



WOKINGHAM BOROUGH COUNCIL

SCHOOL TRANSPORT APPEAL HEARING PROCESS GUIDELINES

Introduction

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

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

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

How to Appeal:

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 must be made on our School Transport Appeal Form. This can be downloaded at: <http://www.wokingham.gov.uk/schools-and-education/school-information-and-services/school-and-college-transport/> or posted to you. The completed form should be sent to the address at the end of this document.

An appeal should include with it all relevant supporting information to explain why it should be upheld. Parents and Officers 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 Appeal Process:

Where an application for transport assistance has been made and has been refused, the parent will be written to with an explanation of the decision. The letter will advise the parent of their right to appeal the decision. In such cases the following procedure will apply:

First Stage – Appeal forms are initially reviewed by a Panel of three Officers. Those appeals that are outside of the published criteria and/or are simply disagreeing with the decision without providing evidence to support a case will not proceed to Stage Two, and the parents will be notified.

Second Stage – If the appeal progresses to Stage Two, a formal Transport Appeal Hearing is heard by the School Transport Appeals Panel. The Panel is made up of 3 Councillors.

Officers and appellants will be bound to the decision of the Transport Appeals Panel. However, as with all transport assistance, this may be subject to review in the light of any material change in circumstances. Further appeals are not allowed within the same academic year, and may only be made in subsequent years if there is a substantial change in circumstances to consider.

If a parent feels that their transport application or appeal has not been administered fairly or correctly, they can complain to the Local Government Ombudsman. The contact details for the Ombudsman can be found at the end of this document.

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.

The appellant will be invited to attend the hearing and can, if they wish bring people with them for support or to present the case. If the appellant does not wish to attend the hearing, it will proceed in their absence based on the written information provided and a decision will be made.

The appeal Panel does not carry out site visits. This is so that their impartiality cannot be called into question.

The hearing will be held at the Wokingham Borough Council Offices, Shute End, Wokingham. RG40 1WQ.

The Schools Transport Appeal Panel is made up of 3 Councillors who will hear the appeal and make the decision. No-one on the panel will have been involved with the original decision to refuse the application.

All Parties 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 Director of 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 or 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 Director of Children's Services representative will explain the reasons why the application for transport assistance has been refused.
6. The appellant can ask questions of the Corporate Transport Unit representative and/or Director's representative for clarification and information.
7. The Panel can ask questions of the Corporate Transport Unit representative and/or Director's representative for clarification.
8. The appellant will then present their case
9. The Corporate Transport Unit representative and/or the Director'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 Director's representative and the appellant will be given the opportunity to sum up their cases.
12. The Corporate Transport Unit representative and/or the Director'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 and the Council's policy for home to school transport.
3. The decision will be sent to the appellant in writing within 5 working days of the hearing. Regrettably we are unable to disclose the decision over the telephone.
4. If the appeal has been upheld contact will be made by a representative of the Director 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. Contact details are at the end of this document.
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.

Return of Form:

**School Transport Appeals
Transport Procurement and Operations Manager
Corporate Transport Unit
Wokingham Borough Council
Shute End
Wokingham
RG40 1BN**

 SchoolTransportAppeals@wokingham.gov.uk

Local Government Ombudsman

PO Box 4771
COVENTRY
CV4 0EH



0300 061 0614 - Helpline



www.lgo.org.uk