Section 28 of the Act provides for the parent of a student under 18 or a student that has reached the age of 18 years to appeal against the decision of a teacher or other member of the school staff or to have a grievance relating to the school heard. It provides that the Minister could prescribe procedures for the purpose of Section 28 and if the Minister were to do so, the Minister is required to have regard to the desirability of determining appeals and resolving grievances in the school concerned. The current legislation does not however set out any other considerations or principles that the Minister must consider or follow if he were to prescribe procedures. While the

power to prescribe has not been utilised schools continue to use a range of procedures developed by school management bodies and the teacher unions.

The key elements of new legislation

The Minister is proposing to replace the current provisions in Section 28 with new legal provisions that are aimed at creating a more cohesive approach in the school system to what students and parents can expect from schools, how schools will engage with students and their parents; and the standards that schools will apply in serving students and their parents.

There are a number of key elements to the proposed new Section 28:

First, the overall approach is to shift away from concentrating on reacting to problems only after they have given rise to grievances. Instead the emphasis is on improving the day-to-day experience students and their parents can expect from schools. This will be done by setting out in law the principles that schools must apply in their engagement with students and parents;

Second, every school will be required by law to have a parent and student charter. The new legislation will require that the charter in each school must follow guidelines that the Minister will publish. The guidelines will be designed to give effect to the principles set out in the new legislation and will be developed in consultation with the education partners;

Third, the Minister is taking a power to direct a school to comply with the published guidelines. This is to ensure that if schools are failing to operate effectively using the guidelines, the Minister can give a direction to schools requiring compliance with the published guidelines.

Fourth, the Minister is also proposing to make a number of additional changes to the Education Act, 1998. The first change is to amend section 9 of the Education Act 1998 to include among the functions of a school a requirement that a school must promote the involvement of parents and students in the education provided to students. It is also proposed to amend Section 27(4) to change the requirement on a student council from one of promoting the interest of the school (the position at present) to a requirement to promote the interests of the students of the school having regard to the characteristic spirit and policies of the school and the principles set out in Section 28. Other than these two amendments and the changes that will be made in Section 28, all other provisions in the Act relating to parents and students will remain.

The new legislation and the role of the Ombudsman for Children

Some of the proposed new legal provisions relate to the role of the Ombudsman for Children and the interaction between schools and the Ombudsman for Children.

These provisions include a requirement in the new Section 28 for schools to consider any recommendations made by the Ombudsman for Children after his or her office completes a formal investigation. It also requires a school to consider any suggestions or guidance given by the Ombudsman where a complaint is under consideration or where the matter is concluded without a formal investigation.

The Bill provides for the Ombudsman for Children to advise the Minister for Education and Skills of any suggestions, guidance or recommendations made to a school board and for the Minister to have a power to give a direction to that board in relation to the matters conveyed to the Minister by the Ombudsman for Children. The Bill allows for the Minister to write to inform a school board where he or she proposes to give a direction and state the terms of the proposed direction and give the reasons for the direction. A school board may make representations to the Minister within 14 days from the date of service of a direction. The Minister will then consider any representations made to him or her prior to giving a final direction. The Bill provides that a school board shall comply with a direction given by the Minister.

This Bill also proposes two amendments of the Ombudsman for Children Act, 2002. Firstly the Bill proposes to amend the Ombudsman for Children Act 2002 to ensure that the scope of the Ombudsman for Children's capacity to investigate includes the new additional functions being placed on schools through the revised primary legislation and the statutory guidelines that will be published by the Minister in relation to a Parent and Student Charter.

Secondly, the Bill proposes to amend the Ombudsman for Children Act 2002 by deleting the provision which requires the Ombudsman for Children to investigate an action by a school only where the procedures under Section 28 have been resorted to and exhausted in relation to the action.

Ombudsman

The Office of the Ombudsman deals with a very small number of complaints annually from post-primary students aged 18 or over. In relation to complaints regarding schools, consideration is also being given to appropriate linkage between a revised Section 28 and the work of the Ombudsman.

Developing Guidelines for a Parent and Student Charter consistent with School Self Evaluation (SSE)

The statutory guidelines that will be published by the Minister will be designed generally to set a standard across schools for engagement with students and parents.

Having regard to autonomy for schools the guidelines will allow for some school specific elements in a school's charter (e.g. aspects relating to school ethos and characteristic spirit). Furthermore the Minister has chosen in the first instance to legislate for schools to operate under statutory guidelines, published by the Minister, that are developed in consultation with the education partners. This means that schools will effectively be engaging in self-regulation.

There is likely to be some variation in the content of the guidelines between primary and post-primary schools particularly in relation to the direct engagement with students. For example, while student councils would be mandatory in post-primary schools, they would remain optional in primary schools, but would nonetheless require primary schools to seek and respect the voice of the child where appropriate in their decision-making processes. A similar distinction could apply in relation to the inclusion of students in board of management membership (full or associate).

The fundamental purpose of the guidelines is to set national standards that will make clear what students and parents can expect from schools. Even where a school includes a school specific element this cannot prejudice the overall purpose and intent of setting national standards or diminish the service expectancy for students and parents in that school compared to the national standards.

The Guidelines will set national standards in specific aspects of school life as they relate to individual students and their parents and also as they relate to students and parents of the school collectively. There will be a close connection with the work on school self-evaluation that is already under way in schools, in conjunction with the Department's Inspectorate.

School Self-evaluation (SSE) and the existence of a parent and student charter will complement each other in the life of the school. SSE is vital for school improvement and the parent and student charter will be critical to securing the legitimate interest of parents and students in relation to the quality of student learning.

The guidelines provided by the Department's Inspectorate to support schools in the development of SSE identify the importance of engagement with parents and learners at various stages of the SSE process.

SSE is defined as a collaborative reflective process of internal school review. It is clear from the SSE guidelines that for such reflective inquiry by a school to be successful it must involve appropriate engagement and collaboration with students and their parents.

The charter a school will operate based on the guidelines will give a statutory underpinning to the role of parents and students not only in relation to the aspects of school life covered by SSE in a school at any one time, but on any matter of interest and concern to students and parents at any time.

The focus of SSE is on what happens in a school and its classrooms and not on paperwork. Similarly the focus of the charter will be on the actions and approach schools can take to best serve parents and students rather than reliance on process and documentation. A school that embraces the SSE concept of being perpetually reflective in relation to its performance should find the charter an aid to and support for its conduct of SSE.

For both SSE and the charter to be effective a school must be prepared to reflect continually on how well it is serving its students.

Principles to be included in legislation.

The charter each school will publish will be a statement by that school of how it will serve its students and parents. The school as an organisation will be setting out the equivalent of customer service charters that are provided by public service organisations worldwide. In line with national standards the school will be declaring to students and parents what they can expect from the school.

The charter to be put in place by schools will be based on principles that will be enshrined in primary legislation (by amendment of Section 28 of the Education Act 1998).

The Minister proposes to legislate for the following principles to guide how in future schools will engage with students and their parents:

- Placing the student at the centre of school life and securing optimum outcomes for each student in relation to the student's learning and holistic development, through the student's experiences in the school;
- Respecting and valuing the role of a parent and recognising that a parent's awareness of and participation in the learning and progress of the student can contribute to enhanced outcomes for the student;
- Consulting students and parents and encouraging their engagement and full participation in relation to school policies and plans;
- Providing students and parents with information, including accountability for provision and information on school performance;
- Consulting students and parents regularly in relation to school costs and working to avoid costs acting as a barrier to participation;
- Inviting feedback, comment and observations from students and parents and developing a listening culture in the school;
- Ensuring courtesy, confidentiality and equality of esteem;
- Seeking parental consent where appropriate;
- Providing a safe environment;

- Operating quality assurance;
- Acknowledging gaps, deficiencies or room for improvement;
- Positively seeking to address parent and student concerns and electively providing redress as appropriate in order to obviate as far as possible the need for a parent or student to rely on grievance and complaint processes;
- Providing processes for grievance and complaint resolution, including mediation and remediation where appropriate, and
- Having procedures that include accounting for the outcome of a complaint, the reasons for the outcome, and the basis on which the outcome was determined by the school.

Developing the Statutory Guidelines in accordance with the principles set down in primary legislation.

The new legislation will empower the Minister to publish statutory guidelines that a school will be required to follow in developing its parent and student charter. The Minister intends to engage the education partners in the work of preparing the guidelines that he will ultimately publish. The Minister will invite the partners (the national parent councils, school management bodies, teacher unions and the school principals' network/association) to participate in a working party that will operate on a basis similar to that which has proved successful previously in preparing guidelines for schools. Part of the preparatory work will involve capturing the voice of the child particularly through engagement with student councils and national associations representative of students. The Minister also plans to have his Department engage with the Ombudsman for Children's office in relation to the guidelines.

The Guidelines will set a national standard and will assist schools by effectively providing a template to be used by each school when preparing its charter for publication.

It is expected that the charter guidelines when developed will cover in detail the following general elements of a Charter:

1. How schools will engage with students and parents, collectively and individually.
2. How students and parents will be consulted and invited to participate meaningfully in matters relating to the student's experiences in the school.
3. How students and parents can be empowered by the provision of information.
4. How the school will be accountable to students and parents.
5. How specific Information on school performance in teaching and learning will be provided.
6. How feedback will be invited and how student and parent concerns will be identified.

7. How the school will seek to be responsive.

8. How grievances and complaints will be handled.

1. Engagement with students and parents

This part of the charter guidelines will aim to ensure that all schools are open and receptive to facilitating parent interest in relation to their child's education and progress in the school to the greatest extent possible to try to accommodate their wishes and choices.

The guidelines will accentuate as a common standard the need for parents and students

- (i) to be treated with kindness, consideration and respect in all their engagement with the school and
- (ii) for the utmost confidentiality and privacy to apply when engagement concerns particular issues. The charter guidelines will also identify the need for parental consent to be sought and implemented by the school where appropriate.

2. Consultation and Participation

Consulting parents and inviting them to participate in how school policies and practices are determined is a specific and important aspect of engagement. The challenge for the charter guidelines is to ensure that parents will be consulted on matters that relate to the education of students in the school and that their opinions will proactively be sought and encouraged. Their participation will be reflected in all policies and practises where appropriate. The processes used for consultation must be inclusive in order to ensure that the views and opinions of parents or students, and the information obtained, is as representative as possible.

Age appropriate consultation with students will be achieved either through engagement with the student council or other appropriate means of hearing the voice of the child. At second level the working party will also need to consider if there should be formal full or partial involvement of students in the composition of the board of management and how such involvement could be facilitated.

3. Empowering students and parents with information generally

The disclosure of information that would be available if all schools were fully covered by Freedom of Information legislation will inform this part of the charter.

The objective will be to ensure that schools become more open and have a “freedom of information” culture without necessarily imposing on schools the process burden that could arise if existing freedom of information legislation applied to all schools.

Through the charter students and parents will need to be given certainty about what information will routinely be made available to them or how to request other information. Exemplars of existing best practice by schools may be sourced to inform this area of the charter guidelines.

Individually parents will receive information about their child’s school experience through end of term/year end reports, through parent/teacher meetings and at other times where it is in the interest of the child to do so. All students and parents in the school will be provided with information periodically or on an annual basis related to but not limited to the following general school matters:

- Information for students
- School timetables and school closures
- School Management /Governance Issues
- School Policies such as student code of behaviour, anti-bullying policy, child protection, special needs
- School Admission policy
- Information on extracurricular activities.

4. Accountability

Accountability to students and parents in relation to school performance and student attainment will be achieved through the specific information that will be provided on school performance within the Charter.

School accountability on a range of other matters will be met through formal reporting and assurance statements published on an annual basis. These will include:

- A financial statement (including information on the use of any voluntary contributions.)

- Assurance in relation to compliance with child protection procedures and vetting requirements
- Reporting on compliance with the school year and duration of the school day/week
- Assurance in relation to employment of qualified teachers
- Providing information on the number of complaints or grievances handled by the school and publishing the number of complaints or grievances where the case made by the parents was accepted or upheld. This information can also identify the issues that were raised and how the school addressed the concerns or grievances and remedies provided the privacy of individuals can be safeguarded.

5. Specific Information on school performance in teaching and learning

The guidelines will set national standards to foster a consistent and transparent approach to providing students and parents with information on school performance. Information will be provided through annual reporting by the board on the school improvement plan and through the school self- evaluation process (SSE). In the case of SSE the communication with parents and students on the self-evaluation report created by the school will be an important instrument in making parents and students aware of the strengths of the school and the priorities set by the school for development that will feed in to the school improvement plan.

6. Feedback and identification of concerns

The objective is to have schools more proactive in establishing the views of students and parents and to positively invite feedback and to be open to concerns or negative comments.

Over and above any informal opportunities for providing feedback or expressing concerns schools will be required to introduce structured opportunities and mechanisms for capturing feedback from students and parent. The guidelines will set out a menu of options to be used by schools in that regard.

The focus will be on identifying improvements or changes needed to enhance the learning of the students, and their general experience in the school, and can therefore inform school self-evaluation and future planning. At classroom level practices that can enable student feedback to be integrated into day- to- day classroom activity will be identified.

A second and important objective will be the early identification of concerns so that they can be considered and responded to by the school, thereby minimising or avoiding reliance on formal complaint processes.

7. Responsiveness

The charter guidelines will set out how schools should respond to feedback and concerns in a positive manner that recognises feedback as valuable to the school and that can be taken on board and prove useful as a guide for improving teaching and learning in the school.

Schools will adopt a quality assurance approach and pursue continuous improvement to ensure optimum outcomes for students. In a context of seeking continuous improvement schools will be open to acknowledging deficiencies and mistakes and explain to students and parents how these will be addressed and how the school can do better.

Proper and full implementation of changes required under the national standards set out in a charter should avoid a situation where individual student or parent dissatisfaction, concern or grievance first comes to the attention of a school when a formal grievance or complaint is lodged.

A reflective school operating to the national standards will be responsive to any concern raised through formal feedback or informal engagement. It will do so by acknowledging that there is a matter to be dealt with or alternatively by explaining in a reasoned and fair manner the school's view, where it contrasts with that of the student or parent.

Furthermore in a reflective school parents should not need to be directed into formal complaint procedures where the school has been in receipt over time of a stream of complaints on the same issue. Similarly in relation to concerns expressed about teacher underperformance the current position, whereby a school may respond by directing the parent to utilise the formal complaint procedures, is not satisfactory where there has been a history of such concerns and the school leadership or management accepts privately that there is an issue to be addressed; but has not done so.

8. Grievances and complaints.

The guidelines on the Charter will include procedures to deal with any residual grievances or complaints and to ensure that there is a process to respond to continued dissatisfaction or grievance. The guidelines will however adopt a fresh approach to such procedures for schools and align them to customer service grievance and complaint process norms in organisations generally.

This will mean a departure in large part from complaint procedures used at present in schools, particularly those that seek to deal with complaints concerning teacher behaviour or performance. Current procedures are unduly adversarial, require parents to effectively act as prosecutor and place a significant burden of proof on the parent.

An important distinction will be made between the formal complaints or grievance process that will operate between parents and a school (providing for student grievances as appropriate) and any procedures under Section 24 of the Education Act in relation to the performance, suspension or dismissal of school employees. In the latter case the process is one between the school and the employee and parents have no role other than to give evidence if requested by the school or the employee.

The complaints and grievance process will concern actions by the school and how issues have been handled. Essentially the process will be part of the business arrangements of the school aimed at customer responsiveness.

The charter guidelines will also have to provide for situations where a school may justifiably judge the matters raised with the school through the complaint procedures to be vexatious or unreasonable.

Best practice for handling complaints in schools should follow principles or elements common to all other sectors, public or private.

Such principles adapted for schools will:

- Increase the level of parental and student satisfaction with the delivery of school services and enhance the parent and student/ school relationship

- Recognise, promote and protect the interests of parents and students, including acceptance that parents and students will have concerns that can give rise to formal complaints
- Provide an efficient, fair and accessible mechanism for resolving complaints
- Provide information to parents and students on the complaint handling process as well as monitoring complaints and
- Endeavour to improve the quality of educational service being provided.

Following the standards applied in other sectors and organisations will require the procedures to meet the tests set out in Appendix 1

Appendix 1 - Tests to be utilised to judge standards for complaint and grievance procedures in schools

1. **Visibility**
Information about how, where and to whom to complain.
2. **Accessibility**
The process should be easily accessible to all. This includes readily accessible information about the process, flexibility in methods of making complaints and special arrangements and/or support for complainants with specific needs or language difficulties (e.g. interpreters)
3. **Responsiveness**
Each complaint received should be acknowledged to the complainant immediately. Complaints should be addressed promptly, complainants should be treated courteously and kept informed of the progress of their complaint through the handling process.
4. **Objectivity**
Each complaint should be addressed in an equitable, objective and unbiased manner
5. **Charges**
Access to the complaint handling process should be free of charge to the complainant.
6. **Confidentiality**
Personally identifiable information concerning the complainant or student concerned should be available where needed, but only for the purposes of addressing the complaint within the school and should be actively protected from disclosure, unless the complainant expressly consents to its disclosure.
7. **Investigation**
Every reasonable effort must be made to investigate all the relevant circumstances and information surrounding the issue raised.

8. Parent/student focused

The school should adopt a customer-focused approach and show commitment to resolving complaints by its actions

9. Resolution and Redress

Following an appropriate level of investigation, the school should offer a response, for example, correct the problem and take measures aimed at preventing it from happening in the future. The decision or action taken regarding the complaint should be communicated to the complainant as soon as the decision or action is taken.

10. Accountability

The school should ensure that accountability and reporting, on actions and decisions of the school with respect to complaint handling, is clearly established.