

Appendix 21: Circular Letter 0003-2018: Appeal Procedure

Appeal Procedure in the Appointment to Assistant Principal I, Assistant Principal II and Programme Co-ordinator Posts

This Appeal Procedure has been established to ensure that the correct procedures are followed in the appointment of Assistant Principal I, Assistant Principal II and Programme Co-ordinator posts. The appeal will not be a re-examination of the interview itself.

All application forms for posts of responsibility shall include reference to a candidate being able to access, **upon written request** all items listed (i) to (iv) below after s/he is notified of the outcome of the post of responsibility appointment process:

- (i) His/her marks under each selection criterion
- (ii) The notes of the interview board pertaining specifically to the candidate alone
- (iii) The marks of the recommended candidate(s) under each criterion

16. Grounds for Appeal

16.1 Initiating the Process of Appeal

An applicant may appeal on one or more of the following grounds in relation to an alleged breach of procedure:

(a) Pre-interview:

- 1. Failure to consult staff on the roles and responsibilities as set out in 4.1
- 2. Breach of the advertising rules
- 3. Non-notification about the vacancy to teachers on leave of absence/ secondment

(b) Composition of the Interview Board:

- 4. Lack of gender mix on Interview Board
- 5. Incorrect/ incomplete composition of the Interview Board

(c) Marking/Selection Criteria:

- 6. A computational error in the Interview Board marking sheets which makes a material difference to the outcome
- 7. A departure from the agreed selection criteria or marking scheme.

16.2 Supporting evidence² must be supplied in respect of the grounds for appeal.

17. Appeal Board

17.1 The Appeal Board will consist of a nominee of the relevant union, a nominee of the relevant management body and an independent chairperson from a panel agreed by the unions and management bodies.

17.2 No member shall be appointed to the Appeal Board to consider a case referred to it who

has had prior interest in or dealings with that particular case. However, in circumstances where there is more than one appeal lodged in relation to the appointment process to the same post, an Appeal Board member may hear more than one appeal.

18. Process of Appeal

18.1 Appeals in respect of competitions for posts of Assistant Principals I, Assistant Principal II and Programme Co-ordinator posts shall be completed electronically on the agreed PDF appeal form. Only appeals completed and submitted using the electronic form will be processed. Appeals submitted after the *Appeal Date* will not be processed.

18.2 Both appeals and response to appeals are each limited to a total submission of 1,000 words.

2 Section 18 refers

18.3 Any costs incurred by appellants or the school/ ETB as the management respondent shall

be their respective responsibility as a party to the appeal.

18.4 A candidate who wishes to appeal must lodge a completed PDF appeal form using the notified email address with the Secretary to the Board of Management/Manager/CE3 within 7 school days of issue of the notification of the outcome of the post of responsibility appointment process⁴.

18.5 The final date and time (4.00 p.m.) for notification of appeals to the Secretary to the Board of Management/Manager/CE shall be stated in the letter outlining the outcome of the appointment process. The date will become known as the **Appeal Date** and will be at 4.00 p.m. on the seventh school day, with day one commencing on the day after the outcome of the process is issued. If no appeal is received within this timeframe, the Board of Management/Manger/CE shall proceed with the appointment of the recommended candidate.

18.6 Documentation (if any) which is relied on to support an appeal and referenced in the appeal form must be submitted by email or in hard copy to the Secretary to the Board of Management/Manager/CE by 4.00 p.m. on the *Appeal Date*. Any such documentation received after this time will not be processed and will be returned to the appellant.

18.7 School days are defined as days in which the school is in operation for students. Where the outcome of the competition is notified to applicants in the week immediately prior to the June State examinations, the *Appeal Date* shall occur within the first 12 official examination days of the State examination period. If an appeal is received by this *Appeal Date*, no appeal hearing shall be convened before the next school year.

18.8 The Secretary to the Board of Management/Manager/CE will issue an acknowledgement

of receipt of the appeal within 3 school days of the *Appeal Date*.

18.9 The recommended candidate for the post will be advised by the Secretary to the Board of

Management/Manager/CE that an appeal(s) has been lodged and that the appointment process is postponed pending the outcome of the appeal(s).

18.10 On receipt of an appeal, the Secretary to the Board of Management/Manager/CE will also

notify the Appeal Board Secretariat by email of the *Appeal Date*. The Appeal Board Secretariat will request nominees from the General Secretary of the relevant teachers' union and the General Secretary of the relevant management body and will identify the independent chairperson from the agreed national panel having regard to the agreement reached with respect to the selection of such chairpersons.

18.11 The Secretary to the Board of Management/Manager/CE will forward the completed PDF

management response form and supporting documentation to the Appeal Board Secretariat within 5 school days of the *Appeal Date* and will simultaneously send a copy of the management response to the appellant.

3 CE or designated officer

4 When sent by email, the completed PDF appeal form attached will automatically be forwarded to the Appeal

Board Secretariat for the relevant sector also.

18.12 The Secretary to the Board of Management/Manager/CE and the appellant will be notified by the Appeal Board Secretariat as to the composition of the Appeal Board within 7 school days of the *Appeal Date*.

18.13 The Appeal Board will undertake a preliminary review of each appeal submitted, the corresponding management response submitted, supporting documentation and relevant Department of Education circulars/forms appropriate to such competitions.

18.14 Only documents specifically referenced in the statement of appeal or management response to the appeal are admissible. Any additional and/or unsolicited documentation will not be considered by the Appeal Board and will be returned to sender. The Appeal Board may seek copies of certain documents relevant to its consideration of the appeal from either party to appeal. (See 19.2 below)

18.15 Appellants are required to substantiate **each** appeal ground selected on the online appeal

form with a supporting rationale/defence. The supporting rationale must be **relevant** to the specific appeal ground selected. Where nothing is provided by way of a rationale/defence of the appeal ground selected, the appeal ground will be discounted by the Appeal Board and reference to this effect will be included in the Appeal Board determination.

18.16 The Appeal Board will examine each appeal ground selected and supporting rationale/defence. The Appeal Board will examine the management response to the appeal ground selected and management's rationale/defence. Each appeal ground will be considered and adjudicated upon.

18.17 Appeals shall not include observations or disparaging remarks of a personal nature including personalised comments about individuals. Where this transpires, it may lead to an appeal being disqualified by the Appeal Board or an oral hearing being terminated by the Appeal Board.

18.18 Where the Appeal Board, having considered the appeal and response, deems it unnecessary to conduct a hearing, it shall notify the appellant and the Secretary to the Board of Management/Manager/CE of the outcome of the appeal within 15 school days of the *Appeal Date*.

18.19 Where the Appeal Board, having considered the appeal and management response, decides that a hearing is necessary, it shall set a date for a hearing within fifteen school days of the *Appeal Date*.

18.20 During the course of an appeal, no communication may be made with the Appeal Board

or any member thereof except in accordance with the Appeal Procedure or at the request of the Board.

20. Outcome of Appeal Procedure

20.1 The Appeal Board determination will issue to the parties to the appeal and a copy simultaneously provided to the Appeal Board Secretariat **within 5 school days** of the hearing. The Appeal Board determination will conclude all matters with respect to the appeal.

20.2 If an appeal is rejected, the Board of Management/Manager/CE shall proceed with the appointment of the original recommended candidate in the post.

20.3 Where an appeal is upheld, the Appeal Board will advise the Board of Management/Manager/CE to recommence the appointment process **at the appropriate stage**, e.g. re-advertise the post **or** re-interview all the applicants.

20.4 In circumstances where the Appeal Board determines that an error was made in the computation of marks awarded that **materially changes the outcome**, the Appeal Board will specify the fact and advise the Secretary to the Board of Management/Manager/CE that the highest ranked candidate by reference to the correct application of the marks should be recommended for appointment in such circumstances.

20.5 As a matter of best practice, where recommencement of the selection process is required

following an appeal, membership of the selection board **should change except** where there is a specific requirement in the current arrangements for the participation of a specific office holder.

20.6 Following the conclusion of the appeal, no communication may be made with the Appeal

Board or any member thereof except in accordance with the Appeal Procedure or at the request of the Appeal Board.

20.7 However, in the event that the Appeal Board reviews an appeal or management response

and a matter emerges which materially affects the outcome of the competition which was not cited in the appeal, the Appeal Board will adjudicate in respect of this particular matter and provide a comment on the matter in its determination. In such circumstances, schools/ETBs can seek the permission of the Appeal Board to recommence the competition at a previous stage to that of re-interviewing.

20.8 All matters relating to the appeal are **strictly confidential** to the parties to the appeal, the

Appeal Board Secretariat and the Appeal Board. This includes all aspects of the appeal process (including documentation that arises thereto).

21. Data Protection, Administrative Matters and Review

21.1 All documentation held by the Appeal Board members will be returned by the Appeal Board Chairperson to the Appeal Board Secretariat. The documentation will be retained on file for a period of eighteen months following the appeal determination. Thereafter, the Appeal Board Secretariat will be responsible for confidential document destruction.

21.2 In circumstances where issues of clarification may arise, Appeal Boards have recourse to

the relevant parties to this appeal procedure through the Appeal Board Secretariat.

21.3 Nothing shall preclude the parties at national level, being management bodies and unions

post-primary, from collectively seeking feedback at intervals from the Appeal Board Chairpersons to inform continuing best practice and assist in seeking to clarify issues which may fall for review from time to time.

21.4 The operation of the Appeal Procedure will be subject to review as agreed at the Teachers' Conciliation Council.

22. Forms and Letters

The following are to be used for the purposes of this appeal procedure:

- Post of Responsibility Teacher Appeal Form (available in PDF format from the school/ETB).
- Management Response to Appeal Form (available in PDF format from post primary management bodies' websites).
- Appendix 4: Notice to unsuccessful candidate/s re outcome of competition
- Appendix 5: Acknowledgement of receipt of an appeal
- Appendix 6: Notice to recommended candidate