

## **Appeals relating to missing DARE HEAR application deadlines 2023**

The CAO has an Independent Appeals Commission to which recourse may be had by applicants who believe that they have been treated unfairly by CAO, and whose complaints have not been resolved by CAO. The function of the Appeals Commission is to ensure that the rules are applied fairly. The Appeals Commission cannot set the rules aside for applicants who appeal for special treatment.

The CAO Independent Appeals Commission will consider appeals from:

1. Applicants who miss the DARE or HEAR **1 March** deadline
2. Applicants who missed the DARE or HEAR **15 March** deadline, i.e. applicants who applied to DARE or HEAR by 1 March but did not provide any of the required supporting documents by 15 March.
3. Applicants who miss the **July** Review & Appeals deadlines, i.e. applicants who met the 1 March and 15 March deadlines, received an ineligible application outcome from DARE or HEAR but missed the Review & Appeals deadline.

**The CAO Independent Appeals Commission considers appeals in a consistent manner under the following set of tests:**

- Has CAO made an error or omission in instructing the applicant or in processing the applicant's application?
- Has the applicant been given clear instructions?
- Has the applicant been given reasonable opportunity to provide information correct, complete and on time?
- Has the applicant been given reasonable opportunity to correct errors or omissions?
- Has some event or circumstance, outside of the applicant's control, prevented the applicant availing of the above opportunities?

Appeals must be made in writing, be signed by the applicant and must describe the alleged unfair treatment. Appropriate supporting documentation should accompany the appeal. Write your Name, Address, CAO Application number, Date of Birth and Email address on the appeal letter.

### **1. Applicants who miss the DARE or HEAR 1 March Deadline**

**Appeals of this nature must be submitted by 5 May 2023 for consideration by the CAO Independent Appeals Commission.**

Applicants wishing to make a 1 March deadline appeal must:

- a. Write to the CAO Independent Appeals Commission stating the nature of their appeal.
- b. Provide objective documentary evidence to support their appeal.

- c. Applicants who miss a DARE 1 March deadline and wish to make an appeal, must ensure they have indicated a disability on their CAO application before submitting an appeal to the CAO Appeals Commission. They must also complete questions 2 – 5 of the Supplementary information form.

Appeals of this nature must be addressed to:

The Secretary,  
CAO Independent Appeals Commission,  
Tower House,  
Eglinton Street,  
Galway, Ireland.

- **Late Diagnosis:**

A late diagnosis for the purpose of making a DARE application, is where an applicant receives a diagnosis for a disability/medical condition/dyslexia/dyscalculia after the 1 March or 15 March DARE application deadlines.

Applicants may have experienced symptoms/onset of the disability/condition before 1 March. These applicants may be on a waitlist to see a consultant/appropriate professional/psychologist and are not able to submit evidence of disability documentation by the 15 March application deadline due to circumstances outside of their own control.

Some applicants may be undergoing medical investigations/treatment/testing for their disability/condition, but may not receive a diagnosis until after the 1 March/15 March application deadline. These applicants may avail of the CAO Independent Appeals Process once they have the required evidence of disability documents confirming the diagnosis (and date of diagnosis) of the condition.

Examples of why an applicant might appeal may include:

- An applicant who missed the 1 March deadline due to not having a diagnosis for their disability or condition at the time but now wishes to apply to DARE as they have received a diagnosis. Appeals of this nature must be accompanied by documentary evidence from a consultant detailing that onset of the disability or condition occurred before the 1 March deadline and that the applicant had made attempts to get a diagnosis of their condition in a timely manner for the purposes of DARE. (i.e. initiating this by 1 March)
- An applicant who missed the 1 March deadline due to circumstances beyond their control, for example they were hospitalised for a significant period and as a result missed the 1 March deadline. Appeals of this nature must be accompanied by documentary evidence from a consultant or professional working under the instruction of the consultant outlining the details of the circumstances which prevented the applicant from meeting the 1 March deadline.

## 2. Applicants who missed the DARE or HEAR 15 March Deadline

Applicants to DARE or HEAR who have missed the 15 March deadline i.e. **who have not provided any DARE or HEAR supporting documentation** by the deadline can make an appeal to the CAO Independent Appeals Commission on the following grounds.

### **Appeals relating to missing the 15 March deadline will only be considered**

Where a significant difficulty was encountered in gathering and/or submitting DARE or HEAR supporting documents, which was beyond the control of the applicant. The applicant must have made a reasonable and timely effort to get documentation (i.e. initiating this by 15 February).

Where a significant difficulty was encountered in gathering and/or submitting the correct DARE or HEAR supporting documents, **which was beyond the control of the applicant, third party or objective documentary evidence** must be provided to support this.

Examples of why an applicant might appeal on these grounds may include:

- They had made reasonable attempts to request DARE or HEAR supporting documents in a timely fashion (i.e. initiating this by 15 February) but had not received documents in advance of 15 March.
- A significant event occurred which was beyond their control, for example they were hospitalised for a significant period and as a result were unable to gather or submit their documents by 15 March.

Examples of documentary evidence may include:

- A letter from the relevant body or organisation explaining that the applicant had requested supporting documentation for the purposes of DARE and/or HEAR and due to an oversight or unforeseen delay at the organisations end, they were unable to provide that documentation in a timely manner.
- Email correspondence with the relevant body or organisation clearly showing that the applicant had requested supporting documentation for the purposes of DARE and/or HEAR and due to an oversight or unforeseen delay at the organisations end, they were unable to provide that documentation in a timely manner. DARE and HEAR reserve the right to verify correspondence with the third party.
- A letter from a Consultant or professional working under the instruction of the Consultant outlining the details of the circumstances which prevented the applicant from meeting the 15 March deadline.

Applicants wishing to make a 15 March deadline appeal must:

1. Write to the CAO Independent Appeals Commission stating the nature of their appeal.
2. Provide objective documentary evidence to support their appeal.
3. Provide the required supporting documentation e.g.
  - DARE
    - Section B- Educational Impact Statement
    - Section C Evidence of Disability form/Evidence of Disability report
  - HEAR
    - Statement of Liability for 2021 and/or
    - Self-Assessment Letter Chapter 4/Notice of Assessment for 2021 and/or
    - Department of Social Protection form/statement for 2021.
    - Other required evidence of income supporting documentation.

Appeals of this nature must be made by **5 May** to:

The Secretary,  
CAO Independent Appeals Commission,  
Tower House,  
Eglinton Street,  
Galway, Ireland.

Applicants who submitted any of the required supporting documentation by the 15 March deadline should not make an appeal to the CAO Independent Appeals Commission. They may avail of the Review & Appeals process if they receive an ineligible application outcome. (DARE HEAR application outcomes will be issued after 2pm on 27 June 2023. The DARE HEAR review and appeal online application form opens on 27 June and closes at 5pm on 3 July. Please follow the instructions given).

### **3. Applicants who missed the Review & Appeals application deadlines.**

**Applicants who have made a DARE and/or HEAR application and have received an ineligible outcome in late June can apply for a Review and Appeal of their application by 5pm on 3 July 2023 through their online CAO application.**

Applicants who miss the Review and Appeals application deadlines may make an appeal to the CAO Independent Appeals Commission to be considered for this process.

- **The Review & Appeals process marks the end of the DARE/HEAR screening and outcomes process, the Independent Appeals Commission cannot consider appeals relating to the outcome of Review & Appeals**

For example:

- An applicant missed the 3 July deadline due to circumstances beyond their control, for example they were hospitalised for a significant period and as a result missed the 3 July deadline. Appeals of this nature must be accompanied by documentary evidence from a consultant or professional working under the instruction of the consultant outlining the details of the circumstances which prevented the applicant from meeting the 3 July deadline.

Applicants wishing to make a Review and Appeals application deadline appeal must:

1. Write to the CAO Independent Appeals Commission stating the nature of their appeal.
2. Provide objective documentary evidence to support their appeal.

Appeals of this nature must be made by **10 July** to:

The Secretary,  
CAO Independent Appeals Commission,  
Tower House,  
Eglinton Street,  
Galway,  
Ireland.

### **Communication of Appeal Outcomes**

Applicants who submit an appeal will receive email correspondence to the email address registered with their CAO application. This communication will also be available under the Correspondence/Communication section of their online CAO application.

### Timeline for 2023 CAO Independent Appeals Process

The CAO Appeals Commission meets at several intervals during the year. Do not delay submitting your appeal. You must submit your appeal in advance of the dates below to allow sufficient time for appeals to be processed.

(Dates below may be subject to change and should act as a guideline for submission of appeals.)

Type of Appeal	Meeting Number	Submit appeal by date below.	Notes: Next steps when an appeal is successful
<ul style="list-style-type: none"> <li>Missed 1 February application deadline</li> <li>Missed 1 March application deadline</li> <li>Missed 15 March application deadline</li> <li>Late diagnosis</li> </ul>	1	1 April 2023	<ul style="list-style-type: none"> <li>Successful appeals with complete documentation submitted by this date may be included for DARE HEAR document assessment in April/May.</li> <li>DARE HEAR application outcomes will be issued on 27 June.</li> </ul>
<ul style="list-style-type: none"> <li>Missed 1 February application deadline</li> <li>Missed 1 March application deadline</li> <li>Missed 15 March application deadline</li> <li>Late diagnosis</li> </ul>	2	5 May 2023	<ul style="list-style-type: none"> <li>Successful appeals with complete documentation submitted by this date may be included for DARE HEAR document assessment in April/May.</li> <li>DARE HEAR application outcomes will be issued on 27 June.</li> </ul>
<ul style="list-style-type: none"> <li>Late diagnosis</li> </ul>	3	31 May	Successful appeals with complete documentation submitted by this date will be assessed in July during the Review and Appeals process.
<ul style="list-style-type: none"> <li>Missed 1 July application deadline</li> <li>Late diagnosis</li> <li>Missed Review and Appeal Application deadline</li> </ul>	4	10 July	Successful appeals with complete documentation submitted by this date will be assessed in advance of Round 1 offers.