



Circular Letter 0062/2021

**To: The Managerial Authorities
of
Recognised Secondary, Community and Comprehensive Schools
and
The Chief Executives of Education and Training Boards**

Appeal System for Permanent Principal and Deputy Principal Appointments

The Minister for Education, pursuant to the power contained in Section 24 of the Education Act (as amended), directs employers to implement the procedures as set out in this circular. This circular will apply to all permanent Principal and Deputy Principal appointments in recognised Post Primary schools that have not yet reached the advertisement stage in the appointment process by the date of publication of this circular i.e. the 2nd December 2021.

The circular sets out the Appeal System for the appointment of permanent Principal and Deputy Principal in recognised Post Primary schools. A list of Adjudicators has been agreed by the Management Bodies and Unions and was approved by the Department of Education.

Please ensure that the contents of this circular are brought to the attention of all members of the Board of Management/Education and Training Board (ETB) and all teachers in your employment including those on approved paid or unpaid leave of absence or on secondment.

All parties agree that consistency, fairness and probity are essential in any appointment process, and this is to be reflected in the arrangements for appeals set out in this Circular.

This Circular can be accessed on the Department's website under <https://www.gov.ie/en/organisation/department-of-education/>

All queries should initially be brought to the attention of school management who may wish to consult with their representative organisation.

Clare Butler
Principal Officer
Teacher/SNA Terms and Conditions

2 December 2021



Definitions

For the purposes of this system the following terms shall have the meanings assigned to them here:

Days:	Means calendar days, unless otherwise stated.
Department:	Means the Department of Education.
ETB:	Refers to an Education and Training Board.
Qualified Service:	Means the teacher has qualifications suitable to the post as set out in the relevant appointment circulars and is fully registered with the Teaching Council.



1. Appeal System for Permanent Appointments to Principal/Deputy Principal Posts in Post Primary Schools

- 1.1 Circular 0042/2010 Appendix 1, item 5 confirms *“agreement in principle to the introduction of an appeal system in the case of appointments to the posts of Principal and Deputy Principal”*.
- 1.2 The following system shall be used in circumstances where a candidate appeals against a decision to appoint a Principal or Deputy Principal in a Voluntary Secondary School or in a Community and Comprehensive School or in a post-primary school under the patronage of an ETB.

2. General Principles

The following general principles will apply:

- 2.1 The appeal process will respect the principles of fair procedure, due process and natural justice in the procedural operation of the appointment process.
- 2.2 Where legal proceedings are invoked this procedure shall not be used.
- 2.3 All appeals under this procedure will be considered by an independent third party, hereinafter referred to as the “Adjudicator”, agreed by the parties¹ to this appeal system. The Adjudicator’s determination will be issued to the Chairperson/Secretary of the Board of Management/Manager in the Voluntary Secondary/Community and Comprehensive school or, the Chief Executive (CE) of the ETB in the case of an ETB school and to the appellant.
- 2.4 An appeal may only be lodged on one or more of the stated grounds of appeal in paragraph 3 below.
- 2.5 The appeal will not be a re-run of the interview or any part of the interview.
- 2.6 Any failure to co-operate or frustrate the process by any party concerned will not prevent a determination being reached by the Adjudicator.
- 2.7 All matters relating to the discharge of this procedure are strictly confidential to the parties to the appeal concerned.

¹ Parties to this agreement i.e. ACCS, ASTI, ETBI, JMB, TUI



- 2.8 The appointment of the recommended candidate will be postponed pending the outcome of an appeal.
- 2.9 Access to personal information pertinent to the appointment process held by the school/ETB in relation to the appellant will be provided to the Adjudicator in accordance with the principles set out in the school/ETB's data protection policy and in accordance with the legislative requirements set down in Data Protection legislation.
- 2.10 A fee of €100 per appeal lodged to the relevant school/ETB will apply. This is refundable where the appeal is successful.
- 2.11 Submission of appeals and the management responses plus supporting documentation shall only be made by electronic means using the appeal form (Appendix A) and management response form (Appendix B) available on the relevant union or management body website. Boards of Management/Manager/ETBs will not accept any responsibility for expenses incurred by the appellant.

3. Grounds for appeal

- 3.1 An appeal may only be lodged on one or more of the following grounds in relation to an alleged breach of the procedure:

For applicants who applied:

- (i) Non-placement of the advertisement on the websites as comprehended by [Circular 20/2012 \(www.publicjobs.ie\)](#) or other as agreed by Management Bodies for the advertising of Principal and Deputy Principal.
- (ii) The recommended candidate does not have the required qualified service to be appointed in accordance with the relevant Department circulars.

For candidates interviewed:

- (iii) Composition of the Interview Board².
- (iv) A computational error in the Interview Board's summary marking sheet of the appellant and this error makes a material difference to the outcome.
- (v) A departure from the selection criteria as specified in the application form.

² Please note that this ground includes non-disclosure of a conflict of interest by a member of the interview board.



(vi) A departure from the marking scheme as notified to interviewees prior to the interview

4. Panel of Adjudicators

- 4.1 A Panel of Adjudicators has been agreed by the unions and management bodies and approved by the Department of Education for adjudicating on appeals submitted by the Appeal Date.
- 4.2 Adjudicators will be appointed in order of rotation and will be contacted by Teacher/SNA Terms and Conditions Section of the Department of Education.

5. Operation of the Appeal System

- 5.1 In the notification of the outcome of the appointment process, the Chairperson/Secretary of the Board of Management/Manager/CE of the ETB will supply each candidate interviewed with his/her marks under each selection criterion. At this point in the appointment process, candidates who were not interviewed should also be notified of the appeals process and the Appeal Date.
- 5.2 The final date and time for notification of appeals to the Chairperson/Secretary of the Board of Management/Manager/CE shall be stated in the letter outlining the outcome of the appointment process. This date will become known as the **Appeal Date** and will be **4.00pm on the seventh calendar day**, with day one commencing on the day after the outcome of the appointment process is issued.
- 5.3 An appeal should be lodged, with the fee outlined in Section 2.10, by the Appeal Date.
- 5.4 The appeal shall comprise a statement of the grounds under which the appeal is sought (see Section 3 above) and a rationale for each of the ground/s stated. In circumstances where an appeal is lodged without a statement of the ground/s and supporting rationale under which the appeal is sought, the Adjudicator will not consider the appeal further.
- 5.5 The appeal should **not exceed 1,000 words** and should reference items in the supporting documentation, if any. Extraneous material not related to the ground/s of appeal (see Section 3 above) will be inadmissible.
- 5.6 Appeal forms should be acknowledged upon receipt by the Chairperson/Secretary of the Board of Management/Manager in the Voluntary Secondary/Community and Comprehensive school or, the Chief Executive (CE) of the ETB. Appeal forms received after the **Appeal Date** shall be deemed invalid.



- 5.7 Upon receipt of an appeal and not later than the following working day (Monday to Friday, excluding bank holidays) the Chairperson/Secretary of the Board of Management/Manager/CE should contact Teacher/SNA Terms and Conditions Section via email to porqueries@education.gov.ie requesting an Adjudicator for an appeal.
- 5.8 The recommended candidate for the post of Principal/Deputy Principal will be advised by the Chairperson/Secretary of the Board of Management/Manager/CE that an appeal(s) has been lodged and that the appointment process has been postponed pending the outcome of the appeal(s).
- 5.9 Teacher/SNA Terms and Conditions Section of the Department of Education will provide the Chairperson/Secretary of the Board of Management/Manager/CE with the Adjudicator's name and email address within 2 working days.
- 5.10 The Chairperson/Secretary of the Board of Management/Manager/CE will inform the appellant of the name of the Adjudicator.
- 5.11 The Chairperson/Secretary of the Board of Management/Manager/CE will prepare a response to the appeal of **no more than 1,000 words** (known as the management response, see Appendix B). A copy of this response will be forwarded to the appellant by the Chairperson/Secretary of the Board of Management/Manager/CE.
- 5.12 The appeal, the management response and each respective party's relevant supporting documentation, if any, shall be submitted by email to the Adjudicator by the Chairperson/Secretary of the Board of Management/Manager/CE no later than **7 calendar** days after receiving the name and email address of the Adjudicator from the Department of Education.
- 5.13 On completion of an adjudication, the appeal documentation will be forwarded by the Adjudicator to the relevant school/ETB and retained by the school/ETB in accordance with their Data Protection policy.

6. Outcome of Appeal Procedure

- 6.1 The Adjudicator will consider the appeal, the school management response and the supporting documentation supplied.
- 6.2 The Adjudicator shall deliver his/her determination in writing, within 10 calendar days of receipt of the appeal documentation using the template decision form provided for such purposes (Appendix C). This will be emailed to the Chairperson/Secretary of the Board of Management/Manager/CE and the appellant.



- 6.3 Where an appeal is upheld, other than in the case as described in 6.4, the Adjudicator will advise the Chairperson/Secretary of the Board of Management/Manager/CE to recommence the appointment process at the appropriate stage e.g. re-advertise the post or re-interview candidates called for interview.
- 6.4 In circumstances where the Adjudicator determines that an error was made in the computation of marks awarded that materially changes the outcome, the Adjudicator will specify the fact and advise the Chairperson/Secretary of the Board of Management/Manager/CE that the highest ranked candidate by reference to the correct application of the marking scheme should be recommended for appointment in such circumstances.
- 6.5 This concludes the provision for external review provided under the appeal procedure.
- 6.6 In all cases, the Chairperson/Secretary of the Board of Management/Manager/CE of the ETB will consider the determination received from the Adjudicator and convey the decision of the Adjudicator to the appellant, the recommended candidate and other applicants, if necessary.
- 6.7 This procedure is without prejudice to one's statutory rights under the Employment Equality Act 1998 as amended.

7. Review

- 7.1 The operation of the Appeal System will be reviewed in September 2023.



Appendix A

Appeal Form for Appointment to Permanent Post-Primary Principal and Deputy Principal Appointments

SECTION A – Personal Details

Name: _____

Home Address: _____

Contact Telephone Number: _____

Email Address: _____

SECTION B – School/ETB Details

School/ETB: _____

School/ETB Email Address: _____

School/ETB Roll Number: _____

SECTION C – Notice of Appeal

I hereby give notice of an appeal against the decision regarding the permanent appointment to the post
of _____

Note: A separate appeal form should be used in the event of more than one competition.



SECTION D – Grounds for Appeal

Tick the relevant ground(s) for appeal and enter information to be considered in the text box below.
The total number of words allowed across the entire appeal is 1,000.

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

- (i) Non-placement of the advertisement on the national website as comprehended by Circular 20/2012 for the advertising of Principal and Deputy Principal positions
- (ii) The recommended candidate does not have the required qualified service to be appointed in accordance with the relevant Department circulars
- (iii) Composition of the Interview Board
- (iv) A computational error in the Interview Board's summary marking sheet of the appellant and this error makes a material difference to the outcome
- (v) A departure from the selection criteria as specified in the application form
- (vi) A departure from the marking scheme as notified to the interviewees prior to the interview

Information to be considered (max 1,000 words):



SECTION E – Supporting Documentation

Supporting documentation must be forwarded in a separate email to the School/ETB. All supporting documentation must be sent to the relevant School/ETB email address prior to the closing date.

List the supporting documentation you are sending:-

1. _____
2. _____
3. _____

SECTION F – Confirmation of Payment of Appeal Fee

I confirm that I have paid the Appeal Fee (€100 per appeal lodged) prior to the Appeal Date

Please enter the Transaction Number provided to you for the payment of the Appeal Fee, if relevant: _____

Note: Non-payment of Appeal Fee prior to Appeal Date will result in the Appeal not being processed.

SECTION G - Confirmation of Receipt of Appeal

You will receive a confirmation email when your Appeal Form has been received by the school.

Management Response Form to an Appeal regarding an Appointment to a Permanent Post-Primary Principal/Deputy Principal Position

SECTION A – Personal Details of Appellant

Name: _____

Home Address: _____

Contact Telephone Number: _____

Email Address: _____

SECTION B – School/ETB Details

School: _____

School/ETB Email Address: _____

School/ETB Roll Number: _____

SECTION C – Grounds for Appeal

Tick the ground(s) for appeal the appellant has selected:

- (i) Non-placement of the advertisement on the national website as comprehended by Circular 20/2012 for the advertising of Principal and Deputy Principal positions
- (ii) The recommended candidate does not have the required qualified service to be appointed in accordance with the relevant Department circulars
- (iii) Composition of the Interview Board
- (iv) A computational error in the Interview Board's summary marking sheet of the appellant and this error makes a material difference to the outcome
- (v) A departure from the selection criteria as specified in the application form
- (vi) A departure from the marking scheme as notified to the interviewees prior to the interview

SECTION D – Management Response to Appeal

Enter the management response to the appeal lodged in the text box below.

Note: The total number of words allowed is 1,000.

SECTION E – Supporting Documentation

List the supporting documentation you are sending:-

1. _____
2. _____
3. _____

Please note: Supporting documentation received from the appellant and from the school as part of the management response must be forwarded by the School/ETB to the Adjudicator.

Template Adjudicator Report Form

SECTION A – Personal Details of Appellant

Name _____

Home Address _____

Contact Telephone Number _____

Email Address _____

SECTION B – School/ETB Details

School _____

School/ETB Email Address _____

School/ETB Roll Number _____

SECTION C – Grounds for Appeal

Tick the ground(s) for appeal the appellant has selected:

- (i) Non-placement of the advertisement on the national website as comprehended by Circular 20/2012 for the advertising of Principal and Deputy Principal positions
- (ii) The recommended candidate does not have the required qualified service to be appointed in accordance with the relevant Department circulars
- (iii) Composition of the Interview Board
- (iv) A computational error in the Interview Board's summary marking sheet of the appellant and this error makes a material difference to the outcome
- (v) A departure from the selection criteria as specified in the application form
- (vi) A departure from the marking scheme as notified to the interviewees prior to the interview

SECTION D – Adjudicator’s Decision on Appeal

Summary of findings



Name of Adjudicator: _____

Date: _____