

Home to School Transport: Appeals Process

Background

1. The Home to School Transport Policy relates to the Education Act 1996 and additional duties required by the Education and Inspections Act 2006.
2. National guidance (last issued in July 2014 by the Department for Education) sets out the expectations of authorities in regards to home to school transport arrangements for pupils. In particular, the guidance sets out the circumstances in which the local authority has a duty to provide or arrange free school transport for children of compulsory school age.
3. The Home to School Transport Policy outlines the transport policy of Middlesbrough Council, setting out the application of these duties in Middlesbrough. An electronic version of the policy is available from the Council's website www.middlesbrough.gov.uk. You can also view the Post 16 Transport Statement upon the council's website.
4. The legal requirement for ensuring that a child attends school is that of the parent/carer. It is the Local Authority's responsibility to provide travel assistance for all 'eligible' children.
5. Middlesbrough Council provides travel assistance, free transport or assistance with transport costs to the nearest appropriate and/or suitable school if one of the eligibility criteria is met. References to the 'nearest appropriate and/or suitable school' are taken to mean the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any special educational needs that the child may have.
6. The aim of the Home to School Transport Policy and Post 16 Transport Statement is to ensure that the Council meets its statutory obligations to provide transport for eligible pupils, whilst ensuring that school travel and transport arrangements support social mobility and independence.

1. Objectives

The aims of this process are to:

- Ensure parents and carers understand the appeals process
- Identify the stages of the appeal process

2. Scope

This process will only apply to people who are not in agreement with the outcome or offer of their application for Home to School Transport or Travel Support.

3. Appeals

3.1 Stage 1: Appeals Process

Appeals should be submitted in writing to:

Head of Service - Access to Education
Integrated Transport Unit
Children's Services
2nd Floor Resolution House
Cargo Fleet Lane
Middlesbrough
TS3 8AL

Or via email to: Transport@middlesbrough.gov.uk

- 3.2 A parent/carer 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. This is called 'an appeal'. The parent / carer is known as 'the Appellant'.
- 3.3 The written request should detail why the Appellant (parent/carer) believes the decision should be reviewed and give details of any personal and/or family circumstances the Appellant believes should be considered when the decision is reviewed.
- 3.4 Within 20 working days of receipt of the Appellant's written request the Head of Service Access to Education will review the original decision and send the parent a detailed written notification of the outcome of the review, 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 how the parent/carer can escalate their case to stage two (if appropriate).

An outcome letter will be sent by the Head of Service, Access to Education.

Where an appeal is upheld a further reassessment of the student's transport needs will be undertaken and the appropriate travel assistant offer will be made to the Appellant.

Where an appeal is not upheld the Appellant will be informed of their right to progress the case to a stage 2 appeal by responding in writing within 20 working days of receipt of the outcome letter to escalate the matter to Stage 2.

Stage 2 Appeals should be submitted in writing to:
Head of Service - Access to Education
Integrated Transport Unit
Children's Services
2nd Floor Resolution House
Cargo Fleet Lane

Middlesbrough
TS3 8AL

Or via email to: Transport@middlesbrough.gov.uk

3.5 Stage 2: Appeal Panel

3.6A parent/carer has 20 working days from receipt of the local authority's Stage 1 written decision notification to make a written request to escalate the matter to Stage 2.

This is called 'an appeal'. The parent / carer is known as 'the Appellant'.

The appeal panel will be arranged within 40 working days of the request for a Stage 2 Appeal. However, the panel meeting will aim to be held within 30 working days.

Stage 2 of the appeal is independent of the original decision making process.

The appeal panel will consider written and verbal representations from both the Appellant and officers involved in the case. The Head of Service Access to Education will provide a case summary and supporting evidence to panel members 5 working days prior to the panel meeting.

The information will also be sent to the Appellant by post or e-mail.

The Appeal Panel is comprised of 3 members and will be chaired by the Director of Education.

The panel will be attended by:

- The Appellant
- Director of Education
- Director of Regeneration and Culture
- Head of Strategic Commissioning and Procurement
- Head of Service Access to Education
- Integrated Transport Unit, Middlesbrough Council
- Lawyer, Middlesbrough Council

There may be circumstances whereby a Panel Member is unavailable to attend the Appeal Panel hearing at short notice. The Panel will agree on an appropriate substitute and the appellant will be notified prior to the hearing.

The role of the Appellant is to present their grounds for appeal. The Appellant can be supported by a relative, friend or colleague if required, however this should not be an elected member of Middlesbrough Council.

The role of the Head of Service, Access to Education will be present the case and share action taken to date.

The role of the Lawyer and will be to provide advice and guidance.

The Director of Education (Chair), Director of Regeneration and Culture and Head of Strategic Commissioning and Procurement will be the decision makers and will each cast a vote.

The appeal panel will consider the facts of the case including the initial assessment, the Stage 1 appeal outcome and any supplementary information provided by the Appellant of the student and the Integrated Transport Team.

The structure of the panel meeting will be as follows:

- Head of Service Access to Education will present the case and questions from the panel and Appellant will then be raised.
- The Appellant presents their case and questions from the panel may be raised.
- Final submissions of evidence are presented and consideration will be given to the requirement to gather any additional evidence (which may lead to the panel being reconvened).

Questions can be asked by the Panel Members, Appellant and Head of Service Access to Education at all stages of the hearing.

The chair will conclude the meeting, asking the Appellant Head of Service Access to Education and Integrated Transport Unit Manager to leave in order for the decision makers to seek legal advice and to vote in order to reach a final decision.

Following the conclusion of the panel process The Chair will communicate the outcome of the appeal panel in writing to all attendees within 5 working days detailing:

- 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

Where an appeal is upheld a further reassessment of the student's transport needs will be undertaken and the appropriate travel assistant offer will be made to the Appellant.

Where an appeal is not upheld the Appellant will be informed of their right to progress the case to Stage 3: Complaints Process.

The appeal decision will be final.

3.7 Stage 3: Complaints Process

Complainants have the right to appeal to the Local Government Ombudsman but only if complainants consider that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal has been handled. If the complainant considers the decision of the stage two review to be flawed on public law grounds, the complainant may also apply for judicial review.

Document Control				
Version Date	Version Ref.	Author	Approved By	Review Date
January 2023	1.0	Ged Faint Integrated Transport Unit Manager	David Jamison	16.1.23
16.1.23	2.0	Ged Faint Integrated Transport Unit Manager	Trevor Dunn	Sept 2023
1.3.23	3.0	Ged Faint Integrated Transport Unit Manager	Trevor Dunn	Sept 2023

Children's Services
Middlesbrough Council