



Rialtas na hÉireann
Government of Ireland

Accredited Grades for Out-of-School Subjects and Out-of-School Learners

Guide to Appeals Process

For circumstances where a decision is made that it is not possible to submit an estimated percentage mark

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NB: The particulars of the arrangements and processes outlined in this Guide are subject to change on technical, policy or other appropriate grounds. It is the responsibility of the reader to ensure that they have the most up-to-date version of the Guide which will be available at www.gov.ie

See addendum on following page

Further Information

The most current information on all matters relating to Leaving Certificate examinations and the Accredited Grades process will be available on an ongoing basis on gov.ie/LeavingCertificate.

The Department will also support school leaders, teachers and other school personnel, tutors, parents and candidates by providing a dedicated phone-line service for queries on the Accredited Grades process.

The Department can be contacted in this regard by calling the Helpline on 057-9324461 (and select option 2). The phone line will be open from Monday 26 April 2021 and will operate Monday to Friday, 10.00 to 17.00.

Alternatively, queries can be e-mailed to LCinfo@education.gov.ie

ADDENDUM – CLARIFICATION

Note of Clarification:

The Accredited Grades for Out-of-School Subjects and Out-of-School Learners - Guide to Appeals (this Guide) published in May 2021 assigned responsibility for the processing of appeals in decisions to refuse to provide estimated marks to the Programme Board of the Department of Education.

Following the enactment of the Education (Leaving Certificate 2021) (Accredited Grades) Act 2021, legal clarification has been received that the State Examinations Commission, to which legal responsibility for the system of Accredited grades has been assigned, can process these appeals regardless of the date of the decision (to refuse to provide an estimated mark). This clarification replaces and supersedes the information presented in Section 5 of the Guide to Appeals as published.

Throughout the Guide, the references to the Programme Board of the Department of Education should be read as the board of the State Examinations Commission also known as the Commissioners. The Commissioners will continue to ensure that the appeals process, and all aspect of the system of Accredited grades, continues to respect natural justice and fair procedures.

1. Introduction and Context

1.1 Background reading

The information in this guide should be read in conjunction with the following key documents (and any updates to those documents available on www.gov.ie) including

- *A Guide to State Examinations and Accredited Grades for Leaving Certificate 2021 (February 2021) available [here](#)*
- *Guide to Accredited Grades for Leaving Certificate 2021 for (a) Out-of-School Subjects, and (b) Out-of-School Learners (March 2021) available [here](#)*
- *Guide for Schools and Students on implementing the Accredited Grades Process for Out-of-School Subjects and Out-of-School Learners (April 2021) available [here](#)*
- *Accredited Grades for Leaving Certificate 2021 – Guide for Schools on Providing Estimated percentage Marks (April 2021) available [here](#)*

1.2 Accredited Grades Process - key elements

The *Guide for Schools and Students on implementing the Accredited Grades Process for Out-of-School Subjects and Out-of-School Learners* sets out the process of arriving at an estimated percentage mark for relevant students who have registered on the Candidate Self Service Portal (CSSP) and applied for an Accredited Grade in the Leaving Certificate 2021.

There are two broad categories of out-of-school students for whom these arrangements apply.

- **Out-of-School Subjects** refers to students who are enrolled in, and studying in, a school¹ on a full time basis but are also studying an extra subject, or subjects, entirely outside of school. Students who are studying a subject in school but availing of extra tuition outside of school are not included in this category: they can only get an estimated percentage mark from their fulltime teacher.
- **Out-of-School Learners** refers to students who are entered for the examinations as external candidates and who are not attending for fulltime tuition at any school, or

¹ Throughout this Guide, the term “school” includes: a recognised school or centre for education, recognised by the Minister for Education under the provisions of the Education Act, 1998, and a centre recognised by the SEC for examination purposes.

private college, recognised by the State Examinations Commission. This category includes students who are being home schooled.

A sub-set of out-of-school students are those studying non-curricular languages. Specific arrangements have been made to enable these students to receive an Accredited Grade. The Appeals process outlined in this Guide does not apply to students who have entered for a non-curricular language on the CSSP.

A key feature of the processes to be implemented this year is the provision of a mechanism by which students studying subjects out-of-school, and out-of-school learners, are able to provide information and evidence of their learning for review by a Panel of Registered Teachers². As long as candidates have registered for an Accredited Grade on the CSSP and the necessary forms have been completed, signed and returned, the Panel of Registered Teachers should review whatever evidence is submitted. Informed by their review of the available information and evidence, the Panel **must** reach a professional judgement on the candidate's likely performance in Leaving Certificate 2021, and award an estimated percentage mark.

There may be circumstances where a decision has been made by the school that it is not possible to submit an estimated percentage mark on behalf of a candidate. This may occur if:

- A candidate, or the person providing them with tuition, did not engage with the process by completing and returning the required forms
- A candidate, or the person providing them with tuition, returned the required forms but did not sign the relevant declarations
- No evidence was available for the Panel of Registered Teachers to review³.

² For the purposes of the Accredited Grades system for Leaving Certificate 2021, the term 'registered teacher' is taken to mean a person who must be

- Currently registered as a teacher with the Teaching Council of Ireland, or
- Have previously been registered with the Teaching Council of Ireland and not have been removed from the register for cause such as professional misconduct, or
- Teaching in a centre for education recognised by the Minister for Education
- Teaching in a centre recognised by the SEC for examination purposes.

³ If evidence of any description has been submitted for review by the Panel, the Panel must reach a professional judgement and award an estimated percentage mark which may range from 0.00% to 100.00%.

Candidates will be notified (between 3 – 9 June) in writing by the school principal⁴ in the event that a decision has been made that it has not been possible to submit an estimated percentage mark on behalf of the candidate for a particular subject.

Candidates dissatisfied with this decision will also be informed of their right to appeal the decision.

This document sets out the process to follow if a candidate wishes to appeal the school's decision not to submit an estimated percentage mark.

The timeframe for submission of appeals from candidates will be from Thursday, 10 June 2021 at 9.00am to Monday 14 June 2021 at 12.00pm.

⁴ *In this document, the term "principal" is used to identify a principal in a recognised post-primary school or a manager/coordinator in centres for education*

1.3 Grounds for appeal

Where a Panel of Registered Teachers in a school makes a decision not to provide an estimated percentage mark in a subject, the candidate has the right to appeal this decision on the grounds that:

- the Panel of Registered Teachers erred in its decision not to provide an estimated percentage mark in a subject or subject for the candidate
- the Accredited Grades Aide⁵ and/or the Panel of Registered Teachers in the school did not adhere to the arrangements set out *Guide for Schools and Students on implementing the Accredited Grades Process for Out-of-School Subjects and Out-of-School Learners* in a manner that disadvantaged the candidate.

1.4 Areas excluded from the appeals process

The scope of the appeal of a decision not to provide an estimated percentage mark for out-of-school learners and out-of-school subjects will not encompass:

- A reopening of, or a challenge to, the professional judgements exercised by the Panel of Registered Teachers regarding estimated percentage marks
- An assessment of the evidence submitted for review by the Panel of Registered Teachers.

Any evidence of learning retained on file in the school will not form part of a process review. Retaining evidence of learning on file is to facilitate administration only. All student files should be retained in the school in a secure location until further notice.

The Appeal Process will focus solely on ascertaining if the procedures followed at school level were in line with the published guidelines.

⁵ Accredited Grades Aide is the term used in this document to identify the Leaving Certificate Aide(s) associated with the Accredited Grades process for out-of-school learners/out-of-school subjects. SEC Circular S15/2021 elaborates further on the role of the Leaving Certificate Aide.

2. The Appeals Process

2.1 Seeking the appeal

A candidate, for whom a Panel of Registered Teachers has refused to provide an estimated percentage mark, may seek an appeal by completing an Appeal Application Form (Appendix A)

2.2 Appointment of Appeals Officers

The Programme Board for Accredited Grades 2021 (which is responsible for the management of the Accredited Grades process on behalf of the Minister) or a subgroup established by it for this purpose, will appoint an Accredited Grades Appeal Team consisting of a number of Appeals Officers to examine and process requests for appeals.

The role of the Appeals Officers is to examine and adjudicate on applications for Appeal. This will include:

- Reviewing the application
- Collecting additional information from the principal of the school and others if necessary
- Making an initial determination regarding the Appeal.

2.3 Processing the appeal:

Step 1:

Candidate completes and submits an Appeals Application Form (See Appendix A) to the following email address: agappeals2021@education.gov.ie

Step 2:

An Appeals Officer reviews the candidates' Appeals Application Form.

Step 3:

An Appeals Officer contacts the principal by telephone to inform them that an appeal has been received.

Following the telephone conversation, a follow-up standard checklist form will be sent, via email, by the Appeals Officer to the principal. In responding to the email, the principal will be required to provide the following:

- a completed checklist

- the corresponding student file (excluding any evidence of learning which has been submitted)
- the Accredited Grades Aide's relevant record of communications

These documents should be provided by return to the following email address:

agappeals2021@education.gov.ie

Step 4:

Two Appeals Officers will review:

- The Appeals Application Form submitted by the candidate
- The student file, including the Accredited Grades Aide's relevant record of communications, together with the checklist completed by the principal
- Any other information that the Appeals Officers considers to be relevant

The Appeals Officers will determine whether or not to uphold the appeal.

Step 5:

Principals and candidates will be notified by email of the Accredited Grades Appeals Team's determination whether to uphold or decline the appeal.

- If the appeal is declined and the candidate remains dissatisfied, they will have recourse to an independent appeals scrutiny process which will be undertaken by Independent Appeals Scrutineers⁶ (see section 3)
- If the Accredited Grades Appeals Team upholds the appeal, the principal will be directed by the Team to establish a Panel of Registered Teachers to reconsider the candidate's application for an Accredited Grade and the process will continue as in step 6-8 below.

The Panel of Registered Teachers established in such circumstances may differ to the Panel who made the original decision.

Each Panel member will be remunerated at a rate of €34.74 per subject reviewed for each student.

⁶ *The role of the Independent Appeal Scrutineers is to undertake an independent review of the Accredited Grades Appeals Team's decision making and appeals process and to confirm, or otherwise, that all procedures were appropriately followed in arriving at a decision that it is not possible to provide an estimated percentage mark.*

Step 6:

The Panel of Registered Teachers will reconsider the candidate's application for an Accredited Grade in line with the processes set out in the *Guide for Schools and Students on implementing the Accredited Grades Process for Out-of-School Subjects and Out-of-School Learners*. In line with the published process the Panel will complete Form OOS 6. They will then submit this form directly to the principal.

Step 7:

The principal will complete Form OOS 8 and email a copy of this form to the Accredited Grades Appeals Team.

Step: 8

The Accredited Grades Appeals Team will inform candidates that the school has submitted an estimated percentage mark for the relevant subject, and will manage the entry of marks into the data-collection system.

A timeline for the above steps is provided in section 4.

2.4 Checklists to guide the review process

One or more checklists will be issued to the principal for completion at Step 3 above. The checklist(s) issued will depend on the reason(s) identified on Form OOS 9, regarding the school's decision not to provide an estimated percentage mark.

The reasons for a school's decision not to provide an estimated percentage mark include:

- Teacher/tutor/candidate did not engage with the process by completing and returning the required forms
- Teacher/tutor/candidate returned the forms which support the provision of information and evidence for review by the Panel but did not sign the relevant declarations
- No evidence was available for the Panel to review

Following an initial discussion by phone the principal will be forwarded a copy of the relevant checklist. This checklist will need to be completed and emailed by return, along with the student file (excluding submitted evidence) including the Accredited Grades Aide's record of communication, to the following email address: agappeals2021@education.gov.ie

3. Independent scrutiny

A candidate who is dissatisfied with the outcome of the Appeals process may request an independent scrutiny of the decision by submitting a request in writing to the following email address: agappeals2021@education.gov.ie.

3.1 Grounds for Independent Scrutiny

A candidate may seek an independent scrutiny of the outcome of the Appeals process on the grounds that the procedures for the Appeal process were not implemented correctly.

3.2 Appointment of Independent Appeal Scrutineers

The Programme Board for Accredited Grades will appoint independent appeal scrutineers to review such cases. Independent Appeal Scrutineers will be persons who are not employees of the Department of Education or the State Examinations Commission.

3.3 Role of Independent Appeal Scrutineers

One of the Independent Appeal Scrutineers will be appointed as Chairperson. The role of the Chairperson will be to adjudicate in the case of more contentious or difficult decisions referred to them for review. In order for the Chairperson to maintain their role as a point of escalation for the other Scrutineers, the Chairperson will not otherwise be involved in decision making about appeals.

Independent Appeal Scrutineers will undertake their work in teams of two. They will establish whether or not the Accredited Grades Appeals Team appropriately examined the school's implementation of the process set out in the *Guide for Schools and Students on implementing the Accredited Grades Process for Out-of-School subjects and Out-of-School Learners*. Therefore, the Independent Appeal Scrutineers will focus on the work of the Accredited Grades Appeals Team in reviewing the implementation of the process at school-level.

- The Independent Appeal Scrutineers will be provided with:
 - All records arising from the Appeal
 - The application for the independent scrutiny
- The Independent Appeal Scrutineers may request any information that they consider relevant

Having conducted their examination of the processing of an appeal, the Independent Appeal Scrutineers will establish either that;

- i. the appeal in question was properly processed by the Accredited Grades Appeals Team, or
- ii. the Accredited Grades Appeals Team did not appropriately process the appeal

Where the Independent Appeal Scrutineer concludes as at (i), they will notify the candidate that the Accredited Grades Appeals Team appropriately processed the appeal. Where the Independent Appeal Scrutineers conclude as at (ii), the Independent Appeal Scrutineers will request a further review by the Accredited Grades Appeals Team in order to address the deficiency in how the appeal was processed. In turn, the Independent Appeal Scrutineers will notify the candidate of the outcome and, as relevant, any rectification. This may include requiring the school to reconsider the candidate's application for an Accredited Grade in line with the processes set out in the *Guide for Schools and Students on implementing the Accredited Grades Process for Out-of-School Subjects and Out-of-School Learners*. In line with the published process the Panel will complete Form OOS 6. They will submit this directly to the principal. The principal will then complete Form OOS 8 and email a copy of this form to the Accredited Grades Appeals Team.

4. Timeline

3-9 June	Candidate notified by the principal of the school's decision not to submit an estimated percentage mark
10-14 June (12.00pm)	Candidate submits Appeals Application Form to the Accredited Grades Appeals Team
14-22 June	<p>Accredited Grades Appeals Team:</p> <ul style="list-style-type: none"> • reviews the candidate's Appeals Application Form • contacts the principal by telephone to inform them that an appeal has been received and to discuss the Appeals Process • issues follow-up checklist to the principal by email, for completion and return to the Accredited Grades Appeals Team along with the candidate file minus the evidence of learning but including the Accredited Grades Aide's record of communication • informs the principal of the decision to uphold or decline the appeal • informs the candidate of the decision to uphold or decline the appeal <p>Note: the follow-up checklist will focus only on the reason(s) for not providing an estimated percentage mark</p>
23 June- 29 June	Principal establishes a Panel of Registered Teachers in the event that an appeal is upheld. (The Panel does not have to be the same as that originally involved in the process)
29 June	Principal submits Form OOS 8 and estimated percentage mark to the Accredited Grades Appeals Team
Alternatively: if initial appeal is declined	
23 June- 25 June	Candidate lodges request for review by Independent Appeal Scrutineers

28 June - 2 July	Independent Appeal Scrutineers conduct a review of the Accredited Grades Appeals Team's decision making and adherence to the Appeals Process
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5. Responsibility for administering this appeal process and implementation of outcomes

Pending the enactment of the Education (Leaving Certificate 2021) (Accredited Grades) Bill 2021, the system of Accredited Grades is being administered by the Department of Education on behalf of the Minister for Education. Following the enactment of the legislation, the system of Accredited Grades will be administered by the State Examinations Commission.

The appeal process set out in this guide, including the appeal stage and the independent scrutiny stage, will be applicable only in respect of a decision made by a Panel of Registered Teachers, that it is not possible to submit an estimated percentage mark for a candidate, until such time as the State Examinations Commission is conferred with the necessary legal powers to conduct the 2021 Accredited Grades process by virtue of the commencement into law of the Education (Leaving Certificate 2021) (Accredited Grades) Bill 2021. The processing of appeals and independent scrutiny stages that are in train at the time of the enactment of the legislation will be completed under these procedures.

After the commencement of the *Education (Leaving Certificate 2021) (Accredited Grades) Act 2021*, section 6(4) of the Act will provide that the performance by the State Examinations Commission of the functions conferred on it by or under the legislation shall be subject to the determination of matters of policy by the Minister. As a matter of policy, the Minister will determine that where, through a process that respects natural justice and fair procedures, a decision is made regarding the submission of an estimated percentage mark, this decision should be applied by her Department or the State Examinations Commission, as the case may be.

Therefore, where a decision is made under the appeal process and/or independent scrutiny process set out in the Guide the State Examinations Commission shall, in respect of any such candidate, comply with such decision.

In making that determination, the Minister has had regard to the necessity of ensuring the integrity of the Leaving Certificate 2021 process, the need to ensure fairness in respect of all candidates and the importance of ensuring public trust and confidence in the Leaving Certificate 2021 results.

Appendix A: Appeals Application Form

<p>Leaving Certificate 2021</p> <p>Accredited Grades for Out-of-School Subjects and Out-of-School Learners (excluding students studying non-curricular languages)</p> <p><u>Appeals Application Form</u></p> <p>To be completed ONLY by candidates who are studying subjects outside of school and out-of-school learners who wish to appeal a school's decision not to submit an estimated percentage mark for a subject</p>
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Instructions:

1. Candidates should read guidance issued on the appeals process available [here](#)
2. Applications must be made by the candidate named on the application form
3. This form should be fully completed and returned to the following email address: agappeals2021@education.gov.ie no later than June 14 at 12.00pm. **Late applications will not be processed**
4. No other documents/evidence should be submitted with this form
5. If you wish to appeal a decision made by the school not to award an estimated percentage mark in more than one subject, then you must complete a separate application form for each subject i.e. one application form per subject
6. You will receive an acknowledgement via email that your application form has been received and further correspondence when your application has been processed.

A. Candidate information, school/centre details, subject information

Candidate name:	
Candidate examination number:	
Candidate e-mail address:	
Candidate contact number:	
Name of school:	
School roll number:	
Name of school principal:	

School email address:	
Subject:	
Subject level:	

B. Application route

Please select *a*, *b* or *c* below to indicate which route you followed when you applied for an Accredited Grade in the subject named above

- (a) The person who provided my tuition outside of school is a registered teacher
- (b) The person who provided my tuition outside of school is not a registered teacher
- (c) I studied the subject independently **or** my teacher/tutor declared a conflict of interest or my teacher/tutor did not engage with the process

C. Schools reason for not submitting an estimated percentage mark

The school/centre informed me in writing on _____ [insert date] that it was decided that it was not possible to provide an estimated percentage mark for the following reason(s):

Please ✓ as appropriate:

- Teacher/tutor/student did not engage with the process by completing and returning the required forms
- Teacher/tutor/student returned the forms which support the provision of information and evidence for review by the Panel of Registered Teachers appointed by the school but did not sign the relevant declarations
- Other than situations where a provisional estimated percentage mark was provided by a registered teacher, no evidence was available for the Panel of Registered Teachers to review

D. Decision to appeal

Instructions:

- Please outline below the reason(s) for your appeal with reference to:
 - the grounds for appeal as referenced in section 1.3 of *Guide to the Appeals Process and/or*

- the school's decision not to provide an estimated percentage mark as outlined in part C
- No other documents/evidence should be returned with this form

The reason(s) for my appeal is/are as follows:

E. Declaration

I confirm that the information I have provided on this form is correct and true, and I wish to appeal the decision made by the school not to provide an estimated percentage mark in the subject named on part A of this form.

Signature of candidate	Date:
Signature of Parent/Guardian (If the candidate is under 18 years old)	Date:

The above declaration must be signed. If the form is completed digitally, then it must be printed out and signed.