

# Neath Port Talbot County Borough Council

## HOME TO SCHOOL TRANSPORT APPEALS PROCEDURE

Where an application for travel assistance has been made and has been rejected, the parent/carer will have the right to appeal this decision.

An appeal may only be made on the following grounds:

- the local authority has not applied its policy or the law correctly
- there are special/exceptional circumstances, that have been previously raised, which should be reconsidered

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

### Stage One: Review by the Council's Transport Group

1. The parent/carer is invited to submit a **Stage One Review Form** to outline their grounds for appeal. This form is attached below.

**Note:**

***Stage One of the appeals process will only commence when the Stage One Review Form is submitted. A request by e-mail, letter or telephone call to reconsider a rejected application will not be accepted as notification that an appeal is required by the parent/carer.***

2. The parent/carer at the same time as submitting the **Stage One Review Form** must also submit all evidence to demonstrate their grounds for appeal.
3. The **Stage One Review Form** and **all evidence** should be returned via e-mail to [education@npt.gov.uk](mailto:education@npt.gov.uk). If you are unable to return via e-mail, please post to Home to School Travel Assistance Appeals, Education, Leisure & Lifelong Learning Directorate, Port Talbot Civic Centre, Port Talbot, SA13 1PJ.
4. The parent/carer must submit their **Stage One Review Form** and all of the evidence they wish to rely upon within **20 working days** of receipt of the confirmation that their application for transport assistance has been rejected. Appeal requests received outside of this timeframe will be rejected.
5. On receipt of the **Stage One Review Form** a formal meeting of the Council's Transport Group will be arranged to consider the appeal. This meeting shall be convened within **20 working days** of receipt of the appeal form and all related evidence (*please note: if there is a request by the appellant to delay providing their*

*evidence this will mean a postponement of the date upon which the Transport Group holds its meeting).*

The Council's Transport Group will consist of five members, the members will be officers from the Council. Three officers will represent the Education, Leisure & Lifelong Learning Directorate Home to School Travel Section and three members will represent the Environment Directorate's Passenger Transport Section. All five members will have professional knowledge of the Council's Home to School Travel Assistance Policy.

In order to consider the appeal, some members will have previous knowledge of the case but others will be independent and not have been involved in considering the matter to date.

The Transport Group will review the case and in so doing will consider the appeal form and submitted evidence. The group will come to an agreed decision following deliberated discussions of the case before them. This decision will take into account whether the policy and law has been applied correctly and whether there are special/exceptional circumstances that have been presented in the evidence submitted which would qualify for the providing travel assistance and overturning the original rejection.

6. The parent/carer **will not** be invited to attend this meeting so it is important that the parent/carer provides all evidence they wish to be considered at the time of submitting their appeal.
7. The Transport Group will write to the parent/carer (usually via e-mail) confirming their decision within **5 working days** of their meeting.

Where a Stage One review has been made and has not been upheld, the parent/carer will have the right to request an appeal hearing before an independent appeal panel.

**Note:**

***If there is a material change in circumstances or there is new evidence and this evidence is of a substantial nature, in the first instance, a new application for travel assistance should be submitted.***

<b>Stage Two: Review by an Independent Appeal Panel</b>
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8. The parent/carer is invited to submit a **Stage Two Appeal Form** to outline their grounds for wishing to escalate the matter to stage two. This form is attached below.

9. If the parent/carer chooses to escalate their case to Stage Two, they must submit a **Stage Two Appeals Form** within **30 working days** of receipt of the outcome of Stage One letter.
10. The **Stage Two Appeal Form** should be returned via e-mail to [education@npt.gov.uk](mailto:education@npt.gov.uk). If you are unable to return via e-mail, please post to Home to School Travel Assistance Appeals, Education, Leisure & Lifelong Learning Directorate, Port Talbot Civic Centre, Port Talbot, SA13 1PJ.

**Note:**

***Stage Two of the appeals process will only commence when the Stage Two Appeal Form is submitted by the parent/carer. There is not an automatic initiation of this stage if the appeal is not upheld at Stage One.***

11. On receipt of the **Stage Two Appeal Form** a formal hearing will be arranged to consider the appeal. Stage Two Appeal Hearings are held according to a pre-set timetable which equates to two days per academic term. Accordingly, there is no guarantee that every appeal will be heard within the same term as the date of the application at Stage Two.
12. The appeal will be heard by the Home to School Travel Assistance Appeals Panel. The Home to School Travel Assistance Appeal Panel shall comprise of three independent panel members. At the hearing, one person will be elected by the panel members to act as the Chairperson. To qualify to sit as Chairperson, the individual must have undertaken the appropriate training. The panel will be supported by a member of Legal Services.  
  
The three panel members will be independent of the original decision making process. Independent Panel Members may be drawn from internal or external of the Council. If the appeal relates to a learner with ALN/SEN one of the panel members will be required to have appropriate knowledge, skills and experience of ALN/SEN.
13. Notice of the appeal hearing and all evidence from the Home to School Travel Department to demonstrate their reason for rejecting the application for travel assistance will be provided to the parent/carer and all members of the appeal panel within **5 working days** of the date of the Stage Two Appeal Hearing. This information will also include evidence from Stage One of the appeals process, including the grounds for the Stage One review not being upheld.
14. The parent/carers availability for the appeal hearing will be checked prior to confirming a date (*please note: the appeal hearings are only available according to the pre-set timetable*). When confirming their availability, the parent/carer should also advise whether they have any special requirements that need to be taken into account for the purpose of attending the appeal hearing.

15. The parent/carer will be invited to make representation in person before the Home to School Travel Assistance Appeal Panel or to supply a written statement to be considered by the panel if they do not wish to attend. The parent/carer may be accompanied at the appeal hearing by another person whose role it is to assist them.

**Note:**

***If the parent/carer has additional evidence to that which was provided at Stage One for consideration by the Transport Group, and this additional evidence indicates a significant and material change in circumstances, in the first instance a brand new online claim for travel assistance should be submitted so that the application process commences at the initial stage once again.***

16. Both parent/carer and the Home to School Travel Department will be bound by the decision of the Home to School Travel Assistance Appeals Panel.

17. The appeal hearing shall follow the general form :-

- (i) The chairperson shall explain the process and make introductions.
- (ii) The parent/carer shall be invited to make their representation.
- (iii) An officer will present the Home to School Travel Department's position.
- (iv) Panel members will have the opportunity to ask questions of both parties.
- (v) Both parties will have the opportunity to ask questions of each other.
- (vi) The parent/carer and the officer shall withdraw and the panel will remain to consider its decision.
- (vii) All parties shall have the decision confirmed in writing within **5 working days** of the appeal hearing.

The panel's decision:-

- (i) In reaching their decision, the panel must give due regard to the Council's Home to School Travel Assistance Policy. They will need to satisfy themselves that the policy has been applied correctly. They will look at the special/exceptional circumstances to determine whether they are sufficiently strong to enable them to depart from the arrangements set out under the policy and overturn the decision of the Transport Group at the Stage One review.

**Note:**

- ***Following the conclusion of the two-stage appeals process, there is no further right of appeal.***
- ***Parents/Carers will not be entitled to make any further applications for travel assistance in relation to the same child at the same school, unless:***
  - ***they can demonstrate a significant and material change in circumstances since the previous appeal was decided***
  - ***the Council changes its policy and any change in policy is relevant to the case***
  - ***there is a relevant change to the law governing the provision of home to school travel assistance***

- ***If the parent/carer has a complaint in respect of how the appeal process was conducted, they have the right to make a complaint to the Public Services Ombudsman for Wales. The Ombudsman will only consider a complaint of a procedural nature, this is not a right of an additional appeal.***
- ***The parent/carer has the right to apply for Judicial Review if they wish to challenge the lawfulness of a decision or action made under the appeals process.***

For additional information about this appeals procedure, please e-mail your query to [education@npt.gov.uk](mailto:education@npt.gov.uk) or telephone the Council's transport officer on 01639 861104.

Appendix 1 – Stage One Review Form

Appendix 2 – Stage Two Appeal Form

## HOME TO SCHOOL TRAVEL ASSISTANCE STAGE ONE REVIEW FORM

Please ensure that you:

- Read the accompanying school travel assistance appeal hearing procedure guidelines
- Read the Home to School Travel Assistance Policy
- Sign the form and return it to:

*Home to School Travel Assistance Appeals  
Education, Leisure and Lifelong Learning Directorate  
Port Talbot Civic Centre, Port Talbot, SA13 1PJ*

or e-mail to: [education@npt.gov.uk](mailto:education@npt.gov.uk)

Pupil's Surname

First Names(s)

Name of School

Date of Birth

Full Postal Address including  
postcode

Parent's / Carer's Name

Relationship to Pupil

Current Address incl. postcode (if  
different from the pupil's address)

Contact Phone Number

Contact E-mail

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

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

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

**Details of appeal:**

*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.*

**Please submit all evidence in support of your appeal with this form.**

Signed:

Date:

## HOME TO SCHOOL TRAVEL ASSISTANCE STAGE TWO APPEAL FORM

Please ensure that you:

- Read the accompanying school travel assistance appeal hearing procedure guidelines
- Read the Home to School Travel Assistance Policy
- Sign the form and return it to:

*Home to School Travel Assistance Appeals  
Education, Leisure and Lifelong Learning Directorate  
Port Talbot Civic Centre, Port Talbot, SA13 1PJ*

or e-mail to: [education@npt.gov.uk](mailto:education@npt.gov.uk)

Pupil's Surname	
First Names(s)	
Name of School	
Date of Birth	
Full Postal Address including postcode	
Parent's / Carer's Name	
Relationship to Pupil	
Current Address incl. postcode	
Contact Phone Number	
E-mail contact	



## GROUNDS FOR SUBMITTING THIS APPEAL

**Details of appeal:**

*Please provide a detailed explanation of the grounds for your request to escalate the matter to Stage Two of the appeals procedure:*

Signed:

Date: