

<b>APPEALS AND PLANNING REVIEW COMMITTEE</b>	<b>AGENDA ITEM No. 5</b>
<b>6 MARCH 2023</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor Lynne Ayres Cabinet Member for Education, Skills and University
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Contact Officer(s):	Bryony Wolstenholme - Team Manager - Passenger Transport Operations	Tel. 01733 317453
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**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**

<b>FROM:</b> <i>Team Manager - Passenger Transport operations</i>	<b>Deadline date:</b> <i>N/A</i>
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It is recommended that the Appeals and Planning Review Committee:

- note the transport appeals held during 2022/2023 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.

The report is 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 2022/2023 under the terms of the School Transport Policy and Post 16 Transport Partnership Policy.

2.2 This report is for Planning and Appeals Committee to consider under its Terms of Reference No. 2.1.2

“To review appeals procedures for the Council’s various services (excluding appeals procedures which are determined by statute) and, where change is recommended, formulate proposals to the Executive or Council.”

This is done on an annual basis for School Transport Appeals

### 3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	N/A
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### 4. **BACKGROUND AND KEY ISSUES**

4.1 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.

4.2 The main transport policy for those children aged 4-16 was reviewed and consulted upon and implemented in June 2019.

4.3 The policy for post 16 is required to be reviewed annually, the current policy has been in place since September 2022.

4.4 Appeal procedure in both policies (4-16 and post 16) includes a 2 Stage process.

4.5 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

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

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.

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.

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)

#### 4.7 **Stage Two: Review by an independent appeal panel**

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.

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)

4.8 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.

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

#### 4.9 **1ST STAGE APPEALS AND OUTCOMES DURING 2021/2022**

Month	Number of 1st stage appeals	Number of appeals approved and transport awarded
April 2022	3	1
May 2022	2	0
June 2022	0	N/A
July 2022	0	N/A
August 2022	6	3 (1 short term whilst parent amended prefs_
September 2022	3	0
October 2022	4	0
November 2022	2	0
December 2022	1	0

January 2023	3	0
February 2023	2	0
March 2023	N/A	N/A
<b>Total</b>		

4.10 **CASES HEARD (2<sup>ND</sup> STAGE APPEALS AND OUTCOMES DURING 2020/2021)**

Month	Number of Appeals	Reasons for Appeal	Withdrawn	Allowed	Dismissed
July 2022	1	Parental pref	0	0	1
November 2022	1	Student with EHCP distance under 1 miles	0	1	0
January 2023	1	Student with EHCP, parental preference for more distant school	0	0	1
February 2023	2	Outstanding decision			

**5. CORPORATE PRIORITIES**

The School Transport Appeals falls under the following Corporate Priorities:

1. Our Places & Communities
  - Places and Safety (including any rural implications)
  - Lives and Work
  - Health and Wellbeing
2. Prevention, Independence & Resilience
  - Educations and Skills for All
  - Adults
  - Children

**6. CONSULTATION**

6.1 N/A

**7. ANTICIPATED OUTCOMES OR IMPACT**

7.1 N/A

## **8. REASON FOR THE RECOMMENDATION**

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

11.1 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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