

## Information for Parents on Transport Appeals

**For advice and information** or if you would like a copy of this leaflet on audiocassette or in Braille, large print or other languages, please contact:

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Completed forms should be sent to Transport Appeals, CC 1206, Castle Court, Shire Hall, Cambridge, CB3 0AP.

If you would like to refer to the LA's Home to School Transport Policy please go to the Student Travel pages on our website at [www.cambridgeshire.gov.uk](http://www.cambridgeshire.gov.uk)

### **Whose responsibility is it to organise school transport?**

Parents are responsible for taking their children to school unless they do not live within walking distance of the school and there is not a nearer school with a place available. "Walking distance" is defined as 2 miles for Key Stage 1 and 2 children and 3 miles for those in Key Stage 3."

### **Where can I obtain a copy of the Home to School Transport Policy?**

If you would like to refer to the LA's Home to School Transport Policy please go to the Student Travel pages on our website at [www.cambridgeshire.gov.uk](http://www.cambridgeshire.gov.uk) or seek advice and information through the contacts set out in the final section of this leaflet.

### **My application for transport has been turned down, can I appeal?**

As a parent you have the right to request an appeal to the Service Appeals Committee (SAC) if you are refused home to school/college transport for your child.

### **Should I appeal?**

The two grounds on which the SAC can allow an appeal are as follows:

- 1) That the Local Authority (LA) has not applied its Home to School Transport policy correctly;
- 2) That there are compelling grounds to justify making AN EXCEPTION to the terms of the Home to School Transport Policy.

If you cannot provide evidence in support of either of these two grounds, your appeal will not succeed. For example, low income in itself is not considered exceptional grounds.

### **How do I appeal?**

The process is quite simple. You need to explain why you wish to appeal, by completing the available appeal form and returning it to the address overleaf within **ten working days** of when you received the form.

When you complete the appeal form, please provide as much information as you can. You will need to provide relevant evidence to support your case. For example if you wish to appeal on medical grounds, a letter from your doctor would be required. If you wish to make a case on financial grounds and want to rely upon financial evidence you must provide written information to show evidence of financial hardship. Your family's financial status will be taken into account. It is important that you forward all supporting documentary evidence to the LA as soon as possible. If you have any further documentary evidence you should send it in no later than 5 working days before the appeal. If you bring additional supporting documentary evidence to the hearing itself, the LA has the right to request that the appeal is adjourned until a later date.

**If you bring evidence to or raise an issue at your appeal, which you have not previously mentioned as part of your case, the appeal panel has the right to adjourn your appeal or to continue with the appeal but not allow you to refer to that evidence. This is done in cases where the panel believe the evidence is not relevant or that the LA should be**

**given time to prepare a response (this will further delay your appeal). Therefore, it is important that you submit all aspects of your case in full, before the appeal hearing.**

The LA will obtain statements from other parties should this be appropriate. For example, if you have moved your child to a new school due to alleged problems at their previous school, the LA will write to that school to request a response to your statement. Where your child has a medical condition and this is a reason for your appeal the LA will seek an objective medical opinion from the Consultant Community Paediatrician.

At least 5 working days before the appeal hearing you will receive the statement being submitted to the SAC by the LA. This statement will set out the LA's reasons for not granting home to school transport for your child. You will also receive information about the procedure for the appeal hearing.

#### **How long will I have to wait before my appeal is heard?**

Most appeals are heard within six teaching weeks of receiving the appeal form although this may not always be possible. You will receive at least two weeks' notice of the appeal date. If you are unable to attend on the date offered and do not wish the appeal to be heard in your absence, the hearing can be rearranged. Please note that this is likely to cause a delay. If you have any accessibility requirements, please mention this when requesting your appeal, so a suitable venue can be arranged.

#### **The Appeals Panel**

The SAC (appeal panel) is made up of three County Councillors.

A lawyer from the County Council who is experienced in education law will be present to advise the panel and ensure the correct legal procedures are followed. If you have a question on these matters you should ask it at the hearing.

#### **What to expect at the Appeal Hearing**

1. The LA explains why your request for transport has been refused.
2. You present your case to the SAC.

After each stage there will be the opportunity to ask questions.

3. The SAC will decide your appeal on the written grounds you have included in your statement form and on what you say about these grounds at the hearing.

Every effort is made to keep the appeal informal. At the start of the hearing the Chair of the SAC will introduce the panel members and explain the SAC's role and how the appeal will be conducted.

#### **Can I be accompanied at the appeal hearing?**

You can bring a friend or representative with you to provide support. Arrangements can be made for an interpreter to be present if this would be helpful to you.

#### **What happens if I am unable to attend the appeal hearing?**

- a) If you do not wish to attend the appeal hearing you can ask for the SAC to hear it in your absence.
- (b) If you are not able to attend on the date offered and do not wish the appeal to be heard in your absence, the hearing can be rearranged. Please note this is likely to cause a delay.

If you have indicated your intention to attend the hearing and you have not arrived within 20 minutes after the appointed time of your hearing, and have not contacted the LA with an explanation, the SAC reserves the right to hear the appeal in your absence.

#### **What do I do if I do not agree with the Home to School Transport Policy?**

This appeal hearing is to do with the application of the Home to School Transport Policy to your particular case. If you do not agree with the contents of the policy itself you may raise this with your local councillor.

#### **When will I know the panel's decision?**

The clerk to the appeals panel will write to you within one week to notify you of the decision. The panel's decision is binding on the LA and the family.

#### **What if my appeal is turned down?**

The decision of the panel is binding. However, if you feel that the transport and/or appeal procedures have not been correctly followed you can complain to the Local Government Ombudsman.