

NCSE Procedures for appeal of SENO decisions in relation to the allocation of teaching hours and Special Needs Assistants to schools to support the education of children with Special Educational Needs.

The NCSE is committed to exercising its role in relation to allocation of teaching hours and Special Needs Assistants to schools to support the education of children with special educational needs in a way that is fair, consistent and transparent. In carrying out this function the NCSE will seek to obtain all relevant evidence in relation to a child's educational and care needs and the resources available to the school and apply the Department of Education and Science policy in each case.

This task is undertaken by Special Educational Needs Organisers employed by the Council.

Principles that guide the decision and appeal process.

- The first priority of our resource allocation work is to ensure that schools are resourced to meet the needs of all students with special educational needs in accordance with the Department of Education and Science policy on resource allocation to meet the varying needs of individual pupils.
- Clear communication to parents, schools and education and health professionals of the Department of Education and Science policy parameters within which the Council operates in making particular resource allocation decisions.
- Making professional judgements in relation to the level of provision taking into account the evidence on the needs of the child, the resources already available in the school and the Department of Education and Science policy is at the core of the SENO's work. In making these judgements we strive for objectivity and consistency and for clarity in communicating our decisions.
- We consider that the concerns of schools and parents about any decisions are best resolved informally through local discussion at the decision making stage. However, we accept that situations may arise where this is not possible and that more a formal appeals process involving personnel other than the original decision maker may be appropriate.
- We are committed to addressing any concerns raised about a decision in an open and transparent manner. In this regard SENOs will inform schools and parents of the reasons for decision where such concerns are raised.

Why we have appeal procedures.

The vast majority of decisions in relation to teaching hours and Special Needs Assistant allocations made by SENOs are accepted by both the schools and the parents of children with special educational needs. However a school or parent may be dissatisfied with a decision on the basis that the Department of Education and Science policies were not applied correctly or that the SENO erred when considering the evidence and/or when making a decision. This procedure outlines the steps that may be taken to appeal a SENO decision on the allocation of Teaching hours or Special Needs Assistants.

It should be noted that decisions in relation to such issues as transport and special equipment are made by the DES and are therefore not appropriate to these procedures.

Who may appeal a decision?

The Council's decision making is in relation to the allocation of resources to a school to meet the needs of children with special educational needs. All appeals in relation to these decisions should therefore be processed through the school.

A School Principal or Chairperson of the Board of Management on behalf of the School may appeal a SENO decision. However, a parent may feel aggrieved by a decision in so far as it impacts on the level of support available to meet the needs of his/her child. Such a parent may initiate an appeal through the school and the school shall forward such an appeal to the deciding SENO.

Grounds for the appeal of a decision.

An appeal of a decision can be sought on grounds that the SENO

- (i) Misinterpreted or ignored the Department of Education and Science policy
- or**
- (ii) That the SENO failed to take due account of the evidence of educational and/or care needs of the child or the resourcing available within the school when applying the Department of Education and Science policy.
- Or**
- (iii) A combination of (i) and(ii) above

Appeal Process

On receipt of a decision the school Principal may, within 5 working days, signal their intention to appeal the decision by e-mail to the SENO. In response, the SENO will issue in writing, the rationale for the decision (*see Appendix 1*) and will also enclose the relevant appeals forms (*see Appendices 2 and 3*).

The decision may be appealed within 10 working days of the date of issue of the appeals forms. The appeal should clearly outline how the grounds for the appeal are linked to the rationale for the decision.

The appeal process will be conducted by a Senior SENO who has not previously been involved in the decision making.

The appeal request should be submitted to the SENO who issued the decision. The appeal must state clearly the grounds on which the appeal is being requested and must indicate if it is being requested by the school or by the school in conjunction with or at the instigation of the parents. On lodgement of an appeal, the status quo will be maintained until the appeal decision is issued to the school.

The appeal form will be processed by a Senior SENO within 20 working days of receipt of the appeal and the school will be informed of the outcome. In processing the appeal, the Senior SENO may consult with parents, school staff and education and health professionals as appropriate. If deemed necessary the Senior SENO may also visit the school and examine documents and undertake any necessary classroom observation.

The Senior SENO processing the appeal may uphold or alter the original decision. The decision may be altered by increasing or reducing the level of resources allocated. The senior SENO will set out the basis for their decision (*see Appendix 4*) and issue the outcome of the appeal to the school. If the parent/s also submitted an appeal, a copy will also be sent to the parent/s.

On receipt of the decision of the Senior SENO, the school must act on the outcome of the appeal.

Request for an independent examination of the Appeal Process

Where, on receipt of an appeal decision, a school Board of Management considers that the operation of the appeal process itself was deficient they may decide to refer this to the Appeals Advisory Committee. In doing so, they will be required to provide details to support this statement.

Such a statement must be submitted to the Appeals Advisory Committee, NCSE, Mill Street, Trim, Co. Meath, as soon as possible.

In such cases, the statement will be put before the Appeals Advisory Committee for their consideration when they meet to review the operation of the appeals process.

Appeals Advisory Committee

An Appeals Advisory Committee consisting of an Independent Chairperson, a representative of school management bodies and a parent representative will be established to consider the operation of the appeals process and the statements received from schools in this regard.

The Appeals Advisory Committee will consider the documentary evidence available in relation to the operation of the appeals process. In addition to individual statements submitted from schools, the Appeals Advisory Committee will invite the School Management Representative Bodies to comment on the operation of the appeals process.

The first meeting of the Committee will take place in October to review the operation of the appeals process in relation to the 2010/11 applications process. The Committee will submit a report to the Council.

The NCSE will publish the recommendations of the Appeals Advisory Committee in relation to the operation of the appeals process, together with the views of the Council, in the Annual Report of the Council.

Review of these procedures

These procedures will be reviewed in consultation with interested parties in the light of experience and in any event not later than March 2011.

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