

Appeal against a school for refusal to enrol a student due to school being oversubscribed.

Reason to make a Section 29 Appeal

Under Section 29 of the Education Act 1998 -

A parent, or a student where they have reached the age of 18, **may** appeal a decision of a Board of Management to refuse to admit a student to a school due to the school being oversubscribed.

The Section 29 Appeal Process

Appeals against a school for refusal to enrol a student are made under Section 29 of the Education Act 1998. As of November 2020, Section 29 of the 1998 Act was significantly revised and changed. The revised system of appeal, with important timelines, is set out below.

Key Stages

- Where making a Section 29 Appeal (refusal due to oversubscription) you **must** first request a review by the School Board of Management (BOM) of their decision to refuse a place at the school.
- You can appeal the decision of the Board of Management to refuse a place at the school to the Department of Education

Important to Know: You cannot use information in this review or appeal process (school oversubscribed) that was not made available with your initial application for a place in the school. When applying for a school place make sure the application form is fully complete and that you include all relevant and needed information with your application. Before applying for a school place you can find out about the school enrolment process from the school principal or from the school's website. Your local SENO can also provide advice and guidance.

How the Review or Appeal is Decided

A review or appeal process will consider:

- If the request for review or appeal is valid. Where the request for review or appeal **is valid** the review or appeal proceeds.
- if there was a **failure or mistake** in making the decision to refuse admission and
- If the failure or mistake had **an effect on the outcome** of the application for a school place.

The review or appeal decides:

- Where the review or appeal finds a failure or mistake in relation to admission, that had an impact on the application, the failure or mistake must be corrected by admitting the student to the school or special class concerned.
- Where the failure or mistake had an impact on the student's ranking on the waiting list the failure or mistake must be corrected by adjusting the ranking of the student on the waiting list.

There are 5 stages to the process, starting with the **requirement** to request a review by the Board of Management of the school's decision to refuse. The process and timeline is set out below. In the case of an appeal of refusal to enrol due to oversubscription the appeal to the Department is examined and determined **without** an oral hearing.

Further information

[Department of Education and Skills](#)

1. Request Review by Board of Management

Within 21 days of the decision to refuse admission

- Parent **must** request in writing a review by the Board of Management of the decision to refuse admission due to school being oversubscribed.

2. Board of Management Decision

Within 42 days of the decision to refuse admission

- The Board of Management must notify that it did not proceed with review as it found request was invalid **or**
- where the request for review was found valid the Board of Management must issue a statement of outcome and its review decision.

3. Appeal to Department

Following the issuing of the Board notification or statement

or

after 42 days from the date of the BOM decision to refuse admission

(whichever is the earliest)

and

not later than 63 days from the date of the BOM decision to refuse admission

- The parent or guardian can make a section 29 appeal of the decision of the Board of Management to refuse admission.

- The appeal must be made in writing, on the section 29 appeal form, and submitted to the Section 29 Appeals Administration Unit, Department of Education.

4. Decision of Department Appeals Committee

Where possible -
within 21 days of receipt of the fully completed Section 29 appeals form and all required information (from school, NCSE etc.)

- The Department Appeals Committee will:
- examine and make decide to proceed or to refuse to proceed with the appeal. A refusal to proceed with the appeal can be appealed to the Minister.
- Where proceeding will make decide to allow or disallow the appeal.
- Where the appeal is allowed (successful for applicant), include a direction to the Board of Management to admit the student or adjust the ranking of the student on the waiting list.
- By notice in writing inform the Minister of its decision and where allowing the appeal include the reasons for the decision.

5. Minister Issues Decision

As soon as practicable after receiving notice of decision from the Appeals Committee

- The Minister will forward to the applicant, the Board of Management of the school and any other agencies engaged -
- a copy of the decision of the appeals committee
- and where an appeal is allowed, a copy of the direction of the appeals committee