

## Daly, Paul

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**From:** Haynes, Paul  
**Sent:** 29 June 2017 12:05  
**To:** [REDACTED]  
**Cc:** Freedom of Information  
**Subject:** St Patrick's Comprehensive School, Shannon, Co Clare FOI 2017 / 216 & FOI 2017 / 217

Re: FOI request – decision letter in respect of St Patricks Comprehensive School, Shannon, Co Clare FOI 2017 / 216 & FOI 2017 / 217

[REDACTED]

I refer to the request which you have made under the Freedom of Information Act 2014 for records held by the Department of Education & Skills.

“Under the Freedom of Information Act, I wish to obtain the following information from the Department of Education (DOE).

1. The number of complaints from any teacher, parent, guardian or relative in relation to any issue at St Patricks Comprehensive School in 2015 & 2016.
2. A copy of any complaint made about the school during this period.
3. A copy of any minutes of meetings between any teacher, parent, guardian or relative and the DOE during this period.
4. A copy of any correspondence sent to and from the DOE between any teacher, parent, guardian or relative concerning any complaint during this period.

This FOI request includes complaints sent to and from the inspector's office, the secretary general, the Minister for Education's private secretary and the department's Athlone office.”

The hereunder refers to records held by the Parental Complaints/Child Protection Unit, Schools Division of the Department in relation to this school.

I understand that the Inspectorate will be contacting you directly under separate cover.

A final decision was made on your request by myself on the 28.06.2017. I may be contacted by telephone on 090-6484264 in order to answer any questions you may have, and to assist you generally in this matter.

I am sorry to inform you that we cannot locate the records and that I must therefore refuse your request. As is explained below, this decision is made under section 15(1)(a) of the Act.

Section 15(1)(a) of the Act states that an FOI request may be refused if:

‘the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken’

1. Search efforts

My email to you dated the 02.06.2017 detailed the Departments position in relation to complaints, the role of the Department, and that of the school authorities. There exists a small number of files concerning parental complaints. These files have been searched for relevant records. No records were uncovered.

In an effort to locate the records that you are seeking your request has been brought to the attention of other sections of the Department. The response has been negative.

2. Decision

I have listed above the searches undertaken, and the results of those searches. In accordance with the requirements of section 15(1)(a) I am satisfied that all reasonable steps have been taken to identify and locate the records requested. I am unable to locate the records concerned and must therefore refuse your request on this basis.

The records sought by you from the Department would ordinarily be held by the local school authorities (typically the Board of Management) who are responsible for the day to day running of each school in accordance with the Education act 1998. The Department has no role in the employment of staff in schools or the schools' day to day management. Accordingly, whereas the Department provides funding and policy direction for schools, the Department does not have the power to instruct schools to follow a particular course of direction with regard to individual complaint cases.

There is no requirement of the schools to notify the Department of complaints from any teacher, parent, guardian or relative in relation to any issue .

3. Publication

Details of all non-personal FOI requests will be recorded on an FOI disclosure log which will be published on the Department of Education & Skills website in due course.

4. Rights of Review

In the event that you are not happy with this decision you may seek a review of this decision by writing to the Freedom of Information Unit, Department of Education & Skills, Marlborough Street, Dublin 1 seeking an internal review of the matter and referring to or enclosing a copy of this letter. Please note that a fee applies for such a review. The level of this has been set at €30 and payment should be made by way of bank draft, money order or postal order, and made payable to Department of Education & Skills.

Should you wish to make payment by electronic means please contact Freedom of Information Unit, Department of Education and Skills, Marlborough Street, Dublin 1, D01 RC96. You should submit this within 4 weeks from the date of this notification, where a day is defined as a working day excluding the weekend and public holidays. The making of a late appeal may be permitted in appropriate circumstances. The review will involve a complete reconsideration of the matter by a more senior member of the staff of this body and the decision will be communicated to you within 3 weeks.

Yours sincerely,

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Paul Haynes  
FOI Decision Maker