

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
Children, Young People and Education Cabinet Board

30th June 2016

Report of the Head of Participation
C.Millis

Matter for Decision:

Wards Affected: All wards

HOME TO SCHOOL TRANSPORT APPEALS PANEL.

Purpose of the Report

To seek authority from Members to increase the membership of the transport appeal panel to manage the increased demand. The amount of appeals has proved greater than anticipated and in order to meet demand within approved timescales it is proposed that Panel membership will include all Heads of Service and all Accountable Manager from outside of Education, Leisure and Lifelong Learning.

Executive Summary

Where an application for transport assistance has been made and has been rejected, the parent will be written to with an explanation of the decision. This letter will provide an opportunity for the parent to appeal on the following grounds:

- that the appellant believes that local authority has not applied the policy correctly;
- that the appellant is able to cite any special/exceptional circumstances which they believe should be considered.

Background

On the 27th March 2013, the Cabinet took the decision to implement the new Home to School Transport Policy. This is attached via a link as appendix 2 of the report.

The policy makes provision for parents or guardians to appeal decisions made to refuse free transport in accordance with the criteria outlined above.

In order that appeals may be handled in a clear and transparent way it was proposed that an appeal panel was established to consist of three from a pool four local authority officers. This now needs to be increased due to greater demand.

The panel will invite appellants to make representation in person or to supply a written statement in relation to their appeal. The panel will also invite an officer to present the ELLL Directorate's position (see Appendix 1).

The panel will be supported by an officer from the Authority's Legal Section.

Officers will be bound to the decision of the Home to School Transport Appeals Panel.

Financial Impacts

There are no financial impacts associated with this report.

Equality Impact Assessment

There are no equality impacts associated with this report.

Workforce Impacts

There are no workforce impacts associated with this report.

Legal Impacts

There are no legal impacts associated with this report, as this is a decision for setting up an Appeals Panel and not the outcome of the subsequent decisions from the appeals.

Risk Management

There are no risk management issues associated with this report.

Consultation

There is no requirement under the Constitution for external consultation on this item.

Recommendations

That Members approve the increase of the membership of the transport appeal panel to manage the increase on demand.

Reasons for Proposed Decision

To ensure that the panel is able to hear the appeal within 28 working days as stipulated in the approved process.

Implementation of Decision

The decision is proposed for implementation following the three day call in period.

Appendices

Appendix 1 Procedures for Considering Appeals.

Appendix 2 Home to School Transport Policy (27th March 2013) (Please find link below to access the Home to School Transport Policy.

http://www.npt.gov.uk/pdf/Home_to_school_transport_policy_2014.pdf

List of Background Papers

None

Officer Contact

Chris Millis

Head of Participation,

Telephone 01639 763226

email c.d.millis@npt.gov.uk

Paul Walker,

Operations Coordinator

☎ 01639 861107

✉ p.walker@npt.gov.uk

Appendix 1

HOME TO SCHOOL TRANSPORT APPEALS PROCEDURE

Where an application for transport assistance has been made and has been rejected, the parent will be written to with an explanation of the decision. This letter will provide an opportunity for the parent to appeal on the following grounds:

- that the appellant believes that local authority has not applied the policy correctly;
- that the appellant is able to cite any special/exceptional circumstances which they believe should be considered.

Where a parent believes that a case can be made in relation to either or both of these criteria the following procedure will apply:

1. The appellant is invited to submit an appeal form (see below) to outline their grounds for appeal. On receipt of the appeal form a formal hearing will be heard by the Home to School Transport Appeals Panel.

Officers will be bound to the decision of the Home to School Transport Appeals Panel. However, as with all transport assistance, this may be subject to review in the light of any material change in circumstances. Further appeals are not allowed within the same academic year, and may only be made in subsequent years if there is a substantial change in circumstances to consider.

The Home to School Transport Appeal Panel shall be convened within 28 working days of the receipt of a written Appeal.

The written appeal can only be in relation to how the appellant believes the local authority has not applied the policy correctly or to cite any special/exceptional circumstances which they believe should be considered.

2. The appellants shall be invited to make representation in person before the Home to School Transport Appeal Panel or to supply a written statement to be considered by the Panel.
3. Documentation comprising the applicant's original written or formal statement and an officer's report shall be sent to the Panel members, appellant and relevant Council Officers at least 5 working days before the Panel hearing.

4. The Home to School Transport Appeal Panel shall comprise of three local authority officers, one of whom shall act as the Chairman.
5. The procedure shall follow the general from :-
 - (i) The Chairman shall state the nature of the appeal
 - (ii) The Appellant shall be invited to make representation or a written statement considered.
 - (iii) An Officer will present the Directorate's position.
 - (iv) Panel members will be given opportunities to question the appellant and/or officer.
 - (v) The appellant and/or officer shall withdraw whilst the Panel consider its decision.
 - (vi) The appellant and officer may be invited to return should further information be requested.
 - (vii) All parties shall be informed of the decision by the Chairperson, unless, in exceptional circumstances the hearing is postponed for further information to be presented.
 - (viii) All parties shall have the decision confirmed in writing within 5 working days.
6. An appropriate qualified Council employee shall act as Clerk to the Home to School Transport Appeal Panel and an officer from the Legal Section will act as advisor to those conducting the hearing throughout the procedure.

If appellants are not happy with the way an appeal was conducted, they can make a complaint to the Public Services Ombudsman for Wales. The Ombudsman investigates written complaints about the way an appeal was conducted, not the decision.

NPT HOME TO SCHOOL TRANSPORT APPEAL FORM

Please ensure that you:

- 1. Read the accompanying school transport appeal hearing process guidelines,*
- 2. Sign the form and return it promptly to:*

*Home to School Transport Appeals Panel
Director of Education, Leisure and Lifelong Learning
Port Talbot Civic Centre
Port Talbot
SA13 1PJ*

HOME TO SCHOOL TRANSPORT APPEAL

Pupil's Surname

First Names(s)

Name of School

Date of Birth

Full Postal Address incl postcode

Parent's / Guardian's Name

Relationship to Pupil

Current Address incl postcode

Phone Number

Home

Work

GROUNDS / REASONS FOR SUBMITTING THE APPEAL (please tick boxes)

1) That the local authority has not applied the Home to School Transport Policy correctly.

2) That the appellant is able to cite any special/exceptional circumstances which they believe should be considered.

Details of appeal:

You may attach any additional sheets to this form.

It is important that you explain as clearly as you can the reasons why you are appealing in accordance with the box or boxes ticked above.

Continue on a separate sheet if necessary

Your appeal will be considered in the light of the Council's stated policy on Home to School Transport.

| | |
|---------|-------|
| Signed: | Date: |
|---------|-------|

When signed and completed please return to the address at the top of this form