



## **Appeals in relation to refusal to admit a student due to a school being oversubscribed**

### Frequently asked questions

#### **1. Can I appeal if my child has been refused admission because the school is full?**

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) refuses to admit a student to a school, where the decision to refuse admission is due to the school being oversubscribed.

It is important to note before making an appeal you **must** first request a review of the decision by the board of management.

Once you have completed the first stage which is the review by the board of management you can make an appeal to an independent appeals committee.

#### **2. When do I request a review by the board of management and when do I make an appeal after that review?**

In all cases where admission to a school has been refused because the school is oversubscribed and you wish to appeal the school's decision you **must** first seek a review by the school's board of management. The request for this review must be made in writing to the school's board of management within 21 calendar days from the date of the decision to refuse admission to the school. This date of decision is the date shown on the correspondence from the school containing the decision to refuse admission.

**Note:** a student who has not been offered a school place and is placed on a waiting list is considered to have been refused a school place.

The board of management must notify you of the outcome of your application for a review within 42 calendar days from the date of the decision to refuse admission to the school.

You can proceed to an appeal once you have received the outcome of the review by the board **or** once 42 calendar days have passed since the decision to refuse admission was made (whichever of these is earliest). However your appeal must be made no later than 63 days following the original decision by the school to refuse admission.



### 3. How do I seek a review by the board of management?

A review can be requested in writing or by fully completing and submitting a **Review by Board of Management Request Form (BOMR1)** available to download [here](#), to commence this stage of the process. **Note** – this form must be sent to the school's board of management.

Your review request to the board of management must:

- (i) be based on the implementation of the school's admission policy and the content of its annual admission notice, and
- (ii) set out the grounds of the request for the review.

### 4. What happens at a review by the board of management?

The board of management will conduct a review of your admission application and no later than 42 calendar days from the date of the decision to refuse admission to the school the board of management will issue you with either:

- (a) a statement confirming that there was no error or failure in its decision to refuse admission, or
- (b) a statement confirming that there was an error or failure in its decision and if that error had a material effect on the outcome of your application.

In instances where the board of management issues a statement under (b) above and the failure or error concerned had a material effect on the outcome of the application for admission the board must correct its error or failure by admitting the student to the school or, where applicable, special class or if the error or failure related to the ranking order on the waiting list they must adjust the student's ranking on the waiting list.

### 5. What happens after I receive the outcome of the review by the board of management?

Following the review by the board of management you can, if you wish, make an appeal to an independent appeals committee appointed by the Minister for Education & Skills. This appeal must be made no later than 63 calendar days from the date of the decision to refuse admission to the school. **Note** – this refers to the date of the decision to refuse admission and not the date of the review outcome.

You must complete the **Section 29 Appeal Form** available to download here and send it to the address on the form. The following must be submitted with your Section 29 Appeal Form:

- (i) a copy of your original application for admission to the school and any documents you submitted with your application,
- (ii) a copy of the decision you originally received from the school,
- (iii) a copy of any board of management response to your request for a review of its decision.



## **6. How is an appeal conducted?**

Where the reason for refusal to admit was due to the school being oversubscribed, your appeal will be a paper based appeal. When the completed Section 29 Appeal Form is received (together with the information outlined in 5 above), it will be acknowledged by the Section 29 Appeals Administration Unit, and the school in question will also be advised that an appeal has been received.

The applicant and school may also be asked to submit by a specific date any evidence and materials as were made available and relied upon when the decision to refuse admission was made by the school.

The appeal will normally be examined within 21 calendar days from the date of receipt of fully completed Section 29 Appeal Form by the Section 29 Appeals Administration Unit. A three person appeals committee, appointed by the Minister, will consider the appeal, with one of the members being appointed as chairperson of the appeals committee.

## **7. Who will be examining 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.

## **8. What are the possible outcomes of an appeal?**

The appeals committee will make a decision to:

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

Where the appeals committee allows the appeal they will direct the board of management to admit the student or adjust the ranking of the student on the waiting list, whichever is applicable.

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

## **9. 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**

### **10. 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 notice must provide details about how to obtain a copy of the school's admission policy and the application form for admission.

The notice must also provide the following information regarding the admission process for the intake group of the school for the school year concerned:

- the date on which the school shall commence and cease accepting application for admission to the school for the school year concerned (there must be a minimum period of 3 weeks),
- the date by which the applicant shall be notified of the decision in relation to the application (this must be within 3 weeks of the closing date, or within 3 weeks of the application date, for late applications),
- the date/period by which the applicant shall confirm acceptance of the offer of admission,
- that the offer may be withdrawn if the applicant does not accept the offer of admission within the timeframe set out,
- in relation to the school year concerned-
  - The number of school places available in the intake group,
  - In the case of a boarding school, the number of residential and the number of non-residential places available,
  - In the case of a school with a special class the number of school places available in the special class concerned,
- in the case of a school where the intake group or special class was oversubscribed in the year prior to the year for which admission is sought, the admission notice must include a statement setting out the number of applications received and the number and order of offers made in that school year in respect of each of the school's selection criteria,
- in the case of a school, where offers have been made and accepted for the school year concerned, prior to the commencement of section 62 (that is prior to 1<sup>st</sup> February 2020), that the school should include the number of such school places offered and accepted.



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>

#### **11. Can I withdraw my appeal?**

- Yes you can withdraw your appeal at any time during the process by emailing [section29@education.gov.ie](mailto:section29@education.gov.ie)