

The Education Act 1998: 'Section 29' Appeals

A parent may make a **Section 29 Appeal** if:

- A school refuses to enrol a child.
- A school suspends a child for more than 20 days in a year.
- A school expels a child.

Making a Section 29 Appeal: An appeal against one of the above decisions can be made to the Department of Education and Skills (DES).

The appeal must be made within 42 calendar days.

If the school is an Education and Training Board (ETB, ex-VEC) school, the appeal must be made to the local ETB first. If this appeal is unsuccessful the parent can make a Section 29 appeal to the DES.

The appeal must be made in writing on the official 'Section 29 Appeals Application Form'. A parent can provide additional relevant information such as a letter of expulsion, refusal to enrol letter, various therapy reports, etc. When an appeal application is made, the DES may ask if the issue can be resolved informally. If the issue cannot be resolved informally an appeal should be concluded within 30 days of the DES receiving notice.

Facilitation: Usually, a facilitator from the DES attempts to broker a deal between the school and the parent. Where an agreement cannot be reached the case is referred for a hearing before a Section 29 Appeals Committee.

The Appeal Hearing: An Appeal Committee is made up of 3 persons. The Appeal hearing is kept as informal as possible.

A parent is allowed to submit any information or reports to support their case. The school may also submit evidence to support their case.

The facilitator will also submit a report. The National Council for Special

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Education or an Education Welfare Officer may submit a report. The Appeal Committee may invite any relevant expert to attend the hearing if necessary. **A parent can invite an advocate or a relevant expert.**

If you cannot attend the appeal hearing, inform the DES immediately. Otherwise the appeal could be held in your absence.

At the appeal hearing, both you and the school state your cases. Usually a maximum of two people will speak from each side. The parent and the school then have the chance to respond to the other and ask questions. The Appeal Committee can also ask questions of either side or any invited person.

Determinations: The Appeal Committee will make a determination to uphold your appeal or not. This determination is decided on whether or not the school has followed their own stated policies (on enrolment or discipline) and whether fair procedures were followed. They cannot determine if the policy was unfair in the first place.

If the appeal is successful the DES will direct the school to enrol your child or take them back into school or clear any suspension or expulsion from their record.

Either side can appeal this determination in the courts.

Further information

Inclusion Ireland www.inclusionireland.ie 018559891

Department of Education and Skills www.education.ie 0761108588