

COMPLAINTS PROCEDURES FOR STUDENTS OR GUARDIANS

Background

Objective

This document shall contribute to the predictable handling of complaints against employees put forward by students and/or their guardians and will secure the employee's right to a secure and safe work environment under The Working Environment Act.¹

Scope

This document applies to the handling of complaints made against Pedagogical-staff and Teaching Assistants of Skagerak International School

Guiding Principles

- Anonymous complaints cannot be followed-up.²
- Employee's will be informed of any complaints made against them as soon as possible.
- The parties must seek to find measures that the employee and the student agree on.

What can a complaint be based upon?

The complaint can be based on one or both of the following two criteria:

- The student does not experience a secure and safe psycho-social environment while under the employee's care or, where the employee insults or offends a student.
- The student finds the pedagogical practice of the employee is unsatisfactory.

The nature of the complaint itself will determine how the grievance will be handled. All complaints will be dealt with in an equal manner, whether they are received orally or in writing. Complaints can be submitted to the Teacher concerned, a Contact-teacher or directly to the School Management.

¹ Cf. §1 of *Arbeidsmiljøloven*

² The employer is obliged to carry-out the complaints process in a way that safeguards the legal rights of all persons involved, including those of the accused, and that means that the content and the specific conditions being complained about must be made known to the accused (*kontradiksjonsrett*). It is not possible to secure a good process and resolution if the complainant remains anonymous.

Who is Responsible for Handling Complaints?

The person receiving the complaint is responsible for ensuring that it is processed or transmitted to the person who is to handle it. The School is obliged to assist students/guardians in furthering the complaint if this is what the student/guardian seeks. In cases where groups of students complain, then the Class Representative should put forward the complaint on behalf of the student-group.

Some complaints may apply to both pedagogical practice and the classroom environment simultaneously. Such complaints will trigger an act of duty on the part of the Principal. The Principal will be responsible for assessing and clarifying what type of complaint is being made and what alternative follow-up course of action is to be pursued.

How will the School handle the Complaint?

The School is obliged to assist students/guardians in the complaint process if desired. The complaint must be dealt with within five working days and the complainant must be informed of further proceedings.

There will be two broad categories of complaint against an employee which the school will recognise, but is not limited to:

- **Category 1**
Complaints where the student does not experience a secure and safe psycho-social environment while under the employee's care or, where the employee insults or offends a student. Such a complaint will automatically follow the School's §9A Action Plan Process.
- **Category 2**
Complaints where the student or parents find the pedagogical practice of the employee is unsatisfactory.

Steps to be followed in a Category 1 - §9A Complaint Process

The Employee breaches §9a:	Follow-up process.
<p>What can be complained about:</p> <p>The Student(s) does not experience a secure and safe psycho-social environment while under the employee's care or, where the employee insults or offends a student.</p> <p>Examples of this may be that the employee behaves in a way that makes the student(s) feel unsafe, feel offended or where they feel that they cannot thrive.</p>	<p>The School's §9A Policy is implemented immediately.</p> <p>There is a strict procedure that the school must follow if a §9a claim is invoked. The Principal must be notified immediately. The Principal must further notify the Director.</p> <p>If the complaint is that a student/student-group is offended by a member of the School's management, the person who complains can contact the Director directly. If there is an employee who suspects or is aware of such a case involving the Principal/Management, she or he shall contact the Director directly.</p>

Steps to be followed in a Category 2 - Pedagogical Practice Complaint

Complaint on Pedagogical Practice	How to follow up:
<p>What can be complained about?</p> <p>If the employee does not follow-up on their duties so that the student's rights are fulfilled under <i>Friskoleloven</i> & <i>Opplæringsloven</i></p> <p>This <i>may</i> be related to, for example:</p> <ul style="list-style-type: none"> ▪ Teacher's Absence ▪ Assessment Procedures ▪ Teaching Practice ▪ Classroom Management <p>For other employees (managers) a complaint may be made because of failure to follow-up, for example, the well-being of the Student's psycho-social learning environment.</p>	<p>In cases of complaints against the employee:</p> <ul style="list-style-type: none"> ▪ The student/guardian should first address their complaint to the employee. The complaint itself should be as concrete as possible, and it should be justified. The student or the student-group can have the assistance of their Class Representative and/or Contact-teacher when the complaint is made orally. ▪ If the student(s) find it difficult to convey the complaint to the employee directly, the complaint can be communicated via the employee's immediate manager. The School Office / Contact-teacher can assist the student(s) in finding out who the manager is. ▪ On receipt of a complaint based on an employee's pedagogical practice, the school must follow the Action Plan outlined below.

Action Plan on Complaint against Pedagogical Practice

Action Plan on Complaint against Pedagogical Practice	Responsibility	Timeframe
<ul style="list-style-type: none"> ▪ The employee who receives the complaint must respond within 5 working-days. If the complaint is made in writing, the response must also be written. The employee should keep records of all communication made with the complainant. ▪ If the employee thinks the complaint is unjustified, then this position must be explained to the complainant. ▪ When the complaint is wholly or partly justified, the employee must find solutions in cooperation with the complainant (s). ▪ The solutions must be presented to the complainant(s) or parents who have complained. 	Employee	Within 5 working-days of receiving the complaint
<ul style="list-style-type: none"> ▪ If the student/guardians believe that the complaint has not been adequately followed-up by the employee, the student/guardians may submit a complaint to the employee's manager. Complaints should then be in writing. ▪ An improper handling of the complaint by the manager can lead to a §9a complaint being filed against the manager by the complainant. 	Student	Within 10 working-days after the manager receives the complaint.
<ul style="list-style-type: none"> ▪ The manager who receives the complaint shall obtain information from the accused employee, the complainant(s) and possibly others who may contribute by shedding light on the matter. 	Management	
<p>Alternative A:</p> <ul style="list-style-type: none"> ▪ If the manager believes that the student/guardian complaint is unjustified, the student(s) will receive a written notification where the manager's reasoning is explained. <p>Alternative B:</p> <ul style="list-style-type: none"> ▪ If the manager believes that the complaint is wholly or partly justified, the accused employee and the student/guardian are summoned to a meeting where the intention is to find constructive solutions. ▪ The parties to the complaint may bring their representatives (Tillitsvalgte) with them to the meeting. ▪ The meeting shall be recorded, and these minutes shall should contain information about: <ul style="list-style-type: none"> ➢ Which measures are to be implemented? ➢ When they are to be carried out? ➢ Who is responsible for their implementation? ➢ Time for evaluation of the implemented measures. ▪ The manager must seek to find measures that the employee and the student/guardian agree on. 	Management	

Action Plan on Complaint against Pedagogical Practice	Responsibility	Timeframe
<ul style="list-style-type: none"> ▪ If agreement is not reached, the manager leading the meeting will decide on which measures to implement. ▪ If the complaint has been resolved, a record of the complaint process and subsequent follow-up actions will be retained in the employee's personnel file for one year. 		
<ul style="list-style-type: none"> ▪ If the student/guardian believe that the employee has not followed-up the adopted measures, or the evaluation shows that these measures have not had sufficient effect, a new written complaint from the Student goes directly to the School's Principal. The Principal will carry-out the same process as outlined above. 	Principal	
<ul style="list-style-type: none"> ▪ If the Complaint Process leads to the issuance of a formal warning regarding the employment relationship, then a record of the complaint process and subsequent follow-up actions will be retained in the employee's personnel file for three-years. 	Principal Personnel Mgr Director	

Complaints that become Personnel Cases (Disciplinary Proceedings)

If the complaint makes it necessary to establish a Personnel Case (Disciplinary Procedures) against the employee, the Principal shall use the Personnel Department for handling such cases. The Principal will contact the Personal Manager and/or Director for advice and further assistance.

Important Note Regarding Procedures & Processes

Cases involving the Education Act §9A, *Friskoleloven* and the Working Environment Act stipulate formal procedures and the Principal is responsible for ensuring that these requirements are followed. The Principal is also responsible for ensuring that the School's Routines and Rules, as well as any other laws, agreements and policies, are followed. Meetings and conversations must be recorded and signed by all parties.

Regardless of the type of complaint, the person who deals with the complaint must ensure that the complaint is adequately processed using full GDPR guidelines and that all parties to the case are allowed to comment.

Related documents

- The Education Act - §9A
- *Friskoleloven*
- The Working Environment Act
- Disciplinary Procedures within the Employment Relationship