



HOME TO SCHOOL TRANSPORT APPEALS

A GUIDE FOR PARENTS/CARERS

Introduction

If a parent/carer has been refused transport assistance and they believe they have special or exceptional circumstances that should be considered, they have a right to appeal.

Calderdale Council has a two stage appeal:-

Stage One – The Service Manager with responsibility for Home to School Transport has the discretion to approve requests for transport assistance in special circumstances, if applications are found to justify approval outside the Home to School Transport Policy.

Stage Two – If a parent/carer is not satisfied with the outcome of the Stage One appeal, they may submit a further appeal which will be considered by an Independent Appeals Panel.

How Are Appeals Considered?

Stage One Appeal

A parent/carer has 20 working days from receipt of the refusal notification to request a Stage One appeal.

The evidence submitted by the parent/carer with the Stage One appeal form will be considered by the Service Manager with responsibility for Home to School transport. He will review the original decision and consider all the information the parent/carer has provided, relative to the particular circumstances.

If the Service Manager considers that the particular case justifies making an award outside the Home to School Transport Policy criteria, he will approve the request and travel assistance will be granted.

If the Service Manager decides that the request does not justify an outside policy award, the appeal will not be allowed.

The Service Manager will provide a detailed written notification of the outcome of his review within 20 working days of receiving the Stage One Appeal Form.

Stage Two Independent Appeal Panel

A parent/carer has 20 working days from receipt of the Council's Stage One decision to make a written request to escalate the matter to Stage Two.

Within 40 working days of receipt of a parent/carer's request, an independent appeal panel will consider written and oral representations from the parent/carer and from officers involved in the case. The appeal panel will give a detailed written decision within five working days. The written decision will set out the outcome and information about the conduct of the review, other departments that were consulted, the factors considered and the rationale for the decision reached. It will also include information about the parent/carer's right to put the matter to the Local Government and Social Care Ombudsman.

The independent appeal panel members are completely impartial and independent of the original decision making process. The panel is comprised of three members who will determine the appeal based upon the information presented to them. The Chair is a lay person drawn from the independent admission appeals panel. The other members are officers of the Local Authority with suitable experience in either education or social care who have had no involvement in the original decision making in the case.

Parents/carers may attend the appeal in person, if they wish to do so. The Appeals Panel considers appeals based on medical or social grounds on their individual merits and will be provided with a report with details of the case from an Education Welfare Officer. Applications on any other grounds will be considered and may be approved if they are found to justify approval as an outside policy award.

What Happens Next?

The parent/carer will be notified of the Appeal panel's decision within 5 working days of the appeal hearing.

If the appeal is successful the Transport Operations Team will make the necessary arrangements for the assistance to be implemented.

If the appeal is unsuccessful, there is no further right of appeal unless there have been significant and/or material changes in circumstances, such as a house move or new medical reasons.

What happens if a parent/carer is not satisfied with the Stage Two outcome?

There is a right to complain to the Local Government Ombudsman and Social Care Ombudsman but only if a parent/carer considers that there was a failure to comply with the procedural rules or if there were any other irregularities in the way the appeal was handled. If the complainant considers that the decision of the independent panel was flawed on public law grounds, the complainant may also apply for judicial review of the decision. Please contact www.lgo.org.uk for information.

Useful Information

What information should a parent/carer provide for their appeal?

Parents/carers may include as much information as they wish, but the following information should be covered wherever possible:

- Why the pupil should go to a particular school and not one that is nearer to their home.
- Why the pupil cannot travel to school without help from the Council, including why the parents/carers cannot provide or pay for transport.

Evidence to support the appeal request should be submitted by the parent/carer. All cases are dealt with sensitively and in confidence, however, parents/carers should note that for any cases referring to incidents/issues at school, the relevant school/s will be contacted for their comments.

Some examples of the types of evidence that a parent/carer may wish to submit are shown below:-

Financial information: if an appeal relates to financial reasons, evidence/documentation to support this should be provided by the parent/carer.

Medical reasons: if an appeal relates to a medical condition affecting the parent/carer and/or child, medical evidence will be required.

Social, behavioural or educational reasons: if the reasons for requesting transport assistance relates to bullying/problems at school, quality of education etc., supporting evidence will be required. This may include information from schools, social workers or welfare officers.

Family or community reasons: evidence in this area may include information from the police, social services or any other body or organisation involved.

Timescales

Appeal Stage	Whom	Detail/Action	No. of working days
One	Parent/Carer	To submit a Stage One appeal form following refusal of the transport assistance application	20
One	Local Authority	To advise the parent/carer of the outcome from date of receiving the Stage One appeal form	20
Two	Parent/Carer	To submit a request for a Stage Two appeal if parent/carer is not satisfied with the outcome of Stage One appeal	20
Two	Local Authority	To arrange an appeal hearing for the Independent Appeals Panel to consider the parent/carer's case, from date of receiving the Stage Two appeal form	40*
Two	Independent Panel	To provide the parent/carer with a written outcome of the Panel's decision	5

*The Local Authority will provide the parent/carer with a statement of case approximately 10 days prior to the appeal hearing. This will include details as to the relevant policy areas applicable to the application and reasons why transport assistance has not been provided.

For more information on the Council's appeals process, for paper copies of the procedures or to request an appeal form, please contact the Transport Operations Team on 01422 393532 or email info@calderdale.gov.uk.