



Appeals against expulsion or suspension for a period or periods totaling not less than 20 school days in a school year

Frequently asked questions

1. Can I appeal if my child has been expelled from school?

Yes, section 29 of the Education Act, 1998 provides for an appeal where a board of management, or a person acting on behalf of the board of management (normally the school principal) expels a student.

To make an appeal you must complete the **Section 29 Appeal Form** for expulsion or suspension.

A **Section 29 Appeal Form** is available to download [here](#).

2. Can I appeal if my child has been suspended from school?

Yes, section 29 of the Education Act, 1998 provides for an appeal where a board of management, or a person acting on behalf of the board of management (normally the school Principal) suspends a student for a period or periods totaling not less than 20 days in a school year.

An appeal may not be made if the period or periods of suspension are less than 20 days in a school year.

To make an appeal you must complete the **Section 29 Appeal Form** for expulsion or suspension.

A **Section 29 Appeal Form** is available to download [here](#).

3. When do I make an appeal?

If you wish to make an appeal you must do so in writing within 42 calendar days from the date of the decision by the board of management.

4. How do I make an appeal?

You will need to complete a **Section 29 Appeal Form**. You must also include the following with your completed appeal form:



- a copy of the decision of the board of management confirming the expulsion/suspension.

Any further clarification or information required will be sought from you by the Section 29 Appeals Administration Unit.

5. What is the process for an appeal?

Following receipt of your Section 29 Appeal Form and associated documents, the Section 29 Appeals Administration Unit will contact you with a date for the hearing. This will normally be within 21 calendar days from the date of receipt of the fully completed Section 29 Appeal Form. A notification will also issue to the school in question advising them of the appeal and the date for the hearing. Both parties to the appeal (the appellant and the school) will be asked to submit any additional information that may be relevant to the appeal, including the names of those who will attend the appeal, by a specified date, normally 12 days prior to the hearing.

All information received will be shared with both parties to the appeal and the appeals committee, at least 3 days prior to the hearing.

6. Who will be hearing my section 29 appeal?

Appeal committee members are appointed by the Minister for Education & Skills but the appeal committee is independent of the Department of Education & Skills.

The panel of appointees include people with experience and knowledge of the education sector.

7. Who can attend an appeal hearing?

The parents and the student, where the student is aged over 18, can attend the hearing. Two members of the board of management may attend on behalf of the school, or one member of the board of management and the school principal. In addition each party can be accompanied at the hearing by two other people. The Educational Welfare Officer and the Special Educational Needs Organiser may also attend. Anyone accompanying either party to the appeal cannot make statements at the hearing unless the appeals committee gives them consent to do so.

In addition the appeals committee may invite persons with relevant expertise to attend and make statements at the hearing.



The names of all the attendees at the hearing will be notified to all parties prior to the hearing.

8. What is the format for the appeal hearing?

The chairperson of the appeals committee will open the appeal hearing by introducing the attendees and outlining the order in which each party to the appeal can present their case.

Both parties to the appeal will be permitted to present their case and will have the right of reply in relation to the matter under appeal.

The members of the appeals committee may question both parties to the appeal and any other attendees at the hearing.

The Educational Welfare Officer and/or the Special Educational Needs Organiser may also make submissions at the hearing.

Hearings are conducted with the minimum of formality consistent with giving all parties to the appeal a fair hearing.

Following the conclusion of the hearing, the appeals committee will consider and determine the outcome of the hearing and inform the Minister of its preliminary decision on the appeal and its reasons for that decision. This preliminary decision and reasons will be notified to both parties to the appeal, and the Child and Family Agency and the National Council for Special Education, where these agencies attended the hearing.

You will have an opportunity to make observations on the preliminary decision and must do so in writing within 7 calendar days of the date that the preliminary decision is issued to you.

Any observations received within the 7 day period will be forward to the appeals committee and the appeals committee will make its final decision on the appeal.

The final decision will be notified to the Minister and will then issue to both parties to the appeal. The final decision will advise you if your appeal has been allowed or disallowed and the reasons for this decision.

9. What can an appeals committee consider when conducting an Appeal in respect of expulsion/suspension?

- The 1998 Act requires that the appeals committee must consider:
 - the nature, scale and persistence of any behaviour alleged to have given rise to, or contributed to the decision of the board, and whether or not such behaviour is confined to specific classes in the school concerned,



- the merit of any explanation offered by the student in relation to their behaviour,
- the reasonableness of any efforts made by the school to enable the student to participate in and benefit from education and if all reasonable efforts have been exhausted in any response by the student to any efforts made by the school to enable the student to participate in and benefit from education,
- the educational interests of the student concerned and the desirability of enabling him or her to participate in and benefit from education with his or her peers,
- the educational interests of, and the effective provision of education for, other students of the school and the maintenance of a classroom and school environment which is supportive of learning amongst all students in the school and ensures continuity of instructions provided to students,
- any evidence that the behaviour of the student has impacted on the safety, health and welfare of teachers, staff or other students of the school,
- the school's code of behaviour under section 29 of the Act of 2000 and other relevant policies of the school, and
 - (i) in the case of the code of behaviour, whether it complies with section 23 of the Act of 2000 and any guidelines issued under subsection (3) of that section (i.e. Developing a Code of Behaviour: Guidelines for Schools, available to download at https://www.tusla.ie/uploads/content/guidelines_school_codes_eng.pdf)

and

- (ii) in the case of any other relevant policies, the extent to which each of them is implemented and is in compliance with:
 - any enactment that imposed duties on schools or their boards,
 - any relevant guidelines or policies of the Minister,
- the duties on schools or their boards imposed by or under any enactment,
- any guidelines issued by the Child and Family Agency under section 22(7) of the Education Act of 2000,
- any submissions made by the National Council for Special Education and/or the Child and Family Agency, and
- such other matters as the appeals committee considers relevant.

10. What are the possible outcomes for an appeal?

The appeals committee will make a decision to:

- (a) allow the appeal, or
- (b) disallow the appeal.



Where a committee allows the appeal they will direct the board of management to readmit the student and remove the expulsion from the student's record (expulsion case) or readmit the student and remove the suspension from the student's record (suspension case).

The outcome of the appeal, including the reasons for the appeals committee's decision, will be notified to both parties to the appeal, as soon as possible following the appeal hearing. A copy of the decision will also issue to the Child and Family Agency.

11. What happens if my appeal is not allowed?

Tusla Education Support Services (TESS) is the legal body which can assist parents who are experiencing difficulty in securing a school placement for their child. Contact details for TESS in your region can be found at: <https://www.tusla.ie/tess/get-in-touch/>.

General questions regarding admission and the appeals process

12. How can I find out about a school's admission policy and processes?

Section 63 of the Education Act 1998 requires all boards of management to prepare and publish an Admission Notice each year. This notice must be published on the school's website at least one week prior to the school commencing its annual admission process.

The Departments website provides additional Frequently Asked Questions in relation to the Education (Admission to Schools) Act 2018 at the following link - <https://www.education.ie/en/Parents/Information/School-Enrolment/admissions-faq.pdf>

13. Can I withdraw my appeal?

- Yes you can withdraw your appeal at any time during the process by emailing section29@education.gov.ie