

Information for Parents Requesting a Transport Appeal

Policy and Guidance

Hertfordshire County Council's Transport Appeal Process has been established in accordance with the Department for Education's 'Home to School Travel and Transport Guidance' July 2014.

Hertfordshire County Council's Home to School Transport policies can be found on our website at www.hertfordshire.gov.uk/schooltransport. The policies are published annually.

Transport Appeal Process

You have the right to appeal to the County Council's Transport Appeal Panel:

- **if your child is refused free home to school transport/travel assistance, or**
- **you disagree with the mode/method of transport offered.**

Department of Education Travel and Transport Guidance defines suitable transport as enabling "an eligible child to reach school without such stress, strain or difficulty that they would be prevented from benefiting from the education provided."

The county council has a two stage process:

- Stage 1 - Consideration by a Discretionary Transport Panel.
- Stage 2 - Consideration by a Transport Appeal Panel.

Before you submit a Transport Appeal, your application for transport support must have been considered and rejected by a Discretionary Panel.

At this stage you will have had the opportunity to provide additional information and evidence to support your request for transport. Please note if you are unsuccessful in your application for discretionary transport and decide to request a Transport Appeal the additional information provided for your Discretionary request will be included as part of the appeal paperwork that is prepared by Admissions and Transport.

If you are unsuccessful in your application for discretionary transport (you will be sent a letter outlining the decision of the panel), you may then request a Transport Appeal Application Form.

The Transport Appeal Panel will consider your case on two grounds:

- 1) Whether Hertfordshire County Council has applied its Home to School Transport policy correctly;
 - 2) If the individual circumstances of your case are compelling enough to make an exception to the published policy on a discretionary basis.
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How to Appeal

The Admissions and Transport Team will have sent you the relevant Transport Appeal application form, along with this guidance. You should complete the form, explaining why you wish to appeal and providing relevant evidence to support your case, this could include for example proof of income or benefit or independent professional evidence from a medical expert.

Your appeal must clearly outline exactly what transport or travel assistance is being requested and for what period of time.

The form together with your information/evidence should be returned to either the postal or email address below:

Appeals Team

Customer Service (CS)
Postal Point CH 0120
County Hall
Hertford, SG13 8DF

E-mail: school.appeals@hertfordshire.gov.uk

Website: www.hertfordshire.gov.uk/schoolappeals

Helpline: 01992 588548

What Happens When the Appeal Form Has Been Received?

The date of the appeal hearing will be set by the Appeals Team within 40 working days (8 weeks) of receiving your application. The Appeal will be heard during the working day, between Monday and Friday. Appeals will usually be heard remotely by Microsoft Teams. You will receive at least ten working days (2 weeks) notice of the date and time of your hearing.

When the Appeals Team confirms the date, time and venue you will also receive a Parents Appeal Pack, which will contain the following paperwork;

- A copy of your appeal form.
- A copy of all correspondence between you and the Admissions and Transport Team.
- Any relevant evidence that you have supplied to support both your Discretionary Transport request and any additional information submitted for your appeal. This could include for example proof of income or benefits, independent professional evidence from a medical expert.
- A statement explaining the county council's decision to refuse transport.

The Appeal Hearing

If you informed the Appeals Team that you wish to attend the Appeal, please arrive at the venue in good time and introduce yourself to the Clerk. If you are going to be late, decide not to attend, or are unable to attend, please contact the Appeals Team directly on 01992 588548.

Your appeal will be considered by a Panel comprising of three senior county council officers and independent lay members. They will have received full training and will have no knowledge of, or have been involved with, your case previously.

The Panel will consist of:

- The Chair, who will be a senior county council officer or an independent lay member.
- Two other panel members will be officers from other departments within Hertfordshire County Council and/or independent members.

The appeal hearing will be organised on the day by the Clerk, who will take a formal note of the discussion, offer legal advice but not take part in the decision making. An officer from the Admissions and Transport Team will also attend to present the case on behalf of the County Council.

If you attend the appeal the Clerk will explain the basic procedure and deal with any questions you may have before the hearing starts. You will be shown into the room for your Appeal hearing, along with the representative from the Admissions and Transport Team. The Chair of the Appeal Panel will welcome

you and introduce everyone present. He or she will explain how the hearing will be conducted and ensure that you are given the opportunity to present your case fully.

Individual appeals are scheduled to last forty minutes. If you are attending please prepare a summary of your case and think about any questions you wish to ask the Admissions and Transport representative. The Appeal Panel will have read all the paperwork submitted by you and the Admissions and Transport Team, in advance of the hearing.

Appeal Panels operate in accordance with 'natural justice'. This means that the conduct of appeal hearings should be based on fairness and, as far as is possible, within an informal atmosphere. Hearings are not to be recorded except where this may help a parent with a stated disability.

In making their decision the Appeal Panel will take into account the county council's transport Policy, information provided on and with your appeal form, any verbal representations you make at the hearing, and the case put forward by the representative of the Admissions and Transport Team.

The representative from the Admissions and Transport team will explain the county council's decision and you will be given the opportunity to ask questions, as will the Appeal Panel. You will then be given the opportunity to explain why you think your child should be provided with transport/travel support. Following this the Appeal Panel, and the Admissions and Transport representative will be allowed to ask you questions.

You will be asked at the end of the hearing whether you have raised all the issues you wanted to and then given the opportunity to sum up your case. **It is important that you have told the Appeal Panel everything at this point,** as there will be no further opportunity to introduce additional information at the summing up stage.

Please be aware that a further appeal will not be agreed unless there has been a significant and/or exceptional change to your circumstances, and this change directly affects your application for transport.

The Appeal Panel will reach their decision after all cases scheduled have been heard and you will be advised of the outcome, in writing, within five working days (1 week).

After the Decision

The decision letter from the Clerk to the Transport Appeal Panel will include both the decision and the reasons for the decision.

Upon receipt of the decision letter, you may wish to pursue a complaint with the Local Government Ombudsman (LGO).

Please be aware that this action is not a further right of appeal. The Ombudsman cannot overturn the Panel's decision, and will only investigate your case if there has been a failure to comply with procedural rules or if there were irregularities in the way your appeal was conducted.

Contact details are as follows:

The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Tel: 0300 061 0614

Mon – Fri 8.30am – 5.00pm

Online complaint form: www.lgo.org.uk/make-a-complaint

Text call back: 0762 481 1595

Website: www.lgo.org.uk