



## **WOKINGHAM BOROUGH COUNCIL**

### **School Transport Appeal Hearing Process**

#### **Guidelines**

##### **Introduction**

The policies of the Borough, as Local Education Authority, in respect of the provision of assistance for home to school transport, are administered by the General Manager, Children's Services.

The Corporate Transport Unit considers applications and issues decisions in accordance with the Council's policy, on behalf of the General Manager, Children's Services.

The appeal process is for parents who are not satisfied with a school transport decision.

##### **How To Appeal**

An appeal must be made on the **School Transport Appeal Form**. This can be completed on line or in written form. <http://www.wokingham.gov.uk/school-travel-appeals>

Before submitting an appeal for school transport please ensure that you have made an application for transport in writing and have received written confirmation that your request has been refused.

An appeal should include with it all relevant supporting information to explain why it should be approved. Parties are asked to submit any additional information as soon as practicable to allow the Panel and other parties sufficient time to review the information. Whilst all parties can submit additional information on the day of the hearing please note that if it is of significant length or raises key new issues relating to the case it may be necessary for the hearing to be adjourned to allow all parties to consider the information.

The completed form must be sent to:

E mail: [democratic.services@wokingham.gov.uk](mailto:democratic.services@wokingham.gov.uk)

Post: Democratic Services  
Wokingham Borough Council  
Shute End  
Wokingham  
Berkshire RG40 1 WQ

##### **The Appeal Process**

1. When an appeal is received it is referred to the Corporate Transport Unit, or appropriate department and a statement prepared. This statement will detail how the Council's policy has been applied to the particular case and the reason for refusal of the application.

2. A hearing will be convened as quickly as possible to consider the appeal.
3. Notice of the hearing will be sent to the appellant with at least 14 working days notice. A copy of the Corporate Transport Unit's Statement and any other information related to the appeal will also be sent.
4. The appellant will be invited to attend the hearing and bring people with them to support them, or if needed to present the case. If the appellant does not wish to attend the hearing, it will proceed and the decision made, based on the written information provided in the appeal form.
5. The appeal Panel does not carry out site visits. This is so that their impartiality cannot be called into question.
6. The hearing will be at the Wokingham Borough Council Offices, Shute End, Wokingham.
7. The Schools Transport Appeal Panel is made up of either 3 or 5 Councillors who will hear the appeal and make the decision. No-one on the panel will have been involved with the original decision to decline the application.
8. The Appeal Panel members will be circulated with all written information on the appeal.

### **The Hearing Process**

1. The hearing will be conducted in private.
2. Those present at the hearing will be:
  - the Panel members,
  - a representative of the General Manager, Children's Services, usually a person from the Corporate Transport Unit,
  - a Democratic Services Officer,
  - the appellant (Appellants may be accompanied or represented by a friend., adviser of interpreter or signer who may speak on their behalf at the hearing. The friend should not work at the school that home to school transport has been requested to),
3. One of the panel members will be elected to chair the hearing.
4. All those present will be introduced.
5. The Corporate Transport Unit representative and/or the General Manager Children's Services representative will explain the reasons why the application for transport assistance has been declined.
6. The appellant can ask questions of the Corporate Transport Unit representative and/or General Manager's representative for clarification and information.
7. The Panel can ask questions of the Corporate Transport Unit representative and/or General Manager's representative for clarification

8. The appellant will then present their case. No new information can be introduced at this stage.
9. The Corporate Transport Unit representative and/or the General Manager's representative can ask questions of the appellant for clarification and information
10. Members of the Panel can ask questions of the appellant for clarification and information.
11. Both the Corporate Transport Unit representative and/or General Manager's representative and the appellant will be given the opportunity to sum up their information.
12. The Corporate Transport Unit representative and/or the General Manager's representative and the appellant will be asked to leave the meeting so that the panel can consider the information and make a decision.
13. The Democratic Services Officer will remain in the meeting but only to record the proceedings and decision made.

### **The Decision**

1. Each appeal will be considered on its own merits.
2. The decision will take full account of all information submitted to it and the Council policy for home to school transport.
3. The decision will be sent to the appellant in writing within 5 working days of the hearing.
4. If the appeal has been upheld contact will be made by a representative of the General Manager to make the necessary arrangements.
5. If the appeal is dismissed there is no further avenue for local consideration.
6. If the appellant feels that the Panel was not administered fairly or correctly they can make a complaint to the Local Government Ombudsman alleging maladministration by the Panel.
7. If the appellant is unhappy with the decision they may be able to seek a Judicial Review against the decision. If the appellant wishes to do this they should seek their own legal advice on this matter.

### **Further Information**

If you require further information, please contact:

Democratic Services  
Wokingham Borough Council  
Shute End  
Wokingham  
RG40 1WQ  
Telephone: 0118 9746319 or 0118 9746058  
Email: [democratic.services@wokingham.gov.uk](mailto:democratic.services@wokingham.gov.uk)