

School Transport Appeals

A Guide for Parent/Carers



Background Information

If you have been refused assistance with transport to a school or college you can appeal against this decision to a Senior Officer Panel, known as a first stage appeal. If this appeal is not successful, you can appeal to Councillors, known as a second stage appeal. This guide will:

- explain how the first stage and second stage appeals process works;
- help you appeal against the decision not to offer assistance with transport to a school or college; and
- explain what happens at the appeal hearing.

If you require any further information please contact

Stage one appeals – Children’s Services Transport Team, Room G18, Oldway Mansion, Paignton TQ3 2TE or e-mail cstransport@torbay.gov.uk (01803) 208240.

Stage two appeals – Democratic Services, Town Hall, Castle Circus, Torquay TQ1 3DR or e-mail: democratic.services@torbay.gov.uk telephone (01803) 207064.

How do I make an appeal if I am not satisfied with the entitlement decision?

If you are not entitled to Transport Assistance under the Council’s normal policy, you can apply to the First Stage Appeal.

If you wish to apply to be put forward to the First Stage Appeal Process, please complete and return this application form. Please also include any additional information sheets or evidence in support of your appeal which explain the reasons why you were not satisfied with the entitlement decision.

Application forms are included with entitlement decision letters. They are also available to download from the internet at www.torbay.gov.uk/schooltravel support or can be requested from the Transport Team.

Are there any circumstances where I cannot appeal?

An appeal can be made against the implementation of the Council’s

Transport Policy. However an appeal cannot be made against the policy itself.

If you are awarded transport assistance but have an issue with the operating procedures, please follow the Council's Corporate Complaint procedures.

First Stage Appeal – Transport Senior Officers' Panel

The Transport Team will send you an acknowledgment letter advising that your First Stage Appeal application has been received. Please note that the appeal will be heard within 21 days of the date of the acknowledgment letter and the decision will be communicated to you within 28 days. If the case is urgent please state this on the application when it is submitted and the panel will try to meet sooner but this cannot be guaranteed.

Sometimes, for various reasons, appeal applications do not reach the Transport Team. If you do not receive a letter of acknowledgement within five working days of sending in your appeal form, please contact the Transport Team on (01803) 208240.

The Senior Officer Transport Panel consists of three senior officers who meet in order to hear, deliberate and make a decision on each appeal case. (The decision of the panel is recorded and a letter is sent to the applicant informing them of this decision).

What happens if I am not satisfied with the outcome of the first stage appeal?

The Council has established an Appeals Committee made up of Councillors to hear cases from Parent/Carer's who are not satisfied with the decision made at the First Stage Appeal.

If your first stage appeal is not successful, a second stage appeal form is enclosed with the decision letter. Alternatively, an application form is available to download online or can be requested from Democratic Services.

If your first stage appeal is not successful and you are in receipt of some assistance with transport which is due to expire, the

assistance will continue until the outcome of the second stage appeal is decided. If you do not submit your second stage appeal form within 4 weeks of being notified that the first stage appeal was unsuccessful, the assistance with transport you receive will be withdrawn.

Second Stage Appeals

Who will consider my appeal?

The Appeals Committee is made up of between 3 and 5 Councillors. The membership of the Appeals Committee is varied for each meeting.

What powers does the Committee have?

The Committee may grant assistance with transport in full, partially or refuse to offer any assistance.

Which schools does the Committee hear appeals for?

The Committee considers appeals for children who live in Torbay for transport to any school.

If you do not live in Torbay but your child attends a school in Torbay, you should contact your local Council.

What are the circumstances in which I can appeal?

If you are not entitled to assistance with transport under the Council's normal policy and you have been refused assistance at the first stage appeal, you can appeal to a Committee of Councillors.

Sometimes the Committee only offer assistance with transport for a limited time. If this time period is coming to an end you may make a fresh appeal to the Committee by completing a new application form, available from Democratic Services.

How do I make a Second Stage Appeal?

Please complete the appeal form and return it, with any supporting information, marked private and confidential, to:

Democratic Services
Town Hall
Castle Circus
Torquay
TQ1 3DR

Please note that appeal forms are available to download online or upon request from Democratic Services.

What happens to my appeal form when I have sent it?

Democratic Services will send you a letter letting you know that your appeal form has been received. Sometimes, for various reasons, appeal forms do not reach Democratic Services. If you do not receive a letter of acknowledgement within a week of sending in your appeal form, please contact Democratic Services on (01803) 207064.

The Transport Team at Children's Services are advised that you have sent in an appeal. A paper is then prepared, by Children's Services for the Committee, which sets out the reason(s) why your child has not been offered assistance with transport.

You will be sent another letter advising you of the date, time and location of your appeal. Appeals are scheduled to be heard once a month. If you feel your appeal is urgent you should state this on your form. Democratic Services will try to arrange an earlier appeal – but this cannot be guaranteed.

The letter from Democratic Services informing you of the date of your appeal hearing will also include the following information:

- details of how the appeal hearing will be carried out; and
- a date that any additional supporting information should be submitted by (although there is no legal time limit for submitting additional information and other supporting information can be brought with you to the hearing, further information on submitting additional information is available in question 12)

A week before the appeal hearing the items listed below will be sent to you, the Committee and Children's Services:

- a letter from the clerk reconfirming the date and time of your appeal;
- the paper prepared by Children's Services or the school;
- a copy of your appeal form; and
- copies of any supporting information you or Children's Services have submitted.

How can I prepare for my appeal?

Before the appeal hearing it is advised that you:

- read through this booklet;
- read through the papers sent to you by Democratic Services;
- make a note of any additional information you did not include on your appeal form;
- make a note of any questions you wish to ask Children's Services;
- ensure you have copies of supporting information if you have not already sent it to Democratic Services e.g. medical/financial evidence;
- inform Democratic Services if anybody will be coming with you to the appeal hearing;
- telephone Democratic Services if you have questions about the appeals process; and
- telephone Democratic Services if you are unable to attend the appeal.

What information can I provide to help my case?

The Committee base their decision on the information supplied by you and Children's Services and on what is said during the appeal hearing. The Committee does not receive any additional information and everything that the Committee receives is also given to you.

It is important to provide as much information as possible to the Committee to help your case.

When preparing your appeal, you should consider carefully the reasons why your child should be offered assistance with transport. These might include any of the following:-

- Family/social circumstances or situation;
- Financial reasons (supported by evidence);
- Medical reasons of your child or you (supported by evidence, such as a Doctor's letter);

Additionally, there may be other factors particular to your case which you can include.

Please be assured that all the information provided to the Committee is treated in confidence and is only shared with the Committee, the Children's Services and Democratic Services.

Who will be present at the appeal hearing?

- You and anybody you may wish to bring with you such as a partner or friend;
- Up to five Councillors;
- A representative from Democratic Services; and
- A representative from Children's Services.

What is the role of Democratic Services?

Democratic Services are not a member of the Committee. Democratic Services will ensure all the relevant facts are established and that the hearing is carried out in a fair way. Democratic Services are independent of the school you are appealing for transport to and Children's Services. Democratic Services will:

- Arrange for a Committee to meet and consider your appeal;
- Explain to you how your appeal will be dealt with in a letter and

also before the hearing;

- Answer any questions you may have;
- Provide independent advice to all parties;
- Ensure you and Children's Services provide all the relevant facts at the hearing;
- Make notes during the hearing to help the Committee when they make their decision;
- Be present when the Committee makes their decision; and
- Inform you of the Committee's decision in writing.

What is the role of Children's Services?

An Officer from Children's Services will attend the hearing to explain the Council's Policies and why assistance with transport has not been provided. The Children's Services representative will also answer any questions you or the Committee may have about the Council's Policy's.

Can I bring someone with me to the hearing?

Yes you may bring with you a friend, a family member or a support worker.

Can I bring my child with me to the appeal?

Sometimes attending the appeal can be stressful for some children.

Where will the appeal be heard?

Appeals are usually held at Torquay Town Hall.

When will the appeal be heard?

Upon receipt of your appeal form, Democratic Services will arrange for a Committee to meet and consider your appeal. Democratic Services try to arrange your appeal to be heard within six weeks.

What happens at the appeal hearing?

When you arrive at the Town Hall, please report to main reception

who will direct you to the waiting area. The Democratic Services representative will meet you and take you into the meeting room. The hearing will normally be dealt with as follows:

- The Children's Services representative will explain why assistance with transport has not been provided.
- You and the Committee may ask questions to the Children's Services representative on what they have said.
- You will then be offered the opportunity to explain all the reasons why you require assistance with transport.
- The Committee may then ask questions on what you have said.
- Children's Services and you will then be offered a chance to sum up before being asked to leave the room.

The Committee then deliberate and reach a decision on your case. The Democratic Services Officer stays with the Committee and records their decision.

At no time will either you or the Children's Services representative be left alone with the Committee. This ensures that you and the Children's Services representative hears the same information as the Committee during the course of the appeal.

Is the meeting private?

Yes, everything referred to at the meeting is kept confidential. You may tell the Committee anything you think will support your case including financial and medical information.

How long is the appeal hearing?

The appeal will normally last approximately 30 minutes. However, there is no time limit and you will be given opportunity to put your case to the Committee.

Should I attend the appeal hearing?

You are encouraged to attend the appeal hearing and tell the Committee all the reasons why you need assistance with transport.

What happens if I do not attend the appeal hearing?

If you are unable to attend the appeal hearing please inform Democratic Services as soon as possible. Consideration of your appeal may be deferred to a more convenient date or it can be dealt with in your absence.

If you do not tell Democratic Services that you are unable to attend, and you do not arrive for your appeal, your appeal will be considered and decided on the written information you have submitted.

When and how do I find out if my appeal was successful or not?

A letter notifying you of the Committee's decision will be sent to you within a week of the appeal. If there are lots of appeals, this may take longer. The decision of the Committee is final and there is no further appeal.

My appeal was successful, what next?

You can contact Children's Services and make arrangements for the assistance to be implemented.

If my appeal is unsuccessful can I make a further appeal?

If your appeal is turned down you are not able to appeal again unless there have been significant and material changes in your circumstances that require a new decision about your application, e.g. medical reasons or you have moved house.

If you feel that your circumstances have changed you should make a further application to Children's Services.

I was offered assistance for a limited time period which has expired but I still need assistance - what do I do?

If you were offered assistance with transport for a limited time which has ended or is coming to an end, and you still require assistance with transport, you must write to Children's Services and request further assistance and your reasons. Children's Services will decide whether

it is appropriate for you to go through the first stage or have your request considered by a Committee.

Where can I get further information on preparing for my appeal?

Please contact the clerk to the Committee (telephone 01803 207012) or email democratic.services@torbay.gov.uk

What can I do if I am not happy with the way my appeal was conducted?

The Local Government Ombudsman can investigate written complaints about the way in which the Appeal panel conducted your appeal. This is not a further appeal. Your complaint cannot be that you think the panel's decision was wrong, it must relate to issues such as the panel's failure to follow correct procedures or a failure to act independently and fairly. If you wish to complain about how your appeal was conducted please contact:

The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH
0845 6021983

Contact Information

Please feel free to contact the

CHILDREN'S SERVICES TRANSPORT TEAM

Oldway Mansion

Torquay Road, Paignton

TQ3 2TE

Tel: 01803 208240

cstransport@torbay.gov.uk

www.torbay.gov.uk/schooltravelsupport

Stage 2 Appeal Form

Title: Mr/Mrs/Ms/Miss/Other (please specify)
(Parent/Guardian) (delete as appropriate)

First name:

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Surname:

.....

Address (for further correspondence):

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Daytime telephone number:

Your child's name:

and date of birth:

I wish to appeal for assistance with transport to the following school:

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Your appeal will normally be held within six weeks. If there are any dates that would be inconvenient for you please list them below.
(Every effort will be made to avoid such dates):

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You may be accompanied by a friend at the appeal hearing. Please provide details of any body who may accompany you:

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Please give your reasons for appeal on the following pages.



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SERVICES

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This document can be made available in other formats. For further information please contact 01803 208240.