

# Coláiste Cúram

## Appeals process and procedures for Coláiste Cnoc an Dúin

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### Statement

Lár-choiste Cúram and its members recognise the right of appeal in relation to expulsion/exclusion of daltaí. Coláiste Curam will work in partnership with parents/carers and or guardians in order for them to achieve this.

Coláiste Curam is an Irish language summer college run by Curam in accordance with the requirements of the Department of Education and Skills. The Education Act 1998 provides that a decision of the Lár-choiste to permanently exclude, suspend or refuse to enrol a student may be appealed on commencement of section 29.

- 1 An appeal may be made by the parent of the student concerned, or by the student, where he/she is aged 18 years or over.
- 2 An appeal will generally not be admitted unless it is made within 7 calendar days from the date the decision of the lár-choiste was notified to the parent/guardian or student concerned.
- 3 Appeals should be made in writing.
- 4 The Appeal should specify:
  - a) the appellant/student's full name, address and, where relevant, telephone number
  - b) the decision being appealed
  - c) the grounds on which the decision is being appealed
  - d) the date that the parent/guardian or student was informed of the decision

### Processing of an Appeal

- 5 An appeal may only be considered where it meets the conditions set down and when all of the requisite information, has been provided.
- 6 Appeals must be concluded within a period of 7 days
- 7 Once all required information has been received, an acknowledgement will issue to the appellant forthwith. The correspondence may also ask the appellant to submit any additional documentation relevant to the appeal without delay.
- 8 The lár-choiste will be asked to submit a statement outlining the reasons for its decision.
- 9 All information and documentation provided by the appellant and by the lár-choiste to assist the appeal will be treated in strict confidence and will not be disclosed to a person who is not a party to the appeal without the consent of the appellant or lár-choiste as the case may be.
- 10 Where an appeal is deemed to be inadmissible under these procedures, notification to that effect will issue to the appellant forthwith, stating clearly the grounds on which the appeal is not being admitted.
- 11 An appeal may be withdrawn at any time by the appellant by notifying the lár-choiste to that effect.

## **Composition of the Appeals Board**

- 12 An Appeals Board shall consist of three persons which shall include the Príomh-oide, and two other persons who, in the opinion of the lár-choiste, have the requisite expertise, experience and independence to serve on the Appeals Board. One of these two persons will act as Chairperson to the Appeals Board.

## **Facilitation Process**

- 13 Where the Appeals Board considers that it may be possible to facilitate an agreement between the appellant and the lár-choiste (the parties to the appeal), a facilitator may be appointed to contact, or arrange to meet, the parties at the earliest opportunity.
- 14 The facilitator will attempt to broker an agreement between the parties to the appeal.
- 15 Where an appellant accepts an agreement reached during facilitation, no further appeal may be made in respect of the original decision of the lár-choiste which formed the basis of the appeal in the first instance.
- 16 A period of up to one week will generally be allowed for the facilitation process. This may be extended in exceptional circumstances.

## **Appeals Hearing**

- 17 The parties to the appeal will be informed of their right to submit any additional documentation in support of their case. Such additional information should be provided expeditiously.
- 18 Either party to the appeal may also be accompanied at the hearing by another person nominated by them for this purpose. Persons accompanying either party to the appeal will not be permitted to make statements at the hearing, save in exceptional circumstances.
- 19 In advance of the hearing, the parties to the appeal will be provided, in confidence, with a complete set of documentation submitted in relation to the case in question for the purposes of the hearing.
- 20 Where either, or both, of the parties to the appeal, are unable to attend the hearing, they should contact the lár-choiste immediately.
- 21 Where either, or both, of the parties to the appeal, fail to attend the hearing, without having given prior notification to the lár-choiste the hearing may proceed in their absence.
- 22 At the hearing, both parties to the appeal will be given an opportunity to present their case. Both will have the right of reply and each will have the right to question the other through the Chairperson.

## Determination of Appeals

23 Appeals will be determined by the Appeals Board in the light of all the facts presented to it, including the views of any persons called by it to the hearing, and having due regard to:

- a) the established practices within the Coláiste for dealing with issues/grievances which are the subject matter of the appeal,
- b) the educational interests of the student who is the subject of the appeal,
- c) the educational interests of all other students in the coláiste
- d) the effective operation and management of the coláiste,
- e) any resource implications arising from the issues under appeal,
- f) where relevant, the policy of the lár-choiste in respect of the characteristic spirit/ethos of the coláiste, and
- g) such other matters as the Appeals Board considers relevant.

24 In making its determination, the Appeals Board may take advice from such persons as it considers appropriate.

25 Where a vote is required in order to establish the Appeals Board's determination of an appeal, the matter shall be determined by a majority of votes of the Appeals Board members voting on the question.

26 The Appeals Board will inform the lár-choiste of its determination of the appeal, the reasons therefore and its recommendation as to the action to be taken.

27 The Chairperson of the Appeals Board shall notify both parties of the determination of the appeal, the reasons therefore and, where necessary, will issue such directions to the coláiste's lár-choiste as he/she considers to be necessary for the purpose of remedying the matter which was the subject of the appeal. The lár-choiste will be bound by such directions.

### Review of Procedures

These procedures may be reviewed from time to time by the Lár-choiste.

### Ratification and Communication

This policy has been ratified by the Lár-Choiste. Implementation Date 27th July 2022

This policy is in effect after being signed by the Lár-Choiste.

*Áine Ní Thuama*

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