

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **Education, Skills and Culture Cabinet Board**

**24<sup>th</sup> October 2019**

### **Report of the Head of Participation – Chris Millis**

**Matter for:** Decision

**Wards Affected:** All Wards

#### **Home to School Travel Assistance Appeals Procedure**

##### **Purpose of the Report:**

1. To seek Member approval to introduce a new Home to School Travel Assistance Appeals Procedure.

##### **Executive Summary:**

2. Where an application for transport assistance has been made and has been rejected, the parent/carer has the right to appeal the decision.
3. The current Neath Port Talbot Home to School Travel Policy 2017 was introduced in September 2017. This policy provides free home to school travel for those pupils who are eligible under statutory requirements. For those pupils who do not meet the criteria for free school transport, the local authority can, under its discretionary powers, as outlined in Section 6 of the Learner Travel Measure provide free home to school travel for pupils attending both Voluntary Aided (Faith) education and Welsh medium education. This policy provides for discretionary transport for those pupils attending Welsh medium and Voluntary Aided (Faith) education.
4. Those children of compulsory school age who attend their nearest suitable school and who meet the distance criteria are eligible for free home to school travel.
5. Those children who attend their nearest suitable school but where there is no suitable walking route, regardless of distance are eligible for free home to school travel.

6. The local authority remains committed to delivering home to school transport arrangements in an effective and efficient way, respecting parents' preferences to seek Voluntary Aided (Faith) education or Welsh medium education for their children. Provided the relevant criteria is met, home to school travel is provided for pupils attending Welsh-medium and Faith education under discretionary arrangements.

### **Background:**

7. Since the current Home to School Travel Policy was introduced in September 2017, there has been an increased demand in the request for an appeal following the rejection of applications for home to school travel assistance. This has resulted in the need to hold more independent appeal hearings. The increased demand has proved difficult to manage as panel members are not always available within the set timescales.
8. The proposed new two-stage appeals process does not make any changes to the Council's current Home to School Travel Policy, other than amend the process of the appeals procedure. Where an application has been made and subsequently rejected, all applicants will have the right to appeal this decision. The current policy informs interested parties that they have the right to appeal.
9. The way in which the appeal process is conducted is being amended but the right to appeal and grounds for appeal remain as per the current Home to School Travel Policy.
10. The Council currently has an informal officer review, this is undertaken when notification of an appeal is received. By including this as a formal stage of the appeals procedure it will mean that the process is open and transparent. Additionally, appellants will be able to distinguish how their appeal is considered by both Council officers and an appeals panel.
11. In a recent public consultation exercise relating to a proposed new Home to School Travel Assistance Policy, stakeholders were asked to provide their views on the introduction of a two-stage appeal procedure. 62% of respondents to an on-line survey agreed to the Council having a two-stage process.

Should the Council introduce a two-stage appeal process?

Yes (256) 62%

No opinion (110) 27%

No (44) 11%

12. It is intended that the new two stage appeal process will be introduced in November 2019. The new appeals procedure if agreed, will be made available on the Council's website as from the 1<sup>st</sup> November 2019.

13. By introducing a two stage appeals procedure, every case will have the benefit of two full reviews. On the first occasion by the Transport Group and the second by the Independent Panel.
14. By pre-diarising appeal hearings in advance for the independent appeal panels, it will ensure that there is always a fully trained and experienced Chairperson available to sit on the panel.
15. Applications for travel assistance are submitted via an on-line application process. Having the first stage of the appeal as a review by the Transport Group ensures that all factors are considered early on and if the case requires remedy at this stage, this can be actioned before the need for an independent panel to consider the matter. Additionally, if the matter is confirmed as a correctly rejected application, the first stage review will have already provided the applicant with a full and detailed explanation of the decision to reject the application for their consideration, prior to the applicant seeking to escalate their case to the second stage of the appeals procedure.
16. Having a two stage appeals process will ensure a robust system to ensure full consideration of each individual case.

**Financial Impacts:**

17. There is no financial impact in respect of the implementation of the two stage Home to School Travel Assistance Appeals Procedure.
18. Financial Information - Home to School Travel costs

<b>Academic Year 2018/2019</b>	<b>Actual Expenditure</b>
Primary Education - In County	£889,692
Primary Education - Out of County	£67,402
Secondary Education - In County	£1,655,636
Secondary Education - Out of County	£250,524
Special Educational Needs - In County	£2,926,793
Special Educational Needs - Out of County	£130,626
Special Educational Needs Post 16 - In County	£208,521
Special Educational Needs Post 16 - Out of County	£20,212
Post 16 – In County	£5,859

Post 16 - Out of County	£1,783
Transport Service Delivery	£29,766
<b>TOTAL COST</b>	<b>£6,186,814</b>

### **Integrated Impact Assessment:**

19. A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016).

The first stage assessment has indicated that a more in-depth assessment is not required. A summary is included below:

Summary:

The assessment does not show any negative impact on any of the areas or groups considered. This is because the initiative relates to an administrative process relating to applications for home to school travel assistance. Where an application has been made and subsequently rejected, all applicants will have the right to appeal this decision if they so choose to do so.

### **Valleys Communities Impacts:**

20. No implications.

### **Workforce Impacts:**

21. No implications.

### **Legal Impacts:**

22. No implications.

Legislation relating to the provision of home to school travel assistance does not stipulate the arrangements for an appeals process. By having an appeals procedure, the Council ensures there is a process in place under which cases are reviewed. This process functions both as a process for error correction as well as a process for clarifying and interpreting the Council's policy and relevant law.

### **Risk Management Impacts:**

23. No implications.

### **Consultation:**

24. There is no requirement for external consultation on this item.

### **Recommendations:**

25. For Members' to approve the implementation of the new Home to School Travel Assistance Appeals Procedure.

### **Reasons for Proposed Decision:**

26. To improve the current Home to School Travel Assistance Appeals Procedure.

### **Implementation of Decision:**

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

### **Appendices:**

Appendix 1 - Home to School Travel Assistance Appeals Procedure

### **List of Background Papers:**

Home to School Travel Policy 2017

First Stage Integrated Impact Assessment

The Learner Travel (Wales) Measure 2008

### **Officer Contact:**

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