#### Appendix 20: Protocol for the Conduct of the Hearing (extract from circular 0003/2018)

**Purpose of the hearing:**

1. To allow the parties to the appeal to present their respective positions on the appeal
2. To allow each party to respond to the other party’s position
3. To allow the Appeal Board the opportunity to seek clarifications on various relevant matters.
	1. 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 3 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.
	2. 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.
	3. 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.
	4. The appellant may be accompanied by a work colleague or friend. The nature of appeal hearing is such that legal representation is not appropriate.
	5. The Board of Management/Manager/CE may be represented by the Principal or a member of the Board and this person may be accompanied by a management colleague.

#### Protocol for the Conduct of a Hearing

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.
2. Proceedings before the Appeal Board shall be informal. It is not a legal process.
3. The normal rules of due process and fair procedures apply.
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.
5. Discourse will be conducted through the Appeal Chairperson.
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.
7. The school/ETB is provided with an opportunity to speak to its appeal response submission. Clarification can be sought by the Appeal Board.
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.
9. Members of the Appeal Board may ask questions of one or both parties.
10. Prior to the conclusion of the hearing, each party will be invited to provide concluding remarks.
11. The Appeal Chairperson will then close the hearing and remind the parties of their

obligations under confidentiality.