

# **Oxfordshire County Council**

## **Consultation on the Proposed Home to School Transport Policy**

## Introduction

Oxfordshire County Council provides either free or concessionary transport to approximately 12,000 children and young people travelling to school or college. The legal basis for this provision of home to school transport is set out in sections 508A, 508B, 508C, 508D and 509AD and Schedule 35B of the Education Act 1996 (as amended by Part 6 of the Education and Inspections Act 2006) and where appropriate the Equality Act and English and European case law. In addition local authorities are under a statutory duty to have regard to the Home to School Transport Guidance issued by the Department for Education in March 2013.

Oxfordshire spent approximately £14 million on home to school transport in 2012/13.

The decision to review the discretionary elements within the policy was made in the light of the current difficult financial situation in the UK, the continuing impact this will have on local government finances, and the need to ensure that the Home to School Transport Policy is equitable. Following consultation in June a report will be considered by the Local Authority's Cabinet on 16 July, early enough for a new policy to take effect for entry to school in September 2014. The following possible options for change are shown below:

1. To increase the charges for concessionary travel and post 16 travel in 2014/15 to £290.40 (£96.80 per two terms of the 6 term year) for those who live under 3 miles from the school attended and £541.20 per annum (£180.40 per two terms of the 6 term year) for those who live over 3 miles from the school attended (Proposal 1).
2. From September 2015 onwards, to increase the concessionary fare by 2% per annum (Proposal 2).
3. From September 2014 to end the waiving of the concessionary charge for the third and subsequent children of families where they have more than two children using the same home to school transport service (Proposal 3).
4. To only use the guidance issued by Road Safety GB when making risk assessments of walked routes to school (Proposal 4)
5. The phased ending of free travel to the designated (catchment) school if the distance from home to school is over 3 miles if aged 8 or over, or 2 miles if less than aged 8 and of school age, unless this is the nearest school to a child's home address.<sup>1</sup> This would take effect from September 2014 and those children for whom free transport has been agreed before that date will not be affected by this proposed change of policy. This protection will last up until the end of Year 6 for those in primary school and Year 11 for those in secondary school (Proposal 5).
6. To reassess routes designated as "unsafe walking routes" against the guidance issued by Road Safety GB over 2013/14 and 2014/15. **This part of the policy would come into force in September 2013** and would ensure that all routes are reviewed by the end of the 2014/15 academic year (Proposal 6). Those receiving free transport on the grounds that there is no safe walking route

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<sup>1</sup> In addition those aged 11 to 16 whose parents are in receipt of the maximum of Working Tax Credit or who are eligible for free school meals will continue to receive free travel to any one of the three nearest schools to their address within a radius of 2 to 6 miles.

would, as now, have this financial assistance withdrawn if the route is re-assessed as safe to walk.

7. To remove references to collaborative learning transport from the Home to school Transport Policy. Collaborative Learning Partnerships are no longer operating in Oxfordshire (Proposal 7).
8. To adopt a two stage review/appeal process **from September 2013** in accordance with the Department for Education Transport and Travel Guidance of March 2013 (Proposal 8).

The proposed Home to School Transport Policy is shown as Section 1.

Any comments should be made on the Response Form which is attached as Section 2. This form should be returned to:

The Admissions Team  
County Hall  
New Road  
Oxford  
OX1 1ND  
Fax: 01865 783198  
E-mail: [admissions.schools@oxfordshire.gov.uk](mailto:admissions.schools@oxfordshire.gov.uk)

It would be particularly helpful if comments could be sent as an e-mail attachment.

The consultation will close at 1705 hours on 3 July 2013.

Neil Darlington  
Admissions and Transport Services Manager

# PROPOSED HOME TO SCHOOL TRAVEL POLICY

## Introduction

1. The Local Authority is keen to encourage young people to walk or cycle to school or college or to make use of public transport, but it also provides free transport and some subsidised transport (the concessionary travel scheme) as set out in the Home to School Transport Policy. There are significant health benefits from walking or cycling to school and travel on public transport.
2. As with other young people, children with a Statement of Special Educational Need are likely to benefit from developing the ability to travel independently. It is a major factor in widening the horizons of young people and helping them to prepare for adult life and in gaining access to education, training and employment.
3. The legal basis for the provision of home to school transport is set out in sections 508A, 508B, 508C, 508D and 509AD and Schedule 35B of the Education Act 1996 (as amended by Part 6 of the Education and Inspections Act 2006) and where appropriate the Equality Act and English and European case law. In addition local authorities are under a statutory duty to have regard to the Home to School Transport Guidance issued by the Department for Education (DfE) in March 2013.
4. The Home to School Transport Policy applies to young people who live in the administrative county of Oxfordshire. Those who are not resident in Oxfordshire are advised to contact their own home local authority for details of any policy that their home authority may have regarding home to school/college transport.
5. Parents of those aged from 4 (Rising Fives) to 16 need to complete and submit a Transport Application Form if they wish to apply for free home to school transport. If parents wish to apply for concessionary travel for their child they need to complete an 'Application for Concessionary Travel on a School Bus'.
6. When, under the Home to School Transport Policy, children and young people are entitled to free transport it is provided by the most cost effective means. This will usually be by the provision of a free bus pass. However, where numbers are small children sometimes have to be transported by taxi. Where parents wish to take their children to school and it is therefore possible to avoid the provision of a taxi the Local Authority may agree to the payment of a mileage allowance (see paragraphs 55 to 64).
7. Where free or concessionary travel has been agreed it is provided for attendance at the beginning and end of the school day and not for extracurricular activities.

## The Children and Families Bill

8. The Children and Families Bill is expected to have become law by September 2014. This Bill proposes to replace Statements of Special Educational Need

with Education, Health and Care Plans. Any references within this policy to children with a Statement of Special Educational Need will be replaced by “Education, Health and Care Plans”, subject to any amendments to the Children and Families Bill and to it being given the Royal Assent.

9. Parents of children with Education, Health and Care Plans are expected to be given the option of a personal budget to meet some or all of the provision detailed in the plan and special transport will be an element of the personal budget. The Home to School transport Policy will be amended as necessary to include this provision, if it is enacted by Parliament.

### **Vehicle safety**

10. Buses and coaches used for home to school transport are public service vehicles and are subject to specific safety legislation. This is enforced by an initial inspection and certification of the vehicle followed by subsequent annual checks. Vehicles are also subject to random roadside checks undertaken by the ‘Vehicle and Operator Service Agency’ (VOSA). VOSA are able to prohibit any vehicle that is non-compliant, i.e. is in a dangerous condition, not roadworthy and/or the driver’s hours are irregular. Any Service Provider using sub-standard vehicles may lose their operator’s licence.

### **Statutory Walking Distance**

11. In understanding home to school transport and what can, and cannot, be provided free of charge it is important to understand what is referred to as “the statutory walking distance”. This is 2 miles for children who are under 8 years of age, and 3 miles for those of statutory school age who are 8 and over. It is measured along the shortest route along which a child, accompanied by a responsible adult, may walk with reasonable safety. The route may include footpaths, bridleways, and other pathways, as well as recognised roads. All such routes need to be open to the public.

### **Responsibility for assessing whether a child should receive free transport**

12. The responsibility for assessing and determining transport entitlement issues for attendance at mainstream schools, for example whether a child should receive free travel, rests with the School Admissions Team since transport decisions relate to the school attended. The responsibility for organising the transport rests with the School and Social Care transport which will act on instruction from the School Admissions Team.
13. Therefore any information regarding Oxfordshire’s Home to School Transport Policy obtained from any source other than the Admissions Team of Oxfordshire County Council or the admissions pages of the Oxfordshire public website should be disregarded.
14. An assessment of eligibility for free transport is made as part of the normal admissions process for entry to school. Parents are normally notified of the decision in the letter offering a school place.
15. If a child ceases to be eligible during the course of the school term, for example due to moving address, the provision should cease at the end of that term.

## Free transport for those of school age (Reception to Year 11)

16. Children within the following categories are eligible for free transport:

- a. Children attending the nearest available school or educational placement to their address, if the distance from home to school is over the “statutory walking distance” of 3 miles if aged 8 or over or 2 miles if less than aged 8 and of school age. This applies whether or not the school was listed on the Common Admissions Form (CAF).
- b. Children who are aged 8 or over and are under 11 years old who are eligible for Free School Meals or whose parents are in receipt of the maximum level of Working Tax Credit and attend the nearest school if it is over 2 miles from their home.
- d. Children aged 11 to 16 who are eligible for Free School Meals or whose parents are in receipt of the maximum level of Working Tax Credit and who attend one of their three nearest suitable schools (or places other than school at which they might receive education under section 19(1) of the Education Act 1996), where they live more than two but not more than 6 miles from that school. The 2 mile distance is measured by “walking route” and the 6 mile distance is measured by road route.
- e. Children attending the nearest available school to their address even if it is less than the statutory walking distance, if it would not be safe for a child accompanied by an adult to walk from the home to the school. This applies whether or not the school was listed on the CAF. If the route is subsequently determined to be safe the free transport or mileage allowance will be withdrawn. However, a parent will be given up to 6 weeks to consider alternative arrangements. At the end of that period or when the alternative means of transport is taken up, whichever is the sooner, the free travel or mileage allowance will be withdrawn.
- f. Children aged 11 to 16 who are eligible for Free School Meals or whose parents are in receipt of the maximum level of Working Tax Credit and want their child to be educated in accordance with their religion or belief and they attend the nearest suitable school preferred on grounds of religion or belief that is over 2 miles but no more than 15 miles from their home. The 2-mile distance is measured by “walking route” and the 15-mile distance is measured by road route.
- g. Children entitled to free transport if they move house during Year 11 and continue to attend their original school subject to the following limits:
  - i. transport can be provided other than by taxi;
  - ii. the distance travelled is no more than 15 miles.

Taxis will only be used in exceptional circumstances.

- h. Children with a disability who do not have a Statement of Special Educational Need who by reason of their disability are unable to walk even

relatively short distances to school and children with a mobility problem caused by a temporary medical condition, for example a broken leg. This assistance is subject to confirmation of the medical reasons for the provision by a GP or consultant.

- i. Children with a Statement of Special Educational Needs where one of the following applies:
  - (1) The school attended is the nearest suitable school or educational placement to their address that has an available place, if the distance from home to school is over the “statutory walking distance” of 3 miles if aged 8 or over or 2 miles if less than aged 8 and of school age.
  - (2) The school attended is the nearest suitable school or educational placement to their address that has an available place and the distance from home to school is less than the distances set out in h(i) but it would not be safe for a child accompanied by an adult to walk from the home to the school.
  - (3) The children concerned are unable to walk to school by reason of their special educational need or, if disabled, their disability or because of a temporary or long term medical condition. Evidence is required from a GP or consultant.

### **Free Travel to Out County Residential Schools for those with a Statement of Special Educational Needs**

#### Out County Weekly Boarding

17. The beginning and end of each term of each school week to a total of 76 single journeys per year.

#### Termly Boarding (3 terms per year)

18. Children of 11 or over are entitled to free travel at the beginning and end of each term and half term up to a maximum of 16 single journeys per year.
19. Children aged up to 11 are entitled to free travel at the beginning and end of each term and half term, plus 4 discretionary journeys home per year, up to a maximum of 24 single journeys per year.

#### Termly Boarding (4 terms per year)

20. Children of 11 or over are entitled to free travel at the beginning and end of each term and half term up to a maximum of 16 single journeys per year.
21. Children aged up to 11 are entitled to free travel at the beginning and end of each term and half term, plus 4 discretionary journeys home per year, up to a maximum of 24 single journeys per year.

#### Out County 52 Week Boarding (joint placement with other agency)

22. All boarders (or parents) are entitled to 12 single trips home per year (broadly relating to term times). Any additional trips will be the responsibility of the other agency.

Payment of parental journeys for those with children at out of county residential special schools

23. Payment will be made if one of the following applies:
- a. attendance at their child's annual review;
  - b. attendance at any meeting called by the LA at the pupils school;
  - c. journeys necessitated by a child's sickness or emergency medical appointments;
  - d. an agreed journey to visit a new school placement;
  - e. to attend up to three additional meetings per year at the school (called by the school or requested by the parents) if sanctioned by the LA in advance.

Overnight Accommodation

24. The LA will not normally reimburse the cost of overnight accommodation for parents/carers.

### **Applications for Transport Assistance on Grounds of Religion and Belief**

25. In making decisions on assistance with transport the LA will respect parents' religious and philosophical convictions as to the education to be provided for their children in so far as this is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.
26. However, a parent will need to satisfy the LA of the genuine nature of the religious and/or philosophical belief and that the application is made in good faith. The burden of proof lies with the child's parent/parents.
27. Examples of acceptable evidence are:
- a. the provision of a baptismal certificate;
  - b. a statement of atheism;
  - c. a statement of adherence to a particular faith;
  - d. a letter of support from a priest or rabbi stating that the child belongs to a particular congregation.

Normally two pieces of evidence will be required.

28. It is important to note that the LA will take into account the financial consequences of any applications for assistance and that setting up new coach services or taxi routes or specifically continuing them when they could be discontinued in order to accommodate new travellers would normally fall within the definition of "unreasonable public expenditure". However, where there are spare seats on already existing home to school transport routes, or scheduled public transport services, the LA will be able to consider applications for places under the normal concessionary travel arrangements.



29. The LA will not take into account academic grounds for preferring a particular school when making a decision on whether to provide assisted transport on grounds of faith or belief.
30. Decisions on applications for transport assistance on grounds of faith or belief will normally be taken by the Senior Officer, School Admissions (Support).

## **16-19 Home to School/College Transport**

### Annual 16 to 19 Transport Policy Statement

31. Details of travel provision for the 16 to 19 age group will be published by 31 May of each year in the 16 to 19 Transport Policy Statement. This is intended to ensure that young people can make informed choices regarding post-16 education. The Policy Statement can be amended in year in response to complaints or a direction from the Secretary of State. Complaints can be heard by the Appeals & Tribunals Sub-Committee.

### Free Travel

32. Students with learning difficulties and/or disabilities who are beyond statutory school age and who are aged 16 to 19, will receive travel to that placement at the concessionary travel rate when they attend the nearest suitable school or educational placement to their home address that has an available place and one of the following applies:
  - a. it is over 3 miles from their home to the educational placement;
  - b. it is less than 3 miles from their home to the educational placement but it would not be safe for the young person, even if accompanied by an adult, to walk from home to that placement;
  - c. the young person is unable to walk to the school or education placement due to their learning difficulty and/or disability, or because of a temporary or long term medical condition (evidence is required from a GP or consultant).

### Subsidised Travel (16-19 age group)

33. Students who do not have learning difficulties and/or disabilities, are beyond statutory school age, are aged 16 to 19, and who attend either a college or a school may use the concessionary travel scheme. The concessionary travel scheme makes places available on home to school transport routes. These routes are primarily provided for those who are eligible for free home to school transport.
34. Where places on relevant home to school transport routes are unavailable, season tickets on public transport may be provided for travel to the nearest college or school from the student's home address at the relevant distance related concessionary charge rate. This is meant to apply where a home to school transport route is full and it would be possible to use public transport and so avoid the unnecessary additional public expense of contracting for additional capacity on that route.
35. In the area served by Gillotts School, Icknield School, Chiltern Edge School and Langtree School (all 11 to 16 schools) post 16 education is

provided by Henley College. Where Henley College is the closest post 16 provision to a young person's address the Local Authority will provide travel either on one of its home to school travel routes, by service bus or by transport arranged by Henley College. The same charges will apply as those that apply for the Concessionary Travel Scheme.

36. The Local Authority will also arrange for transport to school or college where there is no other means of access, for example where there are no home to school transport routes and no service bus or train links to the nearest establishment offering post16 education. This transport would be subject to the same charges as those set out in the Concessionary Travel Scheme. In addition, the charge will be waived for those eligible for Free School Meals or for those whose parents are in receipt of the maximum level of Working Tax Credit.

### **Travel Arrangements to the “harbours” in primary schools**

37. Travel arrangements to the “harbours” in primary schools need to be agreed by the Admissions Team. These requests need to be submitted by the relevant school at least two weeks in advance of the child beginning the course.
38. Requests will be dealt with by the member of the Admissions Team responsible for the relevant school

### **Travel Arrangements for Learners with Learning Difficulties Assessments (aged 19-24)**

39. An annual Learning Difficulties and Disabilities Transport Policy Statement will be issued by the LA either with the 16-19 Transport Policy Statement or separately. This document will specify any transport or other arrangements, any payment of travel expenses and concessionary schemes which the LA plans to make available to this group of learners in the following academic year to publication. The Policy Statement will also set out the arrangements for facilitating boarding provision outside both the further education and higher education sectors. Complaints can be heard by the Appeals & Tribunals Sub-Committee.

### **The Concessionary Travel Scheme**

40. Concessionary seats are spare seats on home to school transport routes. These are routes that are operated for the benefit of those who are entitled to free transport to and from school. The key points regarding this scheme are set out below:
  - a. the Council cannot guarantee that a young person will keep the seat for longer than two terms;
  - b. fare prices are reviewed annually;
  - c. the parent, or in the case of Years 12 and 13 the student, must complete an application form for concessionary travel;
  - d. payment is required for two terms travel in advance;
  - e. the price charged covers a return journey for every school day of the relevant period;

- f. there will be no rebates for those deciding to travel for fewer than the maximum number of possible journeys per term, for example there is no rebate if a young person decides to use his/her bus pass for morning travel and returns by some other private means in the afternoon;
- g. if a seat is available a bus pass will only be issued on receipt of a completed application form, and correct payment;
- h. no guarantee can be given that the bus will continue to run throughout a young person's time at a school, or that the place on the bus will not be withdrawn at some future date if the place is required for a young person who is entitled to free travel;
- i. the concessionary charge will be waived for those eligible for Free School Meals or for those whose parents are in receipt of the maximum level of Working Tax Credit;
- j. when there are more requests to pay for seats on a particular route than there are seats available they will be allocated in the descending order of priority shown in the table "Priority for Concessionary Places".

### **Priority for Concessionary Places**

Priority	Category
1.	Those with a Statement of Special Educational Needs naming the school
2.	Looked After Children
3.	Years 12 and 13, if there is no service bus or train link available
4.	Children in receipt of Free School Meals or whose parent/parents are in receipt of the maximum of Working Tax Credit
5.	Those who travelled on the route the previous term
6.	By year group, in ascending order of priority from F1 to Year 11
7.	Years 12 and 13, if there is a service bus or train link available
8.	Those living closest using the shortest designated public route on the County Council's Geographic Information System

41. The charges payable under the concessionary fares scheme are shown in the table "Charges 2014/15". These charges are subject to annual review and prices will be from September 2015 and in subsequent years by 2%.

## Charges 2014/15

Reception to Year 11 Under 3 miles	£290.40 per annum (£96.80 per two terms of the 6 term year)
Reception to Year 11 Over 3 miles	£541.20 per annum (£180.40 per two terms of the 6 term year)

### Risk Assessments of Walking Routes

42. When there are issues raised over the possible safety of a walking route the Admissions Team will arrange for a full risk assessment by an expert in road safety.
43. When making risk assessments of walked routes to school the Local Authority will apply the guidance issued by Road Safety GB.
44. Assessments are made regarding the relationship between pedestrians and traffic only. Any personal safety issues of children travelling alone are not taken into account and assessments are made on the presumption that children will be accompanied as necessary by an adult, usually a parent.
45. The presence or absence of street lighting is not considered as a factor in the risk assessment.
46. There is also a presumption that all road users will behave reasonably and responsibly.

### Reassessment of “unsafe walking routes”

47. The Local Authority operates a 3 year review process for routes designated as “unsafe walking routes.”
48. From September 2014 all “unsafe walking routes” will be reassessed using the guidance issued by Road Safety GB.

### Distance Measurement for Free Transport for Children of Low Income Families

49. The 2 mile limit is measured in the same way as the “statutory walking distance”. However, the 6 mile and 15 mile upper limits are not walking routes. They are measured along routes that are passable using a road route suitable for motorised vehicles.

### Home address

50. A child’s home is considered to be the child’s main place of residence during the normal school week. Free transport can only be provided from that one address.

### Travel to a friend’s home

51. No seat can be provided on an ad hoc basis to children wishing to travel to the homes of children who are entitled to free transport.

### **Escorts**

52. Escorts are normally only provided when it has been established through the assessment or review process that a child with a Statement of Special Educational Needs has a specific need to be accompanied.
53. Escorts will not normally be provided in any other circumstances.

### **Parents accompanying children in OCC transport**

54. Parents will not normally be able to travel in OCC provided transport.

### **Payment of mileage allowance**

55. Where parents wish to take their children to school, and it is therefore possible to avoid the provision of a taxi, the Local Authority may agree to the payment of a mileage allowance.
56. The mileage allowance is provided for the child's journey to school and the return to the child's home.
57. The decision to provide a mileage allowance will be made by the School Admissions Team in the case of children offered free travel for attendance at mainstream schools.
58. In the case children subject to a Statement of Special Educational Need the decision to provide a mileage allowance may also be made by the Special Educational Needs Team.
59. A central record will be maintained of students' details, including the agreed home to school mileage. The claim and payment process will be managed by the Local Authority rather than by individual schools.
60. The mileage will be approved by the Local Authority and there will be no negotiation over the rate to be paid, or over the distance to be travelled, which will always be the shortest route available. Parents are not provided with a mileage allowance for their own return to home in the morning or their journey to the school in the afternoon, i.e. the LA pays a mileage allowance for two journeys per day rather than four. The mileage allowance is provided for the child's journey to school and the return to the child's home. The mileage allowance is 40p per mile.
61. If the Local Authority has agreed to the payment of a mileage allowance an invitation to claim, pre-populated with the required information, will be sent to the parents concerned 3 times a year, approximately 2 weeks before the end of Terms 2, 4 and 6.
62. Payments may be made cheque or by BACS. Parents will be asked to sign a declaration indicating the number of days they wish to claim and the

preferred payment method. They will then need to contact their child's school to ask the school to validate the number of days of attendance before returning the form to School Transport to arrange payment.

63. Payment by BACS will take approximately 2 weeks and payment by cheque may take slightly longer.
64. If through a change in circumstance the payment of the mileage allowance proves no longer to be the cheapest way of transporting the child to school the alternative means of travel will be offered and the parent will be given up to 6 weeks to consider the new arrangement. At the end of that period or when the alternative means of transport is taken up, whichever is the sooner, the mileage allowance will be withdrawn.

### **Changes to school start and finish times**

65. Oxfordshire is divided into a number of zones for transport purposes and new contracts are entered into as part of a six year cycle. However, schools can change start and finish times at any time.
66. The Local Authority will normally only amend established routes, including pick up and drop off times, at the start of a new contract period for the relevant zone.
67. Any amendments to the timetables of home to school transport services introduced prior to the end of a 6 year contract period will only be agreed if they do not involve additional costs for the Local Authority or if the relevant school is willing to fund the additional cost.
68. These arrangements are not issues that can be considered by the Appeals & Tribunals Sub-Committee under the transport appeal arrangements.

### **Code of Conduct**

69. A Code of Conduct applies to travel on home to school transport services and will be publicised on the Local Authority's public website every academic year. Travellers are expected to follow the Code of Conduct and failure to do so can result in free or concessionary travel being withdrawn. This will be produced by the Admissions Team.

### **Responsibilities**

70. Every academic year the Local Authority will publish on its public website a document setting out the responsibilities of all parties involved in home to school transport. This will be produced by the Admissions Team.

### **Alteration to home to school transport routes**

71. Routes may be amended or extended to accommodate additional travellers who are entitled to free travel.

72. Routes will not be extended to accommodate travellers or prospective travellers who are not eligible for free travel unless they are in Years 12 and 13 and would not otherwise be able to access post16 education.
73. Additional pick-up and drop off points will not be established for travellers or prospective travellers who are not eligible for free travel unless they are in Years 12 and 13 and would not otherwise be able to access post16 education.

### **Assistance to schools and colleges**

74. Subject to the availability of resources, the Local Authority will provide advice to schools or colleges that wish to establish transport links funded either by parents or schools/colleges.

### **Transport Appeals**

75. There is a two stage review/ appeals process for parents who wish to challenge a decision about:
  - a. the transport arrangements offered;
  - b. their child's eligibility;
  - c. the distance measurement;
  - d. the safety of the route.
76. The appeal process is not intended as a means of challenging the law on home to school transport or for changing the lawfully adopted policy of the Local Authority.
77. Appeals are concerned with individual circumstances and are not a means of setting precedents for future application of the agreed policy or the law on home to school travel.

### **Stage 1**

78. 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.
79. The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed. This should be made on the Stage 1 Review Form.
80. Within 20 working days of receipt of the parent's written request (the Stage 1 Review Form) the Admissions and Transport Services Manager will review the original decision and then write to the parent setting out the parent outcome of the review detailing:
  - a. the nature of the decision reached;
  - b. how the review was conducted, including the standard followed (for example Road Safety GB);
  - c. information about other departments and/or agencies that were consulted as part of the process;
  - d. what factors were considered;
  - e. the rationale for the decision reached;

- f. information on how to proceed to Stage 2 of the appeals process (if the review has upheld the original decision regarding home to school transport).

## **Stage 2**

- 81. A parent has 20 working days from receipt of the Stage 1 decision to make a written request to escalate the matter to Stage 2.
- 82. Within 40 working days an independent appeal will consider written and verbal representations from the parent and officer/officers and give a detailed written outcome setting out:
  - a. the nature of the decision reached;
  - b. how the review was conducted (including the standard followed, for example the application of the criteria set out in Road Safety GB);
  - c. information about other departments and/or agencies that were consulted as part of the process;
  - d. what factors were considered;
  - e. the rationale for the decision reached.
- 83. Those hearing an independent appeal will not have taken part in the initial decision, or the Stage 1 Review, and will be independent of the process to date.
- 84. Those sitting as members of an independent appeal panel will receive training before hearing appeals. This will include general training on natural justice and the conduct of appeal hearings and specific training on the guidance on home to school travel and transport and the Local Authority's Home to School Transport Policy.
- 85. A representative of the Admissions Team will present the LA's reasons for not providing transport and appellants can present a case in writing and /or in person (if the parent wishes, accompanied by a friend). The format of the appeal is set out below:
  - a. presentation of the LA's case by the LA representative;
  - b. panel members and the parent are able to ask questions of the LA representative;
  - c. presentation of the parent's case;
  - d. summing up by the LA representative;
  - e. summing up of the parents case;
  - f. both the LA representative and the parent/parent's friend will leave the hearing together;
  - g. consideration of the case by the independent appeal panel;
  - h. the independent panel makes a decision as to whether to uphold or refuse the appeal.
- 86. The Independent Panel will send out a decision letter within 5 working days.
- 87. The decision of the independent appeal panel will be considered binding by the LA and there is no further right of appeal.



88. The LA will not consider requests for a further transport appeal within the same academic year unless there has been a significant change of circumstance.

#### **Local Government Ombudsman**

89. Following a Stage 2 appeal the information given to parents will make it clear that there is a right of complaint 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 was handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may apply for judicial review.