



Primary Circular 0024/2007

**DEPARTMENT OF EDUCATION AND SCIENCE
PRIMARY BRANCH**

**TO BOARDS OF MANAGEMENT AND PRINCIPALS OF
PRIMARY SCHOOLS**

APPEAL BOARD FOR MAINSTREAM STAFFING IN PRIMARY SCHOOLS

1. INTRODUCTION

- 1.1 In August, 2002 the Minister for Education and Science established a **Mainstream Staffing Appeal Board** to adjudicate on appeals from Boards of Management on the mainstream staffing teacher allocation of primary schools.
- 1.2 The Appeal Board operates independently of the Minister and the Department and its decisions are final.
- 1.3 The Appeal Board consists of a Chairperson and two other persons nominated from a panel.

2. FUNCTION OF THE APPEAL BOARD

- 2.1 The function of the Appeal Board is to review appeals on the mainstream teaching staff allocation to primary schools in accordance with appeals criteria determined by the Minister for Education and Science from time to time.

3. OPERATION OF THE APPEAL BOARD

- 3.1.1 The Appeal Board normally meets three times annually. It is proposed that the first meeting of the Staffing Appeal Board to deal with appeals for each school year will be held in May. Further meetings will be held in July and October. These closing dates will be posted on the Department's website. Please note that closing dates will be strictly adhered to and accordingly, appeals received after a particular closing date will not be considered by the Board at that session.

- 3.2 A Board of Management **may** appeal only once in a particular case.

The Appeal Board's adjudication will be regarded as a final determination in relation to the post(s) and **no further appeal shall be considered**.

It should be noted that the Appeal Board will **not** accept applications directly from parents, individual teachers or other third parties; the application must be made by the Board of Management. Representations to individual members of the Appeal Board by a Board of Management or a person acting on behalf of a Board of Management will not be allowed.

- 3.3 **Where a school is due to lose a post, the teacher will remain on the panel, open to redeployment offers, irrespective of the appeal application. A teacher may not refuse an offer of an appointment from another school on the basis that the school to which s/he is attached is awaiting a decision on an appeal to the Appeal Board.**

4. APPEALS CRITERIA

- 4.1 Following consultation with the Appeal Board and in the light of experience of appeal applications to date, a change to the criterion under developing school status has been agreed and is set out at (c) below. The criterion under the heading of Giving Children an Even Break and Breaking the Cycle has been removed.
- 4.2 The provisions of the staffing schedule shall apply unless the Appeal Board determines that a departure is warranted. The Appeal Board may only determine that a departure is warranted in the circumstances outlined at (a) to (c) below.
- (a) Where a departure from the staffing schedule is warranted to meet exceptional accommodation difficulties such as schools operating on a split site for a period following amalgamation or prior to the provision of a permanent building.
 - (b) Where the Board is satisfied on the basis of verifiable evidence that the required pupil numbers were enrolled in September or October, but, due to circumstances outside the control of the school, were not enrolled on the 30th September. **However, for staffing purposes, a pupil can be included in the enrolment of only one school in any school year. ****
 - (c) Where the Board considers that in relation to the granting of a post under the developing school criterion, the projected pupil numbers required to retain the post were enrolled or are likely to be enrolled by December, but due to circumstances outside the control of the school, were not enrolled as expected on 30 September of the new school year. A post allocated by the Board under this criterion will be sanctioned on a provisional basis subject to confirmation of the required enrolment being achieved by December of the new school year. As with (b) above, for staffing purposes, a pupil can be included in the enrolment of just one school in any school year. **

** In the event that the school in which the pupil was enrolled on the 30 September can verify that the pupil did not need to be counted for the appointment or retention of a teacher in that school, the Appeal Board will consider allowing the pupil to be counted as part of the enrolment for staffing purposes in the school to which s/he has transferred.

The Appeal Board shall have regard to the availability of appropriate alternative educational provision (e.g. in neighbouring schools).

The Appeal Board may make recommendations from time to time in relation to the appeals criteria.

5. VERIFICATION OF DATA

The Appeal Board may take whatever measures necessary to verify data received in support of an appeal.

6. OUTCOME OF APPEAL PROCESS

Each Board of Management will be given written notification of the result of the Appeal.

7. FORMAT FOR THE APPEAL

The appeal must be submitted on a standard application form. The application form may be accessed on the Department website or obtained from the Primary Payments Section of the Department.

This circular may also be accessed on the Department of Education & Science website at www.education.ie under Education Personnel/Primary/Circulars and Information Booklets.

Please note that queries regarding the Circular may be E-Mailed to primary_payments@education.gov.ie

Johnny Bracken
Principal Officer.
March, 2007