

APPEALS AND PLANNING REVIEW COMMITTEE	AGENDA ITEM No.5
10 APRIL 2017	PUBLIC REPORT

Cabinet Member Responsible:	Councillor Holdich, Cabinet Member for Education, Skills and University	
Contact Officer(s):	Bryony Wolstenholme – Acting Team Manager, Passenger Transport Operations	Tel. 317452

REVIEW OF TRANSPORT APPEALS HELD UNDER THE TERMS AND CONDITIONS OF THE CHILDREN’S SERVICES TRANSPORT POLICIES

R E C O M M E N D A T I O N S
FROM : Team Manager – Passenger Transport Operations
It is recommended that the Appeals and Planning Review Committee note the transport appeals held during 2016/2017 and comment as appropriate.

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee by the Team Manager, Passenger Transport Operations as part of the Committee’s terms of reference.
- 1.2 This report will be submitted on an annual basis.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to enable the Committee to scrutinise, or review, the outcomes of the transport appeals held during 2016/2017 under the terms of the School Transport Policy and Post 16 partnership Policy the Committees terms of reference 2.1.2 “to review the outcomes of appeals on an annual basis”.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
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4. CHILDREN’S SERVICES SCHOOL TRANSPORT APPEALS

4.1 Background

- 4.2 The Council is required to have in place a policy for home to school transport for those children aged 4-16 and for those children attending a school or college for post 16 education.
- 4.3 The main policy for those children aged 4-16 was reviewed and consulted upon and finally approved in August 2016 for implementation in September 2016.
- 4.4 The policy for post 16 is required to be reviewed annually, the current policy has been in place since September 2016.

5. CURRENT POLICY AND PROCEDURE

- 5.1 In line with Local Ombudsman advice our appeal procedure has been updated in both policies (4-16 and post 16) to include a 2 Stage process.
- 5.2 Any parent who has been refused assisted school/college transport may appeal to the Appeals Committee (Service Issues) if they wish to challenge:
- (1) the refusal is not in line with the policy
 - (2) the transport arrangements offered
 - (3) that there are exceptional reasons to depart from the policy

Stage One: Review by the Team Manager, Passenger Transport Operations

- 5.3 A parent has 20 working days from receipt of the home to school transport decision to make a written request to the Team Manager, Passenger Transport Operations asking for a review of the decision.
- 5.4 The written request should detail why the parent believes the decision should be reviewed and give details of any personal and /or family circumstances the parent believes should be considered when the decision is reviewed.
- 5.5 Within 20 working days of the parent's written request the Team Manager, Passenger Transport Operation will review the original decision and send the parent detailed written notification of the outcome of their review, setting out:
- The nature of the decision reached;
 - How the review was conducted
 - Information about other departments and /or agencies that were consulted as part of the process (if applicable);
 - What factors were considered;
 - The rationale for the decision reached;
 - Information about how the parent can escalate their case to stage two (if appropriate)

Stage Two: Review by an independent appeal panel

- 5.6 A parent has 20 working days from receipt of the Team Managers stage one written decision notification to make a written request to escalate the matter to stage two.
- 5.7 Within 40 working days of receipt of the parents request an independent appeals panel made up of Councillors will consider written and verbal representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome (within 5 working days), setting out:
- The nature of the decision reached;
 - How the review was conducted;
 - Information about other departments and /or agencies that were consulted as part of the process (if applicable);
 - What factors were considered;
 - The rationale for the decision reached;
 - Information about the parent's right to put the matter to the Local Government Ombudsman (see below)

- 5.8 Local Government ombudsman – parents have a right of complaint to the Local government Ombudsman, but only if there is evidence of a failure by the council to comply with the procedural rules or if there are any other irregularities in the way the appeal has been handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for a judicial review.

5.9 One of these reasons must be set out in the application for appeal.

6. CASES REJECTED AT 1ST STAGE DURING 2016/2017

Month	Number of Appeal Requests rejected
April 2016	0
May 2016	0
June 2016	2
July 2016	2
August 2016	1
September 2016	2
October 2016	1
November 2016	6
December 2016	5
January 2017	0
February 2017	2
March 2017	0
Total	22

7. CASES HEARD (2ND STAGE APPEALS) DURING 2016/2017

Month	Number of Appeals	Reasons for Appeal	Withdrawn	Allowed	Dismissed
June 2016	2	Financial and Medical	1	1	0
July 2016	3	Financial and Parent Medical	0	1	2
October 2016	1	Personal	0	1	0
December 2016	1	Parent Medical	0	0	0
January 2017	1	Financial and Study Direction	0	0	1
March 2017	1	Medical	1	0	0

8. REASONS FOR RECOMMENDATIONS

8.1 To ensure that the Committee is informed and kept up to date with the outcomes of transport appeals made under the policies in place at the time.

9. ALTERNATIVE OPTIONS CONSIDERED

9.1 There are no alternative options to be considered.

10. IMPLICATIONS

10.1 Financial, Legal and other officers all had input into the initial policy review. Impact on any specific community groups were also addressed as part of the policy review.

11. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

- *School Transport Policy for pupils aged 4 to 16 years*
- *Peterborough Post 16 Transport Partnership Policy (These policies themselves refer to statutory guidance and legislation relating to home to school transport and other local transport policies)*

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