

TAMESIDE MBC HOME TO SCHOOL TRANSPORT APPEALS PROCEDURE

Home to school transport appeals

If you have been unsuccessful in your application for home to school transport funding or consider that the travel arrangements are unsuitable you have a right to request a review of the decision

How can I appeal?

There is a two stage process for considering appeals following the decision to refuse to support home to school transport costs for a pupil.

Stage one: Review by a senior officer

A parent has 20 working days from receipt of the local authority's home to school transport decision to make a written request asking for a review of the decision. The address you need to write to will be in the letter you were sent informing you of the decision and is different depending on the type of transport support you have applied for.

Your written request should detail why you believe the decision should be reviewed and give details of any personal and/or family circumstances you believe should be considered when the decision is reviewed. You should also submit a copy of any documentation that you wish to rely on in support of your review request. This can include:

- A letter from your GP if appeal is based on any medical condition
- A letter from your employer or work placement provider if your appeal is based on availability of parent
- Any other evidence that you feel may assist your case.

In making a decision the reviewing officer will consider all information submitted and the relevant government guidance and council policy.

Within 20 working days of receipt of your written request a senior officer will review the original decision and send you a detailed written notification of the outcome of their review. This will set out:

- the nature of the decision reached;
- how the review was conducted
- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached; and
- information about how you can escalate your case to stage two (if appropriate).

Stage two: Review by an independent appeal panel

If a parent is dissatisfied with the outcome of a stage 1 review, a parent has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two. Details of who to write to lodge a Stage 2 appeal will be contained within your stage 1 notification letter. A parent cannot ask for an independent panel to review their case without having been through Stage 1 first.

Within 40 working days of receipt of your request an independent appeal panel considers written and verbal representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome (within 5 working days), setting out:

- the nature of the decision reached;

- how the review was conducted
- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached; and
- information about the parent's right to put the matter to the Local Government Ombudsman (see below).

What information should I provide for my appeal?

Any written evidence that you wish to use to support your case should be submitted to the appeal panel in good time for the hearing. It is important that you tell the Appeal Panel all the reasons why you believe they should be allocated support for home to school transport. If you have any documentary evidence to support your appeal, e.g. medical evidence or evidence of a house move, please send a copy with your review request.

What happens next?

The date of your Stage 2 appeal will be arranged by an officer of the Democratic Services Unit, who will give you at least 10 days' notice in writing of the date of your appeal. You will be sent a copy of the Council's statement for refusal, together with your appeal statement and any other papers, 7 working days before the appeal, unless you have agreed to a shorter period than this. The statement for refusal will summarise why it has not been possible to provide support with home to school transport.

The Stage 2 Appeal Hearing

Who will consider my appeal and what do they do?

The appeal panel will normally be made up of 3 members. It will include at least one person who has experience of education and at least one lay member who has no experience of education provision or management. Neither councillors nor staff from the Council will be on the panel.

Who else will be at the appeal hearing?

As well as the panel members, a clerk will take notes of the hearing and offer advice to the panel on points of law and procedural matters. The clerk will take no part in the decision-making process. A representative of the Council will attend to explain why support with home to school transport has been refused. If you attend the appeal, this person will only be present with the appeal panel when you are present.

Do I have to attend?

Although you do not have to attend the hearing, it is easier to explain your case if you are there in person. Most parents do take up this opportunity, and we would strongly advise you to do so as the panel may have questions for you to help them make an informed decision. If you do not attend, the appeal will be decided on the information available to the panel including the written information you have sent. If you are unable to attend but wish to, you should inform Democratic Services as soon as possible.

Can I take someone to the appeal hearing with me?

Yes you may bring a friend, a relative or a representative. This could be an employee of the local authority such as a social worker, provided there is no conflict of interest.

What if I have a special need or a disability?

Please let Democratic Services know as soon as possible if you have any special requirements or needs, for example if you are hearing impaired and need a hearing loop or signer.

What happens if English is not my first language and I need an interpreter?

If you will need an interpreter at your appeal, please tell Democratic Services which language you require. Alternatively, you may arrange your own interpreter.

What will happen at the hearing?

Certain procedures have to be followed at the hearing to make sure that everyone making an appeal is given a fair chance to present their case.

The Council's representative explains why your application for home to school transport support has been refused

Everyone has the chance to ask the Council representative questions

You explain why you feel that your child should be offered home to school transport support

Everyone has the chance to ask you questions

The Council representative sums up

You sum up and add anything you may have forgotten

The Decision Making Process

In making its decision the independent panel take into account everything that has been presented in the hearing including relevant government guidance and council policy on this subject.

How will I find out the outcome of my appeal?

The panel will not make a decisions on your appeal immediately and you will be notified in writing of the decision on your appeal, generally within a few working days of the completion of appeals for the particular school. The clerk will be able to tell you when the decision letter will be sent.

The decision letter will set out

- the nature of the decision reached;
- how the review was conducted (ie in accordance with the hearing procedure referred to above)
- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached; and
- information about the parent's right to put the matter to the Local Government Ombudsman (see below).

Is the appeal panel's decision final?

Yes, the decision of the appeal panel is final and binding upon the Council.

Can I appeal again if my appeal is unsuccessful?

There is no automatic right to a second appeal but you can apply for a second appeal within the same school year if the Council agrees that there is a significant change of circumstances or there were faults in the first appeal which significantly affected the outcome.

What if I have a complaint about my appeal?

If you feel that your appeal hearing was not fairly conducted, you can complain to the Local Government Ombudsman, who will not look at whether the panel's decision was right or wrong, but whether in undertaking the review procedure was followed correctly. If you consider that the decision of the panel is flawed on public law grounds you may also apply to court for a judicial review of the decision.

The appeal procedure is summarised in the table below.

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