



Circular Letter 0025/2016

To: The Managerial Authorities of Recognised Secondary, Community, and Comprehensive Schools and the Chief Executives of Education and Training Boards

Promotion and Appeal Procedures for appointment to Assistant Principal, Special Duties Teacher and Programme Co-ordinator

The Minister for Education and Skills directs you to implement the regulations and procedures contained in this Circular regarding appointment to Assistant Principal, Special Duties Teacher and Programme Co-ordinator posts and appeals in respect of competitions for such posts.

This Circular comprises two parts:

Part A: Promotion procedure for appointment to Assistant Principal, Special Duties Teacher and Programme Co-ordinator

Part B: Appeal procedure in respect of competitions for appointment to Assistant Principal, Special Duties Teacher and Programme Co-ordinator

The revised promotion and appeals procedures contained in this Circular apply to all competitions advertised from 4 April 2016.

This Circular supersedes Appendix 1 of Circular 42/2010 in respect of appointments to Assistant Principal and Special Duties Teacher. In respect of appointments to Programme Co-ordinator, this Circular supersedes sections 2.2 and 3 of Circular PPT17/02, sections 3 and 4 of Circular PPT18/02 and sections 3, 4 and 5 of Circular PPT19/02. This Circular also supersedes the existing appeal arrangements issued in March 2015.

Please ensure that copies of this Circular are provided to all members of the Board of Management/Education and Training Board and its contents are brought to the attention of all teachers in your employment including those on leave of absence.

Queries in relation to this Circular should be addressed to the appropriate management body in the first instance.

This Circular can be accessed on the Department's website www.education.ie

Alfie Barrett
Teacher Terms & Conditions
2 March 2016

PART A

Promotion procedure for appointment to Assistant Principal, Special Duties Teacher and Programme Co-ordinator

1. Selection criteria and marking scheme

All competitions for Assistant Principal, Special Duties Teacher and Programme Co-ordinator posts advertised will be filled using the new arrangements i.e. five criteria for selection each carrying a weighting of 20 marks.

The criteria are:

- Seniority
- Knowledge, Understanding and Capacity to meet the needs of the job
- Capacity to contribute to the overall development of the school
- Interpersonal and Communication Skills
- Capacity to contribute to the overall Organisation and Management of the school

2. Seniority

Seniority will be reckoned as follows:

2.1 Service in the school or scheme:

The service in the school or scheme of the most senior applicant will qualify for 20 points. Using that service as a base line, it will be divided by four in order to establish four quartiles.

- All applicants in the top quartile will each receive 20 points
- All applicants in the second quartile will each receive 15 points
- All applicants in the third quartile will each receive 10 points
- All applicants in the lower quartile will each receive 5 points

2.2 Service as a teacher in another school or scheme:

Any teacher who has service in another school or scheme recognised by the Department of Education and Skills, where such service is a minimum of the value of 1 quartile in the competition in question will be moved to the next higher quartile than that justified by service in the school, subject to not exceeding 20 points overall mark on seniority.

3. Composition of the Selection Board

3.1 In the Education and Training Board (ETB) sector, the selection board shall comprise:

- The Chief Executive (CE) or his/her nominee (who may be the Principal)
- An ETB representative (Member)
- An independent member to be drawn from a panel to be agreed with the union(s)

The CE or his/her nominee will not act as chairperson.

3.2 In Designated Community Colleges, the selection board for Assistant Principal, Special Duties and Programme Co-ordinator posts shall be constituted in accordance with the provisions of the Deed of Trust/Articles of Management which specify the composition of such boards. The Inspector's position on the board shall be understood to mean an Inspector or retired Inspector. The following should be noted in this regard:

- (i) The wording from the relevant paragraph in the Deed/Articles re. the composition of the selection board must be included in the letter notifying the candidates of interview in such circumstances.
- (ii) The Department of Education and Skills has previously stated that serving Inspectors will not be available to act as members of selection boards.
- (iii) In the event that an ETB is unsuccessful in sourcing a retired Inspector for a selection board, the Inspector's position on the board shall be replaced by an independent member to be drawn from a panel to be agreed with the union(s).

In Designated Community Colleges where the Deed of Trust/Articles of Management do not make provision for the composition of the selection board for Assistant Principal, Special Duties and Programme Co-ordinator posts, the selection board shall be constituted in accordance with the arrangements for the ETB sector (i.e. a three-person board as set out in section 3.1 above).

3.3 In the Community and Comprehensive (C&C) sector, the selection board shall comprise:

- The School Principal (who will not act as chairperson)
- A Trustee nominee
- An independent member to be drawn from a panel to be agreed with the union(s)

3.4 In the Voluntary Secondary sector, the selection board shall comprise:

- The Principal
- A nominee of the Board of Management
- An independent chairperson to be drawn from a panel agreed with the unions.

PART B

Appeal Procedure in respect of competitions for appointment to Assistant Principal, Special Duties Teacher and Programme Co-ordinator posts

This Appeal Procedure has been established to ensure that the correct procedures are followed in the appointment of Assistant Principal, Special Duties Teacher and Programme Co-ordinator.

1 Advertising the Post

1.1 All application forms for posts of responsibility shall include reference to a candidate being able to access, **upon written request** all items listed (i) to (iv) below after s/he is notified of the outcome of the post of responsibility appointment process:

- (i) His/her marks under each selection criterion
- (ii) The notes of the interview board pertaining specifically to the candidate alone
- (iii) The marks of the recommended candidate under each criterion
- (iv) Service in the school/scheme of the most senior applicant

2 Grounds for Appeal

2.1 A candidate may only appeal on **one or more** of the following grounds:

(a) An alleged breach of the procedure:

- (i) in determining the post to be advertised,
- (ii) in advertising the vacancy,
- (iii) in the interview process,
- (iv) in the appointment to the post,

in accordance with the relevant Department of Education and Skills circular letters.

(b) An alleged inconsistency and/or lack of fairness in the application of the criteria for selection for the post. The criteria/criterion as per this circular letter must be clearly identified.

3 Supporting Evidence

3.1 Supporting evidence¹ must be supplied in respect of the grounds for appeal.

4 Appeal Board

4.1 The Appeal Board will consist of a nominee of the relevant union, a nominee of the relevant management body and an independent chairperson from a panel agreed by the unions and management bodies.

4.2 No member shall be appointed to the Appeal Board to consider a case referred to it who has had prior interest in or dealings with that particular case. However, in

¹ Paragraph 5 refers

circumstances where there is more than one appeal lodged in relation to the appointment process to the same post, an Appeal Board member may hear more than one appeal.

5 Process of Appeal

- 5.1 Appeals in respect of competitions for posts of Assistant Principal, Special Duties Teacher and Programme Co-ordinator posts shall be completed electronically on the agreed PDF appeal form. Only appeals completed and submitted using the electronic form will be processed. Appeals submitted after the *Appeal Date* will not be processed.
- 5.2 Both appeals and response to appeals are each limited to a total submission of 1,000 words.
- 5.3 Any costs incurred by appellants or the school/ETB as the management respondent shall be their respective responsibility as a party to the appeal.
- 5.4 A candidate who wishes to appeal must lodge a completed PDF appeal form using the notified email address with the Secretary to the Board of Management/Manager/CE² within seven school days of issue of the notification of the outcome of the post of responsibility appointment process³.
- 5.5 The final date and time (4.00 p.m.) for notification of appeals to the Secretary to the Board of Management/Manager/CE shall be stated in the letter outlining the outcome of the appointment process. The date will become known as the ***Appeal Date*** and will be at 4.00 p.m. on the seventh school day, with day one commencing on the day after the outcome of the process is issued. If no appeal is received within this timeframe, the Board of Management/Manger/CE shall proceed with the appointment of the recommended candidate.
- 5.6 Documentation (if any) which is relied on to support an appeal and referenced in the appeal form must be submitted by email or in hard copy to the Secretary to the Board of Management/Manager/CE by 4.00 p.m. on the *Appeal Date*. Any such documentation received after this time will not be processed and will be returned to the appellant.
- 5.7 School days are defined as days in which the school is in operation for pupils. Where the outcome of the competition is notified to applicants in the week immediately prior to the June State examinations, the *Appeal Date* shall occur within the first 12 official examination days of the State examination period. If an appeal is received by this *Appeal Date*, no appeal hearing shall be convened before the next school year.
- 5.8 The Secretary to the Board of Management/Manager/CE will issue an acknowledgement of receipt of the appeal within three school days of the *Appeal Date*.
- 5.9 The recommended candidate for the post will be advised by the Secretary to the Board of Management/Manager/CE that an appeal(s) has been lodged and that the appointment process is postponed pending the outcome of the appeal(s).

² CE or designated officer

³ When sent by email, the completed PDF appeal form attached will automatically be discharged to the Appeal Board Secretariat for the relevant sector also.

- 5.10 On receipt of an appeal, the Secretary to the Board of Management/Manager/CE will also notify the Appeal Board Secretariat by email of the *Appeal Date*. The Appeal Board Secretariat will request nominees from the General Secretary of the relevant teachers' union and the General Secretary of the relevant management body and will identify the independent chairperson from the agreed national panel having regard to the agreement reached with respect to the selection of such chairpersons.
- 5.11 The Secretary to the Board of Management/Manager/CE will forward the completed PDF management response form and supporting documentation to the Appeal Board Secretariat within seven school days of the *Appeal Date* and will simultaneously send a copy of the management response to the appellant.
- 5.12 The Secretary to the Board of Management/Manager/CE and the appellant will be notified by the Appeal Board Secretariat as to the composition of the Appeal Board within ten school days of the *Appeal Date*.
- 5.13 The Appeal Board will undertake a preliminary review of each appeal submitted, the corresponding management response submitted, supporting documentation, relevant Department of Education circulars/forms appropriate to such competitions.
- 5.14 Only documents specifically referenced in the statement of appeal or management response to the appeal are admissible. Any additional and/or unsolicited documentation will not be considered by the Appeal Board and will be returned to sender. The Appeal Board may seek copies of certain documents relevant to its consideration of the appeal from either party to appeal (see 6.2 below).
- 5.15 Appellants are required to substantiate each appeal ground selected on the online appeal form with a supporting rationale/defence. The supporting rationale must be relevant to the specific appeal ground selected. Where nothing is provided by way of a rationale/defence of the appeal ground selected, the appeal ground will be discounted by the Appeal Board and reference to this effect will be included in the Appeal Board determination.
- 5.16 The Appeal Board will examine each appeal ground selected and supporting rationale/defence. The Appeal Board will examine the management response to the appeal ground selected and management's rationale/defence. Each appeal ground will be considered and adjudicated upon.
- 5.17 Appeals shall not include observations or disparaging remarks of a personal nature including personalised comments about individuals. Where this transpires, it may lead to an appeal being disqualified by the appeal board or an oral hearing being terminated by the Appeal Board.
- 5.18 Where the Appeal Board, having considered the appeal and response, deems it unnecessary to conduct a hearing, it shall notify the appellant and the Secretary to the Board of Management/Manager/CE of the outcome of the appeal within twenty-five school days of the *Appeal Date*.
- 5.19 Where the Appeal Board, having considered the appeal and management response, decides that a hearing is necessary, it shall set a date for a hearing within twenty-five school days of the *Appeal Date*. In the case of ETBs, the venue will be organised by the ETB and any meetings/hearings that arise thereto.

5.20 During the course of an appeal, no communication may be made with the Appeal Board or any member thereof except in accordance with the Appeal Procedure or at the request of the Board.

6 Appeal Board Hearing

6.1 Purpose of the hearing:

- a) To allow the parties to the appeal to present their respective position on the appeal
- b) To allow each party to respond to the other party's position
- c) To allow the Appeal Board the opportunity to seek clarifications on various relevant matters.

6.2 Where additional documentation is sought prior to an appeal hearing by the Appeal Board, the parties shall co-operate in furnishing same as soon as possible to the Appeal Board to facilitate the exchange of such documentation to the other party not later than three school days prior to the hearing. No documentation shall be admissible at the hearing which has not been supplied in accordance with this timeline. The Appeal Board may draw any inference/conclusion it desires in respect of the failure of either party to provide documentation requested by the Appeal Board.

6.3 The parties are bound by the terms of reference and protocol for the conduct of oral hearings. The parties are required to maintain confidentiality throughout this process and subsequent to the process.

6.4 The Appeal Board will base the hearing on the following documents: the appeal form, the management response form, accompanying documentation, relevant Department of Education and Skills circular letters and any documentation requested by the Appeal Board.

6.5 The appellant may be accompanied by a work colleague or friend. The nature of appeal hearing is such that legal representation is not appropriate.

6.6 The Board of Management/Manager/CE may be represented by the Principal or a member of the Board/CE and may be accompanied by a management colleague.

6.7 Protocol for the conduct of the hearing

6.7.1 The chairperson of the Appeal Board will clarify at the outset the process to be followed in accordance with this protocol. The appeal hearing will **not** constitute a re-run of the competition interview process, but will confine itself to an exploration of the ground/s of appeal and response to appeal ground/s.

6.7.2 Proceedings before the Appeal Board shall be informal. It is not a legal process.

6.7.3 The normal rules of due process and fair procedures apply.

6.7.4 The hearing will be conducted in plenary session with both parties and those accompanying them present. Side bar meetings and/or adjournments are facilitated at the discretion of the Appeal Board. The hearing will be conducted in a reasonable, calm and professional manner.

- 6.7.5 Discourse will be conducted through the chairperson.
- 6.7.6 The appellant is provided with an opportunity to speak to his/her appeal submission. Matters of clarification can be sought by the Appeal Board.
- 6.7.7 The school/ETB is provided with an opportunity to speak to its appeal response submission. Matters of clarification can be sought by the Appeal Board.
- 6.7.8 Both parties are provided with an opportunity to comment on, ask questions on, address or rebut statements or commentary made or submitted by the other party to the appeal.
- 6.7.9 Members of the Appeal Board may ask questions of one or both parties.
- 6.7.10 Prior to the conclusion of the hearing, each party will be invited to provide concluding remarks.
- 6.7.11 The Appeal Chairperson will then close the hearing and remind the parties of their obligations under confidentiality.

7.0 Outcome of the Appeal Procedure

- 7.1 The Appeal Board determination will issue to the parties to the appeal and a copy simultaneously provided to the Appeal Board Secretariat within 5 school days of the hearing. The Appeal Board determination will conclude all matters with respect to the appeal.
- 7.2 If an appeal is rejected, the Board of Management/Manager/CE shall proceed with the appointment of the original recommended candidate in the post.
- 7.3 Where an appeal is upheld, the Appeal Board will advise the Board of Management/Manager/CE to recommence the appointment process at the appropriate stage, e.g. re-advertise the post **or** re-interview all the applicants.
- 7.4 In circumstances where the Appeal Board determines that an error was made in the computation of marks awarded that materially changes the outcome, the Appeal Board will specify the fact and advise the Secretary to the Board of Management/Manager/CE that the highest ranked candidate by reference to the correct application of the marks should be recommended for appointment in such circumstances.
- 7.5 As a matter of best practice, where recommencement of the selection process is required following an appeal, membership of the selection board should change except where there is a specific requirement in the current arrangements for the participation of a specific office holder.
- 7.6 Following the conclusion of the appeal, no communication may be made with the Appeal Board or any member thereof except in accordance with the Appeal Procedure or at the request of the Appeal Board.
- 7.7 However, in the event that the Appeal Board reviews an appeal or management response and a matter emerges which materially affects the outcome of the competition which was not cited in the appeal, the Appeal Board will adjudicate in respect of this particular matter and provide a comment on the matter in its determination. In such circumstances,

schools/ETBs can seek the permission of the Appeal Board to recommence the competition at a previous stage to that of re-interviewing.

7.8 All matters relating to the appeal are **strictly confidential** to the parties to the appeal, the Appeal Board Secretariat and the Appeal Board. This includes all aspects of the appeal process (including documentation that arises thereto).

8.0 **Data Protection, Administrative Matters and Review**

8.1 All documentation held by the Appeal Board members will be returned by the Appeal Board Chairperson to the Appeal Board Secretariat. The documentation will be retained on file for a period of eighteen months following the appeal determination. Thereafter, the Appeal Board Secretariat will be responsible for confidential document destruction.

8.2 In circumstances where issues of clarification may arise, Appeal Boards have recourse to the relevant parties to this appeal procedure through the Appeal Board Secretariat.

8.3 Nothing shall preclude the parties at national level, being management bodies and unions post-primary, from collectively seeking feedback at intervals from the Appeal Board Chairpersons to inform continuing best practice and assist in seeking to clarify issues which may fall for review from time to time.

8.4 The operation of the Appeal Procedure will be subject to review as agreed at the Teachers' Conciliation Council.

9.0 **Forms & Letters**

The following are to be used for the purposes of this appeal procedure:

- Post of Responsibility Teacher Appeal Form (available in PDF format from the school/ETB).
- Management Response to Appeal Form (available in PDF format from post-primary management bodies' websites).
- Appendix 1: Notice to unsuccessful candidate/s re outcome of competition
- Appendix 2: Acknowledgement of receipt of an appeal
- Appendix 3: Notice to recommended candidate advising receipt of appeal

Appendix 1: Notice to unsuccessful candidate/s re outcome of competition

Logo of School/ETB
Name of School/ETB

<Insert date>

<Insert addressee>

<Insert correspondence address>

RE: Notification of outcome of the selection process for the appointment of *Assistant Principal/Special Duties Teacher/Programme Co-ordinator post(s)* with <insert name of school>.

Dear <Insert Name>,

Thank you for your application and attendance at interview for the above post. I wish to advise you that you were unsuccessful on this occasion.

In the event that you wish to appeal the recommendation of the selection board you are required to:

- Log onto <insert link to PDF form>
- Familiarise yourself with the guidance provided
- Complete the PDF form
- When the form is completed press “Save and Send Mail”. The form will self-attach to an email.
For the:
 - (a) ETB sector, the email address will automatically insert;
 - (b) Voluntary secondary school and community and comprehensive sectors, please insert the following email address (XXXX@XXX.XX). **Only** this notified email address should be used.
- Documentation (if any) which is relied on to support your appeal and referenced in your appeal form can:
 - (i) be attached to the email generated and submitted with the form or;
 - (ii) supplied in hard copy marked for the attention of the Secretary to the Board of Management/Manager/CE of <insert name of school/ETB> <delete as appropriate>.
- Completed appeal forms and relevant supporting documentation (if any), must be submitted no later than **4.00 p.m. on <insert date> i.e. the Appeal Date**. It is the responsibility of the appellant to ensure that the completed form and all supporting documentation is received by the school/ETB <delete as appropriate> by this date and time.
- Ensure to save copies of the form and supporting documentation for your own records.

A copy of Circular 0025/2016 containing the *Appeal Procedure for the appointment of Assistant Principal, Special Duties Teacher and Programme Co-ordinator posts* is available to download from <insert website link> or upon email request from your school/ETB <delete as appropriate>. We strongly recommend that you make yourself familiar with its contents.

Yours sincerely,

Secretary to Board of Management/ Manager/Chief Executive/HR Manager/Head of Recruitment
<delete as appropriate>

Appendix 2: Acknowledgment of receipt of an appeal

[For issue within three school days of the Appeal Date]

*Logo of School/ETB
Name of School/ETB*

<Insert date>

<Insert addressee>

<Insert correspondence address>

RE: Acknowledgment of receipt of appeal

Dear *<Insert Name>*,

I wish to confirm that *<insert name of school/ETB> <delete as appropriate>* is in receipt of your appeal with respect to the post of Assistant Principal/Special Duties Teacher/Programme Co-ordinator post(s) *<delete as appropriate>* competition in *<insert name of school>*. This appeal was received on *<insert date>*.

Yours sincerely,

Secretary to the Board of Management/Manager/Chief Executive/HR Manager/Head of Recruitment *<delete as appropriate>*

Appendix 3: Notice to recommended candidate advising receipt of appeal

[For issue on receipt of an appeal]

*Logo of School/ETB
Address of School/ETB*

<Insert date>

<Insert addressee>

<Insert correspondence address>

RE: Notice to recommended candidate advising receipt of an appeal(s) in respect of the Assistant Principal/Special Duties Teacher/Programme Co-ordinator post(s) competition in *<Insert Name of School>*

Dear *<Insert Name>*,

I wish to confirm that *<insert name of school/ETB>* is in receipt of an appeal(s) with respect to the above named post. As the recommended candidate, I am advising you that your appointment to this post is postponed pending the outcome of the appeal(s) lodged.

You will be notified of the outcome in due course.

Yours sincerely,

Secretary to the Board of Management/Manager/Chief Executive/HR Manager/Head of Recruitment *<delete as appropriate>*