

# St Helens Local Authority

## Home to School Transport Review and Appeals Process

### Introduction

It is parents/carers responsibility to secure their child's regular attendance at a school and to ensure that their child is able to get to and from school by whatever means is available to them.

Whilst parents/carers have a right to express a preference for their child to attend a primary or secondary school of their choice, the Local Authority does not have any legal responsibility to provide transport if the school is not their nearest qualifying school.

If a pupil is attending their nearest qualifying school this school is situated further than the statutory distance from home, the Local Authority has a duty to provide assistance with transport as per the Education Act 1996, and the Education and Inspections Act 2006.

Where an application has been refused, in whole or part, a parent/carer will have a right to have their case reviewed.

There is a two stage review/appeals process for parents/carers who wish to challenge a transport decision about:

- Their child's eligibility
- The transport arrangements offered by the Local Authority
- The distance measurement
- The safety of the route used to calculate eligibility

### Stage One: To be reviewed by Forward Planning, Information and Assessment Manager

If an application for assistance with home to school transport has been refused, the parent/carer will be notified by letter informing them of the decision and the reason why the application has been refused. The letter will notify parents/carers they have 20 working days from date of the letter, to make a written request asking for a review of the decision. ***If a written request is not received within this time from the parent/carer they will lose their right to have their case reviewed.***

The written request should detail why the parent/carer believes the decision not to award assistance with transport should be reviewed. The request should give specific details or all relevant information to be considered for review, which will include any personal and/or family circumstances.

Following receipt of the written request, the request will be reviewed within 20 working days by the Forward Planning, Information and Assessment Manager or other senior officer. The senior officer will review the original decision, and consider the additional information submitted by the parent/carer. Following the review, the parent/carer will receive a detailed written response setting out:

### **Stage One: continued**

- The decision reached;
- What factors were considered to reach the decision, including reviewing the original decision not to award assistance with transport.
- How the review was conducted;
- Information obtained from other departments and/or agencies if they were consulted as part of the process;
- The rationale for the decision reached;
- If the original decision not to award assistance with transport is upheld, information regarding further escalation of the appeals process to stage 2 will be included in the response.

### **Stage Two: Review by an Independent Appeal Panel**

The parent/carer has 20 working days from the receipt of the Council's stage one decision to make a written request to escalate to stage two reviews. An appeals panel consisting of the Director of Corporate Services and one of Senior Assistant Director Quality and Finance/ Senior Assistant Director Schools and Education/ Business Support Manager will meet and consider the individual circumstances and the evidence supplied, as well as reviewing the original and stage one decisions. In certain circumstances senior representatives from Social Care and Additional Needs will be asked to attend panel meetings. ***If a written request is not received within this time from the parent/carer they will lose their right to have their case reviewed.***

Within 40 working days of receipt of the stage two requests from parents/carers, the panel will consider the information provided and will provide a written notification to parents/carers setting out the following:

- The decision reached;
- The rationale for the decision reached, which will include:
  - What factors were considered;
  - How the review was conducted;
  - The guidelines and standards followed e.g. statutory duties, DFE guidelines etc.;
  - Information about other departments/and or agencies if they were consulted as part of the process;

Where an appeal is unsuccessful, parents/carers will be notified that they have the right of complaint to the Local Government Ombudsman, if they consider that there was a failure to comply with the procedural rules or if they consider there were other irregularities in the way the appeal was handled.