Procedures in relation to:

- Refusal to Enrol
- Suspension *and*
- Exclusion

*(To be followed in all City of Dublin ETB Schools)*
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*In this document the term 'Parents' includes guardians.*
Introduction

This document sets out the formal procedures that must be followed by CDETB schools in relation to refusal to enrol, suspension or permanent exclusion of a student. All procedures must follow relevant legislation and Department of Education and Skills current circular letters and directives.

This document is divided into three parts and has four appendices.

Part 1: Admissions Policy and Refusal to Enrol

Part 2: Code of Behaviour, Investigation of a Serious Incident and Suspension of a Student

Part 3: Permanent Exclusion of a Student

Appendix 1: Making an Appeal to CDETB

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Part 1

Admissions Policy and Refusal to Enrol
Admissions Policy and Code of Behaviour

Each school's Admission Policy and Code of Behaviour are inextricably linked to one or all of the procedures relating to refusal to enrol, suspension and permanent exclusion. It is a requirement of the City of Dublin Education and Training Board that each of its schools has an Admissions Policy and Code of Behaviour in place. This is a legal requirement for all Second Level Schools.

It is only within the context of either of these two documents that decisions in relation to refusal to enrol, suspension, or exclusion of a student can be made. CDETB will not proceed with a formal case relating to refusal to enrol, suspension or permanent exclusion where such documents do not exist or where it considers the argument being presented is not supported within either the text or meaning of these documents.

Finding solutions

CDETB recommends that as far as possible schools should explore possible solutions to such issues at local level with parents, staff and their local Education Welfare Officer before formal procedures are implemented.

Informing parents

Within the context of the CDETB Customer Service Charter and the Customer Service Plan information in plain English relating to Refusal to Enrol, Suspension and Permanent Exclusion, must be made available to parents and students.

Legislation

Particular Acts are referred to in these procedures but these do not constitute the full legal texts within which these procedures operate.

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1 For brevity City of Dublin Education and Training Board will be shortened throughout the remainder of the document to CDETB
Refusal to Enrol

Admissions Policy – Relevant legislation
Each CDETB school must have a written Admissions Policy. The provisions of the Education Act 1998 in relation to admissions and participation policy were supplemented over a six year period by three further pieces of legislation which impacted directly on the admissions policy for each recognised primary and post primary school. These pieces of legislation are:

- The Education (Welfare) Act, 2000
- The Equal Status Act 2000
- Education for People with Special Educational Needs (EPSEN) Act, 2004

CDETB Best Practice in relation to a school Admissions Policies
Each school’s Admissions Policy must include, as a minimum, statements which state:

- that the school in question operates under CDETB
- the Education Sector to which the school belongs (Post-Primary)
- the School ethos or characteristic spirit, vision and mission statement
- whether the status is co-educational or single-sex
- that admission to the school is governed by the “CDETB Admissions Policy set out in its General Rules and Regulations for schools, Colleges, other Centres and the Classes and Activities operating under the authority of the CDETB”
- the three principles of admission to a particular programme of learning/course/activity as outlined in the above mentioned CDETB policy document
- that the school shall not discriminate in its admission of a student to the school on any of the following grounds: 1. Gender 2. Civil status 3. Family status 4. Sexual orientation 5. Religion 6. Disability 7. Race, 8. Member of the Traveller community or 9. The ground that the student has special educational needs
- the admission process including time periods where applicable for each category of student e.g. first year; Transition Year, LCA, LCVP, wishing to repeat Leaving Certificate, wishing to transfer from another school, to repeat a year (as per DES Circular letter M02/95) or as a student with SEN
- procedures for the allocation of places and, where relevant, criteria in the event of over-subscription (need to comply with provisions of Section 19(3) of the Education (Welfare) Act 2000 i.e. 21 days from the date of receipt of application material)
- any conditions relating to:
  - Non EU Nationals
  - Students with Educational Needs (that they will be accepted on equal terms with their Non-SEN peers unless to do so would not be in the best interests of the student or other students in the school)
Exceptional circumstances such as the application of a student arriving into Ireland late in the academic year

- that the parent/s or student (if over 18) are responsible for ensuring that the information supplied on the enrolment form is kept updated
- the point at which enrolment is considered to be complete
- the procedure a parent or student (if over 18) should follow if they wish to appeal the proposal of a Principal to refuse to enrol their child in the school (enclosed)

**Refusal to Enrol - Relevant Legislation:**

- CDETB Act 2013
- Education Act 1998 Section 15 (2) (d) and Section 29
- Education Welfare Act Section 19 (1), (2), (3)
- Education for People with Special Educational Needs Act Section 2

**IMPORTANT:** Section 19 (3) Of the Education Welfare Act, 2000 requires that where a parent has provided the information required by the Minister (outlined in that section of the Act) a Board of Management must make a decision in respect of the application concerned and inform the parent in writing **not more than 21 days** after the receipt of the application form concerned.

**Outline of CDETB Procedure**

A proposal to refuse the enrolment of a student in a CDETB school/ college is a formal procedure and is regulated by the CDETB along the following lines:

1. The Principal proposes that a meeting of the school Board of Management should be called to decide whether a particular student should be enrolled or not and prepares a report
2. A meeting of the School Board of Management is called to hear the proposal
3. Where not practicable to hold the meeting the Principal will discuss the proposed non-enrolment with the Chair of the Board
4. The Board of Management informs the relevant parties of the decision
5. The decision of the Board of Management is forwarded to the CDETB for confirmation
6. The parent can appeal the decision to CDETB
7. The CE determines whether or not to admit an appeal
8. The CDETB discusses the decision of the Board of Management and/or hears the appeal and makes its decision
9. The CDETB informs the relevant parties of its decision and the fact that the decision is open to appeal to the Department of Education and Skills (DES)
Details of CDETB Board of Management Procedure

1. The Principal proposes that the school Board of Management should be called to decide whether a particular student should be enrolled or not and prepares a report. The Director of Schools is informed immediately of this decision.

   The Principal’s report for the Board should include as much of the following as possible:
   - the student’s previous academic and behaviour record in other schools/institutions attended
   - steps that were taken to deal with the student’s academic needs and/or behaviour problems and details of any student support put in place in other schools/institutions
   - information on whether or not the student was in receipt of any special education needs/supports
   - information on whether or not a psychological assessment had ever been undertaken with the student and relevant information from that assessment if available
   - record of suspension and/or expulsion from other schools/institutions
   - any specific grounds that might warrant refusal to enrol. These must be in accordance with the school admissions policy
   - any statement or document that the parent/s wishes to add to the report

2. A meeting of the School Board of Management is called to hear the proposal. Prior to the meeting:

   1. The Principal informs the parents in writing, or the student if over 18, of his/her decision to call a Board of Management meeting to discuss whether or not the student should be enrolled in the school
   2. A date for the meeting is established with the parent/student and the members of the Board of Management
   3. A letter giving the date and time of the meeting is sent to the parent/student (if over 18) by registered post. This letter should advise the parent/student that he/she is entitled to bring a representative to the meeting. It should also include the names of the members of the Board of Management. A copy of the report; the Guide for Parents: Refusal to Enrol should also be included. This should be given at least 5 working days in advance of the meeting. The Board of Management members should also receive the report in advance of the meeting. A record of all correspondence should be kept
   4. A quorum of one-quarter of the total membership of the Board of Management must be in attendance at this meeting
5. Immediately before the meeting the Chair of the Board of Management briefs the parents/representatives/student (if over 18) on the procedures and clarifies any issues in relation to these.

6. A recording secretary should be present to record the minutes of the meeting up to the point where the principal and parents withdraw from the meeting. The recording secretary should also leave the meeting at this point.

It is important that each of these steps is completed before the Board of Management meeting takes place.

At the meeting of the School Board of Management

- The Principal or Deputy Principal presents the report
- The parents/student (if over 18) or their representative respond/s
- The file is open for scrutiny and is formally examined
- The student’s record in any previous school is examined
- The members of the Board of Management may ask questions or look for further information from the parents/student (if over 18)/representative and/or the Principal
- The Principal/Deputy Principal and parents/student (if over 18)/representative withdraw and the Board of Management considers the case
- The Chair drafts the Board of Management’s decision
- The Principal, as secretary to the Board of Management, returns to the meeting and is informed of the Board of Management’s decision.

NB: All copies of the report given to the Board of Management members should be returned to the Principal at the end of the meeting and shredded. The Principal should keep one copy on file.

3. After the meeting - The Board of Management informs the relevant parties of its decision

The parent and the National Educational Welfare Board are informed in writing of the decision of the Board of Management and that they have fourteen calendar days to lodge an appeal to the CDETB. The parent is also sent a copy of the CDETB appeal application form. (A longer period for making appeals may be allowed as an exception where the committee is satisfied that circumstances did not permit the making of an appeal within the above time limit.)

4. The decision of the Board of Management is forwarded to the CDETB

The Principal forwards a copy of the minutes of the meeting and the Board of Management’s decision, as drafted by the Chair of the Board of Management, to a meeting of the CDETB Committee.
NB: The minutes should only refer to the student in question as student “A”, “B” etc. The parent should only be referred to as parent of student “A”, “B” etc.

5. The decision is open to appeal by the parent to CDETB
   If the parent enters an appeal to CDETB then the procedures as outlined in Appendix 1 should be followed.

6. The CE determines whether to admit the appeal
   See Appendix 1.
Part 2

Suspension
Code of behaviour

In Second Level schools a Code of Behaviour is a requirement under Section 23 of the Education (Welfare) Act, 2000. The document *Developing a Code of Behaviour: Guidelines for Schools developed by the National Educational Welfare Board (2008)* is the one against which a Code of Behaviour will ultimately be judged in the event of a challenge to a school’s actions. Ultimately the purpose of a Code of Behaviour is to support students in learning and behaving well therefore it should be predominantly positive in nature rather than punitive.

There should be information on at least some of the interventions and positive rewards provided to students as part of the school’s wellbeing plan contained in the Code of Behaviour.

As a condition of registration each school/college should require the parents/student (if over 18) to confirm in writing that the code of behaviour provided on registration is acceptable to them and that they shall make all reasonable efforts to ensure compliance with such code.

Relevant legislation

- Education Act 1998, Section 29
- Education Welfare Act 2000, Section 19 (1), Section 21, Section 23, and Section 24

Suspension

Suspension of a student should be a proportionate response to the behaviour causing concern, where other interventions have been tried first – unless of course the unacceptable behaviour is serious enough to warrant suspension straight away.

It is not open to a school to impose a sanction, which is not included in its listed range of sanctions within its Code of Behaviour. There must be consistency in imposition of sanctions. What merits suspension or expulsion for one must merit the same for all students. Discrimination and victimisation are unacceptable. Only the Principal or his/her designated representative can suspend a student.

Among the serious grounds under which CDETB will sanction suspension are where:

- the student’s behaviour has had a seriously detrimental effect on the education of other students
- the student’s continued presence in the school at this time constitutes a threat to his own or others’ safety
- the student is responsible for serious damage to property
- the student is alleged to have been involved in a serious incident that in some way affects the rights of other students or members of staff in the school
The CDETB has devolved authority to its Boards of Management, under Section 44 subsection 11a of the ETB Act 2013, the right to make the decision to suspend students, as appropriate, with reference to the Code of Behaviour in the school and in relation to procedures as described in the CDETB Procedures in relation to Refusal to Enrol, Suspension, Exclusion.

**Procedure for Investigating a Serious Incident**

The code of behaviour must describe the procedures to be followed where a student is alleged to have been involved in a serious incident that in some way affects the rights of others students or members of staff in the school.

The Principal or his/her designated representative must conduct an investigation into the alleged incident.

Student/s may be suspended while this investigation is ongoing

For all suspensions the parents of the student, or the student themselves if 18 or over, must be given a letter providing:

- the reason for the suspension
- the period of suspension
- an invitation to contact the Principal or their representative to set a date to discuss the alleged offence and suspension.

On concluding the investigation the Principal should apply the appropriate sanction as outlined in the Code of Behaviour or proceed to implement permanent expulsion procedures if s/he feels this is required.

**Forms of suspension described in the legislation**

1. Suspension of a student under 16 years of age for a period of more that six days (consecutive) **This is prescribed in the Education (Welfare) Act, 2000 Section 21. 4 (a)**

   The principal of the school concerned must inform the education welfare officer of this fact in writing.

2. Suspension of a student beyond 20 days (cumulative) in any one school year **This is prescribed in the Education Act 1998 Section 29. 1 (b)**
The code of behaviour must describe the procedures to be followed before a student may be suspended beyond 20 days (cumulative).

**If suspension of a student is the recommended sanction following investigation**

As above, if the outcome of an investigation is to suspend the student a letter must be given to the parents/guardians of the student, or the student themselves if 18 or over, providing:

- the reason for the suspension
- the period of suspension
- an invitation to contact the Principal to set a date to discuss the alleged offence and suspension.

Suspension should allow the student and his/her parents to reflect on the behaviour that has led to the suspension and to engage in jointly addressing the underlying issues. Before the student’s return to school agreement should be reached between school management, the parents and the student on the future behaviour of the student in the school.

Second level students who are frequently put on suspension should be reported to the Student Support Team in the school so that appropriate supports and services can be put in place to address the specific needs of these students.

**The Student Support Team is composed of:**

**Permanent Members:**

- Principal and/or Deputy Principal and all of the following if in the school:
  - *Home School Liaison Officer*
  - *Guidance Counsellor*
  - *School Psychologist*
  - *Education Support Service Officer (if appointed)*
  - *Learning Support/SEN Teacher*

**Other:**

Other members of staff, Year Heads etc. may attend when required.

**Schools are advised that** if a school is seeking to permanently exclude a student then the expulsion hearing of the Board of Management and the CDET must occur before the cumulative period of suspension of 20 school days has expired.

**Details of CDET procedure for suspension of a student beyond 20 days (cumulative)**
1. The Principal proposes that the student should be suspended beyond 20 days (cumulative) and prepares a report

The Principal should have records of the events leading to the decision to suspend beyond 20 days, which should include:

- Details of the student’s behaviour and suspension record to date this year
- Steps that have been taken to deal with the student behaviour in the past and copies of any agreements already reached with the parents of the student, and details of any student support put in place
- Copies of any letters between home and school
- Dates and times of meetings with the parents of the student

As soon as the Principal has made the decision to propose the suspension of a student beyond 20 days s/he should inform the CDETB Director of Schools.

2. A meeting of the School Board of Management is called to hear the proposal

Prior to the meeting

- The Principal informs the CDETB Director of Schools of his/her proposal
- The Principal prepares a report on the student
- The Principal informs the parents/student (if over 18) of his/her decision to propose the suspension
- A date for the meeting is established with the parent/student and the members of the Board of Management. CDETB recommend that the student (if under 18) should also attend this meeting with his/her parents
- A letter giving the date and time of the meeting along with a copy of the Principal’s report and a copy of A Guide for Parents: Suspension from School is sent to the parent/student by registered post. The names of the members of the Board of Management should also be included. This should be given at least 5 calendar days in advance of the meeting. The Board of Management members should also receive the report by registered post in advance of the meeting
- A quorum of one-quarter of the total membership of the Board of Management must be in attendance
- Immediately before the meeting the Chair of the Board of Management briefs the parents/student (if over 18) /representative on the procedures and clarifies any issues in relation to these
- A recording secretary should be present to record the minutes of the meeting up to the point where the principal/deputy principal and parents/student (if over 18)
representative withdraw from the meeting. The recording secretary should also leave the meeting at this point.

At the meeting

- The principal proposes the suspension and presents the case for it.
- The parents/student (if over 18) /representative respond/s.
- The file is open for scrutiny and is formally examined.
- The student’s record in the school is examined.
- The members of the Board of Management may ask questions or look for further information from the parents/student (if over 18) /representative and/or the principal/deputy principal.
- The principal and the parents/student (if over 18) /representative withdraw and the Board of Management considers the case and makes its decision.
- The Chair drafts the Board of Management’s decision.
- The principal, as secretary to the Board of Management, returns to the meeting and is informed of the Board of Management’s decision. The Principal forwards a copy of the minutes of the meeting and the Board of Management’s decision, as drafted by the Chair of the Board of Management, to a meeting of the CDETB Committee.

All copies of the report given to the Board of Management members should be returned to the Principal at the end of the meeting and shredded. The Principal should keep one copy on file.

NB: The minutes should only refer to the student in question as student “A”, “B” etc. The parent should only be referred to as parent of student “A”, “B” etc.

The Board of Management informs the relevant parties of its decision

The parent and the National Educational Welfare Board are informed in writing of the decision of the Board of Management and that they have fourteen calendar days to lodge an appeal to the CDETB. The parent is also sent a copy of the CDETB appeal application form. (A longer period for making appeals may be allowed as an exception where the committee is satisfied that circumstances did not permit the making of an appeal within the above time limit.)

4. The decision of the Board of Management is forwarded to the CDETB. CDETB will then consider the minutes and decision of the Board of Management.
5. The decision is open to Appeal by the parent/student/NEWB to CDETB
   If the parent/student/NEWB enters an appeal then the procedures as outlined in Appendix 1 should be followed.

6. The CE determines whether to admit the appeal
   See Appendix 1

**IMPORTANT**

1. A school must seek the approval of the Board of Management and the CDETB if it is seeking to suspend a student beyond 20 days (cumulative suspensions) in any one school year.

2. Following approval of the Board of Management and the CDETB to suspend a student over 20 days a letter should issue to the parents, or to the student themselves if 18 or over, outlining their right to appeal this decision to the Department of Education and Skills.

3. If a school is seeking to suspend a student beyond 20 days (cumulative) then the hearing of the Board of Management and the CDETB must occur before the cumulative period of suspension of 20 school days has expired.

4. The Educational Welfare Board must be informed in writing of all suspensions over the cumulative 20 days. This applies to all students under 18 on the 30th September of the school year in question.
Part 3

Exclusion
Exclusion

CDETB believes that expulsion of a student should be a proportionate response to the behaviour causing concern. The school should have taken significant steps to address the misbehaviour and to avoid expulsion of a student including, as appropriate:

- Meeting with parents and the student to try to find ways of helping the student to change their behaviour
- Making sure the student understands the possible consequence of their behaviour, if it should persist
- Ensuring that all other possible options have been tried
- Seeking the assistance of support agencies

CDETB-recognised grounds for expulsion

- The student’s behaviour is a persistent cause of significant disruption to the learning of others or the teaching process
- The student’s continued presence in the school constitutes a real and significant threat to safety
- The student is responsible for serious damage to property
- The student has been found to have been involved in a serious incident that in some way affects the rights of other students or members of staff in the school

Automatic expulsion/expulsion for a first offence

CDETB considers the following kinds of behaviour incur expulsion as a sanction. Due process and fair procedures as outlined in the CDETB Procedures in relation to Refusal to Enrol, Suspension, Exclusion (September 2017) must still be followed.

- A serious threat of violence against another student or member of staff
- Actual violence or physical assault
- Supplying illegal drugs to other students in the school
- Sexual assault

The CDETB has devolved authority to its Boards of Management, under Section 44 subsection 11a of the CDETB Act 2013, the right to make the decision to propose the expulsion of individual students, as appropriate, with reference to the Code of Behaviour in the school and/or in relation to procedures as described in the CDETB Procedures in relation to Refusal to Enrol, Suspension, Exclusion
Permanent Exclusion of a Student

Relevant Legislation:
- Education Act 1998, Section 29
- Education Welfare Act, Section 24

Outline of CDETB Procedure
A proposal to exclude a student permanently from a school is a formal procedure and is regulated by the CDETB along the following lines.

1. A student cannot be expelled without having been suspended first
2. The Principal proposes that the student should be expelled and prepares a report
3. A meeting of the School Board of Management is called to hear the proposal. The parent is invited to attend this meeting.
4. The Board of Management informs the relevant parties of its decision
5. The decision of the Board of Management is forwarded to the CDETB
6. The parent can appeal the decision to the CDETB
7. The CE determines whether to admit an appeal

Details of CDETB Procedure

1. **A student cannot be expelled without having been suspended first**
   It is CDETB policy that a student cannot be expelled before being suspended first.

2. **The Principal proposes the exclusion of a student**
   The Principal should only propose the expulsion of a student for the most serious of offences. S/he should have records of the events leading to the decision to expel, which should include:
   - Details of the student’s previous behaviour record
   - Steps that have been taken to deal with the student and copies of any agreements already reached with the parents of the student, and details of any student support put in place
   - Copies of any letters between home and school
   - Dates and times of meetings with the parents of the student
   - Evidence that the necessary procedures have been followed

As soon as the Principal has made the decision to propose the expulsion of a student s/he should inform the CDETB Director of Schools.
3. A meeting of the School Board of Management is called to hear the proposal
   Prior to the meeting

   - The Principal informs the CDETB Director of Schools of his/her proposal.
   - The Principal must prepare a report for the Board of Management outlining the case
     for expulsion.
   - The Principal informs the parents in writing, or the student if over 18, of his/her
     decision to propose to the Board of Management that the student should be expelled
     from the school or college. A date for the meeting is established with the
     parent/student and the members of the Board of Management.
   - A letter giving the date and time of the meeting along with a copy of the report and
     Expulsion from School: A Guide for Parents is sent to the parent/student by registered
     post. The names of the members of the Board of Management should also be
     included. This should be given at least 5 calendar days in advance of the meeting. The
     members of the Board of Management should also receive the report by registered
     post in advance of the meeting.
   - A quorum of one-quarter of the total membership of the Board of Management must
     be in attendance at this meeting.
   - Immediately before the meeting the Chair of the Board of Management briefs the
     parents/representatives on the procedures and clarifies any issues in relation to these.
   - A recording secretary should be present to record the minutes of the meeting up to the
     point where the principal and parents withdraw from the meeting. The recording
     secretary should also leave the meeting at this point.

   It is important that each of these eight steps is completed before the Board of
   Management meeting takes place.

At the meeting of the School Board of Management

   - The Principal proposes the expulsion and presents the case for it.
   - The parents/representative/student (if over 18) respond/s
   - The file is open for scrutiny and is formally examined.
   - The student’s record in the school is examined.
   - The members of the Board of Management may ask questions or look for further
     information from the parent and/or the Principal.
   - The Principal/Deputy Principal and parents/representative/student (if over 18)
     withdraw/s and the Board of Management considers the case.
   - The Chair crafts the Board of Management’s decision.
- The Principal, as secretary to the Board of Management, returns to the meeting and is informed of the Board of Management’s decision. The Principal forwards a copy of the minutes of the meeting and the Board of Management’s decision, as drafted by the Chair of the Board of Management, to a meeting of the CDETB Committee.

**NB: The minutes should only refer to the student in question as student “A” or “B” The parent should only be referred to as parent of student “A” or “B”**

All copies of the report given to the Board of Management members should be returned to the Principal at the end of the meeting and shredded. The Principal should keep one copy on file.

4. **The Board of Management informs the relevant parties of its decision**

Where the Board of Management, having considered all the facts of the case, decides that the student should be expelled, the Board of Management must notify the Educational Welfare Officer in writing of its opinion, and the reasons for this opinion. (Education Welfare Act 2000). The Board of Management should refer to TUSLA reporting procedures for proposed expulsions. The student cannot be expelled before the passing of twenty school days from the date on which the EWO receives this written notification (Education Welfare Act 2000 S24(4)).

An appeal against an expulsion under Section 29 of the Education Act 1998 will automatically succeed if it is shown that the Educational Welfare Officer was not notified in accordance with Section 24 (4) or that twenty school days did not elapse from the time of notification to the Educational Welfare Officer to the implementation of the expulsion. (Education Welfare Act 2007 S24(4)).

The parents/student (if over 18) are informed in writing of the decision of the Board of Management and the next steps in the process. Where expulsion is proposed, they should be told that the Board of Management will now inform the Educational Welfare Officer.

Within twenty days of receipt of a notification from a Board of Management of its opinion that a student should be expelled, the Educational Welfare Officer must:

- Make all reasonable efforts to hold individual consultations with the Principal, the parents and the student, and anyone else who may be of assistance.
- Convene a meeting of those parties who agree to attend (Education Welfare Act 2000, Section 24).
The purpose of the consultations and the meeting is to ensure that arrangements are made for the student to continue in education. These consultations may result in an agreement about an alternative intervention that would avoid expulsion. However, where the possibility of continuing in the school is not an option, at least in the short term, the consultation should focus on alternative educational possibilities.

Pending these consultations about the student's continued education, a Board of Management may take steps to ensure that good order in maintained and that the safety of students is secured (Education Welfare Act 2000, Section 24(5)). A Board of Management may consider it appropriate to suspend a student during this time. Suspension should only be considered where there is a likelihood that the continued presence of the student during this time will seriously disrupt the learning of others, or represent a threat to the safety of other students and staff.

Where the twenty school day period following notification to the Educational Welfare Officer has elapsed, and where the Board of Management remains of the view that the student should be expelled, the Board of Management should formally confirm the decision to expel (this task can be delegated to the Principal). Parents should be notified immediately that the expulsion will now proceed. Parents and the student should be told that they have fourteen calendar days to lodge an appeal to the CDETB. The parent is also sent a copy of the CDETB appeal application form.

5. **A decision from the Board of Management is forwarded to the CDETB**
   If an appeal has not been entered, CDETB will then consider the decision of the Board of Management:

6. **The decision is open to appeal by the parent to Committee**
   If the parents/guardians/student (if over 18) enters an appeal then the procedures as outlined in Appendix 1 should be followed.

7. **The CE determines whether to admit the appeal**
   See Appendix 1
Appendix 1

Making of an appeal to CDETB

Procedures for Hearing and Determining Appeals under Section 29 of the Education Act, 1998 in respect of Education and Training Board (ETB) Schools.

Source: https://www.education.ie/en/Parents/Services/Appeal-against-Permanent-Exclusion-Suspension-or-Refusal-to-Enrol/Procedures_Section29_ETB_Schools.pdf

1. An appeal may be made to the CDETB with responsibility for the management of the school in question in respect of a decision of the School Board of Management to:

   a) permanently exclude a pupil
   b) suspend a pupil for a period which would bring the cumulative period of suspension to 20 school days in any one school year or
   c) refuse to enrol a child.

2. 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, or by the National Educational Welfare Board, where appropriate.

3. An appeal will generally not be admitted unless it is made within fourteen calendar days since the decision of the School Board of Management under paragraph 1(a), (b) or (c) was notified in writing to the parent or student concerned. The School Principal will notify the parent, or student as appropriate, of their right of appeal to the ETB. However, a longer period for making appeals may be allowed as an exception where the committee is satisfied that circumstances did not permit the making of an appeal within the above time limit.

4. Appeals should be made in writing on the CDETB Section 29 Appeal Application. This should be submitted to the Chief Executive Officer (CE) to CDETB Head Office. The school should, at the same time, be advised of the appeal by the appellant and the grounds on which it is being made.

5. The Appeal Application Form should be completed in full and should include any additional relevant information.
6. If clarification is required by the CE before determining whether to admit an appeal, such clarification will be sought immediately. Such clarification may include verifying with the School Board of Management details regarding any local procedures that may have been used.

7. Prior to the processing and consideration of an appeal under these procedures, the parties to the appeal will be asked by the CE, or his nominee, as a general rule, to consider the matter in the first instance at local level within the school to see if an accommodation can be reached. Where the 30 day period referred to in paragraph 9 has already commenced, the parties to the appeal will be given up to one week in which to determine whether an accommodation at local level can be reached. In exceptional circumstances a longer period may be allowed.

Processing of an Appeal

8. An appeal may only be considered where it meets the conditions set down in paragraph 1 to 5 of these procedures and when all the requisite information, as outlined in paragraph 6 above has been provided.

9. A maximum period of 30 days from date of receipt of the appeal by the CE is allowable in the ETB sector for conclusion of the appeal process. The CE, or her nominee, will keep appropriate records in respect of the appeal.

10. Once the completed Application Form containing all required information has been received, a letter of acknowledgement will issue to the appellant forthwith. The letter may also ask the appellant to submit any additional documentation relevant to the appeal without delay. Such documentation could include school reports, documentation relating to any local procedures used, psychological or medical reports.

11. A letter will also issue simultaneously to the School Board of Management, informing it of the appeal, the grounds on which it has been lodged, and the School Board of Management will be asked to submit any information or documentation which the School Board of Management considers may be relevant to the appeal Committee, including where appropriate a statement outlining the reasons for the decision of the School Board of Management. Information submitted by the School Board of Management should include documentation relating to any local procedures and any other additional pertinent information.

12. All information and documentation provided by the appellant and by the School Board of Management to assist the appeal will be treated in strict confidence and, save as otherwise
provided by law, the Appeal Committee will not disclose such information or
documentation to a person who is not party to the appeal without the consent of the
appellant or School Board of Management as the case may be. However, it is accepted by
all parties to the appeal that, in the event of a subsequent appeal being made to the
Secretary General of the Department of Education and Skills, all documentation relating to
the appeal in the ETB sector will be forwarded to the Department.

13. Where an appeal is deemed by the CE to be inadmissible under these procedures, a letter
to that effect will issue to the appellant forthwith, and copied to the school, stating clearly
the grounds on which the appeal is not being admitted.

14. An appeal may be withdrawn at any time by the appellant by notifying the Chief Executive
to that effect.

15. CDETB will convene an independent Appeal Committee from a previously agreed list of
appeal members.

**Appeals Hearing**

16. A date, time and venue for the hearing will be arranged in consultation with all concerned,
including the EWO.

17. The parties to the appeal will be informed at that stage of their right to submit any
additional documentation no later than seven calendar days before the scheduled date for
the appeals hearing in support of their case (which has not already been provided to the
School Board of Management). Where appropriate, TUSLA (EWO) will also be invited to
make a submission.

18. Both parents and the student, and where appropriate, a representative of TUSLA, may
attend the hearing as or on behalf of the appellant. The school principal may be
accompanied by one member of the School Board of Management. Subject to the prior
consent of the CDETB, the parties to the appeal may be accompanied at the hearing by not
more than two people nominated by them for this purpose. People accompanying either
party to the appeal will not be permitted to make statements at the hearing, save in
exceptional circumstances with the consent of the CDETB.

19. In advance of the hearing the parties to the appeal will be provided by the CE, in
confidence, with a complete set of documentation submitted in relation to the case in
question for the purposes of the hearing. The parties will also be notified of who will be
attending the appeal hearing, including anyone specifically invited by the CDETB. This
information/documentation will generally be provided no later than three days before the hearing. In exceptional circumstances, the Chairperson of the CDETB may agree to the provision of documentation closer to the date of the hearing. However, in such cases, the other party to the appeal will be given an opportunity to consider this documentation in advance of the hearing.

20. The Independent Appeal Committee may invite relevant people/expert witnesses to attend and make statements at the hearing.

21. Where either, or both, of the parties to the appeal are unable to attend the hearing, they should contact the CDETB at the earliest opportunity prior to the hearing, so that the hearing may be rescheduled.

22. Where either, or both, of the parties to the appeal fail to attend the hearing, without having given prior notification to the CDETB, the hearing may proceed in their absence at the discretion of the CDETB.

23. At the hearing the appellant will be given an opportunity to present his or her case. Both parties to the appeal will have the right of reply and each will have the right to question the other through the chair.

24. The Independent Appeal Committee may question both parties, and seek the views of any witnesses that may have been called.

**Determination of Appeals**

25. Appeals will be determined by the Independent Appeal Committee in the light of all the facts presented to it, including the views of any witnesses, and having due regard, inter alia, to:

- the approved practice within the school for dealing with issues/grievances which are the subject matter of the appeal, including, where relevant and available, any statutory or non-statutory procedures, guidelines, regulations or other provisions in operation at any time;
- the educational interests of the student who is the subject of the appeal;
- the educational interest of all other students in the school;
- the effective operation and management of the school;
- the resource implications arising from the issues under appeal, and
- where relevant, the policy of the patrons/trustees and the School Board of Management in respect of the characteristic spirit/ethos of the school.
26. In making its determination, the Independent Appeal Committee may take advice from anyone it considers appropriate.

27. Where a vote is required in order to establish the Independent Appeal Committee determination, the matter shall be determined by a majority of votes.

28. The Independent Appeal Committee will, in writing, notify the ETB of its decisions about appeal, the reasons therefore and its decision as to the action to be taken.

29. Following referral by her to the Independent Appeal Committee, the CE will, in writing, and within the 30 days allowed for the conclusion of the appeals process, notify both parties of the determination of the appeal, the reasons for it and, where necessary, will issue such directions to the School Board of Management as he/she considers to be appropriate to remedy the matter which was the subject of the appeal. The School Board of Management will be bound by such directions. In notifying the appellant of the outcome the CE will, simultaneously advise the appellant of the right of, and timeframe for, further appeal to the Secretary General of the Department of Education and Skills.

Review of Procedures

30. These procedures may be reviewed from time to time by the Minister following consultation with the partners in education involved in the CDETB sector.

Appeal to Secretary General

31. If the appellant remains unhappy with the outcome of this process he or she is entitled to make an appeal directly to the Secretary General of the Department of Education and Skills and may be done by contacting the Department at “The Appeals Administration Unit, Department of Education and Skills, Marlborough Street, Dublin 1”.

32. In that event, finding a resolution to the appeal at local level will be considered to have ended.
Appendix 2

A Guide for Parents
1. Refusal to enrol

If a City of Dublin second level school refuses to enrol your child, you should:

- Look for a copy of the school’s Admission Policy
- Contact TUSLA for advice

CDETB has a set of procedures that each of its schools must follow if they are refusing to enrol a child

- The Principal proposes that the school Board of Management should be called to decide whether a particular student should be enrolled or not and prepares a report
- A meeting of the school Board of Management is called to hear the proposal. Where not practicable to hold the meeting, the Principal will discuss the proposed non-enrolment with the Chair of the Board of Management. The Principal must prepare a report for this meeting
- The Principal must also inform TUSLA of this meeting
- The school Board of Management will discuss the Principal’s report and decide if the parent should be refused permission to enrol their child or not
- The parent will be notified of this decision in writing and may appeal that decision to the CDETB

As a parent you have the right to

- attend the school Board of Management meeting and any Appeal hearing
- bring another person to support you at the Board of Management meeting and any Appeal hearing
- provide a statement and/or other documentation about your child that you consider should be included in the Principal’s report
- receive, in advance, a copy of the Principal’s report on your child and any other documents produced at the Board of Management meeting or any Appeal hearing
- bring any documents that you consider relevant to this meeting
- address (or your representative) the school’s Board of Management to have your views heard in matters relating to your child
- appeal the decision of the Board of Management to CDETB

How is the decision to refuse to enrol made?
The Principal will call a meeting of the school Board of Management where practicable to discuss the application. Should the Board hear the application the parent will be invited to attend and to contribute to the discussion. Both you and the Principal will be asked to leave the room while the Board of Management makes its decision. The Board of Management will then inform you in writing of its decision. You have a right to appeal that decision. An Appeal Form will be sent to you with the letter.

Right to Appeal

If you disagree with the decision of the Board of Management

1. If you are not satisfied with the decision of the school’s Board of Management you have a right to appeal that decision to CDETB or you can ask the Education Welfare Officer from TUSLA to help you with it. Appeals should be made in writing on the ETB Section 29 Appeals Application Form available from the ETB, and should be submitted to the Chief Executive (CE) as follows:
2. An appeal will generally not be admitted unless it is made within fourteen calendar days since the decision of the school Board of Management was sent to the parents/guardians/student (if over 18) in writing. However, a longer period for making appeals may be allowed as an exception where the CDETB is satisfied that circumstances did not permit the making of an appeal within the above time limit.

3. The CE will decide whether to admit the appeal. If s/he decides to do so s/he refers the appeal to an independent appeal committee, previously established for this purpose. It will be made up of Board members of CDETB and possibly other experts that CDETB has decided are suitable to serve on it.

4. The school should, at the same time, be advised of the appeal by the appellant and the grounds on which it is being made. Where fax or e-mail is used, the appellant should also send a signed copy by post.

5. The ETB Appeals Application Form should be completed in full, and should specify:
   - the appellant’s full name, address and, where relevant, telephone number
   - the student’s name
   - the decision being appealed
   - the grounds on which the decision is being appealed
   - the full name and address of the school concerned
   - the date that the parent or student was informed of the decision
   - the outcome of any relevant appeal proceedings at school level

6. If clarification is required by the CE before determining whether to admit an appeal, such clarification will be sought immediately. Such clarification may include verifying with the board details regarding any local procedures that may have been used.

7. Prior to the processing and consideration of an appeal under these procedures, the parties to the appeal will be asked by the CE, or his nominee, as a general rule, to consider the matter in the first instance at local level within the school to see if an accommodation can be reached. Where the 30 day period referred to in paragraph 9 has already commenced, the parties to the appeal will be given up to one week in which to determine whether an accommodation at local level can be reached. In exceptional circumstances a longer period may be allowed.
Processing of an Appeal

8. An appeal may only be considered where it meets the conditions set out above and when all the requisite information, as outlined in paragraph 5 above has been provided.

9. A maximum period of **30 days from date of receipt** of the appeal by the CE is allowable in the ETB sector for conclusion of the appeal process. The CE, or his nominee, will keep appropriate records in respect of the appeal.

10. Once the completed **Appeals Application Form** containing all required information has been received, a letter of acknowledgement will issue to the appellant forthwith. The letter may also ask the appellant to submit any additional documentation relevant to the appeal without delay. Such documentation could include school reports, documentation relating to any local procedures used, psychological or medical reports.

11. A letter will also issue simultaneously to the board, informing it of the appeal and the grounds on which it has been lodged; and the board will be asked to submit any information or documentation which the board considers may be relevant to the appeal to the ETB, including where appropriate a statement outlining the reasons for the decision of the board. Information submitted by the board may also include relevant school records, documentation relating to any local procedures used, or such psychological or medical reports as may be held by the school in respect of the pupil concerned.

12. All information and documentation provided by the appellant and by the board to assist the appeal will be treated in strict confidence and, save as otherwise provided by law, the ETB will not disclose such information or documentation to a person who is not party to the appeal without the consent of the appellant or board as the case may be. However, it is accepted by all parties to the appeal that, in the event of a subsequent appeal being made to the Secretary General of the Department of Education and Skills, all documentation relating to the appeal in the ETB sector will be forwarded to the Department.

13. Where an appeal is deemed by the CE to be inadmissible under these procedures, a letter to that effect will issue to the appellant forthwith, and copied to the school, stating clearly the grounds on which the appeal is not being admitted.

14. An appeal may be withdrawn at any time by the appellant by notifying the ETB to that effect.

Decision of Independent Appeal Committee

15. If the decision of the Independent Appeal Committee is to refuse to enrol your child and you are not satisfied with this decision then you may appeal it to the Secretary General of the Department of Education and Skills.

16. An appeal form will be sent to you with the letter informing you of the Independent Appeal Committee decision to expel your child from the school or college.
Notes

17. If your child has been refused the right to enrol in another recognised second level school, or if your child has been expelled from another second level school, you have the right to appeal that decision. For further details please contact TUSLA.

18. If you are refused a place in a CDETB Post Leaving Certificate College
You should contact the college to discuss the reason why you have not been enrolled. If you disagree with the decision you should then write to the Secretary of the College Board of Management informing him/her that you wish to have your case heard before the College Board of Management.
2. Suspension from school

If your child is suspended

You will be informed of your child’s suspension by letter. You will be invited to contact the school and/or to attend a meeting in the school to discuss the suspension. It is very important that you contact the school and/or attend this meeting.

You should

- Look at a copy of the school’s discipline policy which tells parents how children are expected to behave in school and what actions the school may take in cases of bad behaviour
- Remember that when you enrolled your child in the school you agreed that your child will keep the rules of that school
- Attend any meetings set up by the school to talk about your child’s behaviour and/or suspension
- Remember that the teachers are there to give your child as good an education as possible

The Principal (or his or her designated representative) must

- Tell you why your child is being suspended and for how long
- Invite you to a meeting to talk about your child’s behaviour, the suspension and his/her future in the school

Some General Points

- Only the Principal of a school, or his or her designated representative, has the right to suspend a child
- The Principal must inform the Education Welfare Board if a child is suspended from a CDETB school for a period of 6 consecutive school days
- The Principal must seek the approval of the school Board of Management and if it is seeking to suspend a student beyond a total of 20 days suspensions in any one school year.
- When agreement is reached between the school, the student, and the parent/s on the future behaviour of the student in the school then the suspension may be lifted.
3. Expulsion from school

If there is a proposal to expel your child from school then you should contact your local Education Welfare Officer as soon as possible. You should ask the school or college for the name and contact number of this person. The Education Welfare Officer is there to advise and support you.

If there is a proposal to expel your child

CDETB has a set of procedures that each of its schools and colleges must follow

- A student cannot be expelled without having been suspended first
- The Principal must propose the expulsion of a student and prepare a report to bring to a meeting of the school Board of Management.
- The Principal must also inform the Education Welfare Board of this proposal (if the student is under 18 years of age)
- The school Board of Management will discuss this proposal as well as the Principal’s report and decide if the student should be expelled or not
- The parent will be notified of this decision in writing and may appeal that decision to City of Dublin CDETB
- An Independent Appeal Committee will consider this decision and/or appeal and make a final decision as to whether your child should be expelled or not.

As a parent you have the right to

- attend this school Board of Management meeting and any Appeal hearing
- bring another person to support you at the Board of Management meeting and any Appeal hearing
- receive, in advance, a copy of the Principal’s Report on your child and any other documents produced at the Board of Management Hearing or any Appeal Hearing
- bring any documents that you consider relevant to this meeting
- address (or your representative) the school’s Board of Management to have your views heard in matters relating to your child
- appeal the decision of the Board of Management to the CDETB

How is the decision to expel made?

1. The Principal will call a meeting of the school Board of Management to hear the proposal to expel. The Principal will have prepared a report for Board of Management. You will receive a copy of this in advance of the Board of Management meeting. You will be invited to attend the meeting and to contribute to the discussion. Both you and the Principal will be asked to leave the room while the Board of Management makes its decision. You will be informed in writing of the decision of the Board of Management. You have a right to appeal that decision. An appeal form will be sent with the letter.
If you disagree with the decision of the Independent Appeal Board
If the decision of the Independent Appeal Board is to expel your child and you are not satisfied with this decision then you may appeal it to the Secretary General of the Department of Education and Skills.

An appeal form will be sent to you with the letter informing you of the Independent Appeal Board decision to expel your child from the school or college.

Schools have been advised that

- A student should be expelled only for the most serious of offences
- They should keep records of the events leading to the proposal to expel, which might include:
  - Details of the student's previous behaviour record
  - Steps that have been taken to deal with the student, and copies of any agreements already reached with the parents of the student and details of any student support put in place
  - Copies of any letters between home and school
  - Dates and times of meetings with the parents of the student
  - Evidence that the necessary procedures have been followed
Appendix 3

CDETB Section 29

Appeal Application Form
APPEALS APPLICATION FORM

- This form should be used for the making of an appeal to the City of Dublin Education and Training Board as provided for under Section 29 of the Education Act, 1998

- In general appeals must be made within 14 calendar days of receipt of the Board of Managements' decision

- Please note that when submitting this Application Form, you should at the same time, notify the school in question of the Appeal to City of Dublin Education and Training Board on the grounds on which it is made. A completed copy of this form should also be provided to the school.

PLEASE RETURN COMPLETED APPLICATION FORM TO:

Chief Executive,
City of Dublin Education and Training Board,
Administrative Offices,
Town Hall,
1-3 Merrion Road,
 Ballsbridge,
Dublin 4.
# APPEAL APPLICATION

Please write in block print

## PARENT/GUARDIAN DETAILS

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<thead>
<tr>
<th>Name (Parent/Guardian)</th>
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<th>Daytime telephone no</th>
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## STUDENT DETAILS

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<th>Name of student (if under 18 years of age)</th>
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<th>Age of student</th>
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<th>Year / class of student</th>
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## SCHOOL DETAILS

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<thead>
<tr>
<th>Name &amp; address of school, in respect of which this appeal is being made</th>
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NATURE OF DECISION BEING APPEALED
(Please tick one category only)

- Refusal to enrol
- Suspension*
- Permanent Exclusion/Expulsion

* Please note that an appeal may only be made in respect of a suspension which results in 20 days or more of suspension for that student in any one school year.

DATE WHEN YOU WERE NOTIFIED OF THE DECISION BY THE SCHOOL
(e.g. 1st January 2001)

<table>
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<tr>
<th>DAY</th>
<th>MONTH</th>
<th>YEAR</th>
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<tr>
<td>0</td>
<td>0</td>
<td>2006</td>
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DETAILS OF PROCEEDINGS AT LOCAL LEVEL
(You should state the decision being appealed)

(Extra pages may be added)
GROUND ON WHICH THE DECISION IS BEING APPEALED

<table>
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<tr>
<th>In relation to enrolment appeals, please advise whether you consider that:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>The school may have breached fair and reasonable procedures in dealing with your application</td>
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<tr>
<td>There has been a failure by the school to correctly apply their published enrolment policy</td>
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<tr>
<th>In relation to appeals against a suspension or expulsion of a child, please advise whether you consider that:</th>
<th>Yes</th>
<th>No</th>
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<tr>
<td>The school may have breached fair and reasonable procedures in dealing with you or your child</td>
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<tr>
<td>There has been a failure by the school to correctly apply their Code of Behaviour's rules on expulsion and suspension</td>
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</tbody>
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If you have ticked Yes to any of the boxes above,

*Please state clearly the grounds on which the decision is being appealed*

(Extra pages may be added)

PLEASE ENCLOSE COPIES OF ALL CORRESPONDENCE WITH THE SCHOOL IN RELATION TO THIS MATTER
YOU MAY ALSO ENCLOSE ANY OTHER RELEVANT DOCUMENTATION IN SUPPORT OF YOUR CASE

I certify that the information given above is true. I understand and authorise that all documentation considered relevant may be accessed as part of this appeal process, and that contact may be made for this purpose with relevant bodies such as the National Educational Psychological Service or the National Educational Welfare Board. I understand that all documentation provided by me in relation to this appeal, including this application form, will be released to the school in question prior to an appeals hearing taking place.

SIGNED

DATE
Appendix 4:

Guidelines for Appeal Chairperson

Appeal Hearing

Hearing
The chairperson invites the participants to introduce themselves. The Chairperson explains that the appeals committee will be conducting a full hearing of the matter under appeal. The appeal Committee’s authority was granted under Section 29 of the Education Act and Procedures for Hearing and Determining Appeals under Section 29 of the Education Act, 1998 in respect of CDET (ETB) Schools (updated 2016).

The process provides for hearings to take place with the minimum of formality consistent with giving all parties a fair hearing. The hearing is not conducted as in a court of law.

Stage 1: presentation of the case without interruption, starting with the parent representatives, followed by the school representatives. The parties should ‘tell their story’ from the beginning, in whatever way they wish, and no strict time limits are imposed on their presentations. Anyone who remembers a point at a later stage is free to include it.

Stage 2: right of reply, starting again with the parent representatives, followed by the school representatives. The chairperson asks both parties, if they have a number of questions, to ask them one at a time to ensure that none would be overlooked.

Stage 3: questions to both parties from the appeals committee. The purpose of the appeals committee’s questioning would be

- To ensure that the members had fully grasped the details of the case before reaching a determination, and
- To reassure the parties that their points had been fully understood by the appeals committee

Stage 4: summing up by both parties

Stage 5: information about what happens after the hearing is over

The chairperson states that every Section 29 appeal is heard as a stand-alone case and takes no account of any previous proceedings. The appeals committee reaches its decision on that basis.
Determination

In arriving at its decision, the main considerations that the appeals committee takes into account are:

- the approved practice within the school for dealing with issues/grievances which are the subject matter of the appeal, including, where relevant and available, any statutory or non-statutory procedures, guidelines, regulations or other provisions in operation at any time;
- the educational interests of the student who is the subject of the appeal;
- the educational interest of all other students in the school;
- the effective operation and management of the school;
- the resource implications arising from the issues under appeal, and
- the policy of CDETB in respect of the characteristic spirit/ethos of the school.