

By: Andrew Ballard – Principal Democratic Services Officer

To: Regulation Committee – 24 January 2023

Subject: Home to School Transport Appeals update

Classification: Unrestricted

Summary: To provide Members with an overview on Home to School Transport appeal statistics for the period between 1 January 2021 to 31 December 2022 and a brief comparison with transport appeals statistics from 2010 to 2021.

1. Home to School Transport Appeal Statistics 2022

(1.1) For the period between 1 January 2022 to 31 December 2022 a total of 104 individual appeals were considered by Member Transport Appeal Panels of this Committee. 48% were upheld at least in part (e.g: time limited assistance) and a breakdown of these appeals on a month by month basis is set out in Appendix A along with a comparison with appeals held in 2010 to 2021. An additional 39 appeals were received/scheduled but were not heard due to them being either reassessed by the Transport Team or withdrawn by the parent.

(1.2) There are a further 23 appeals that are still waiting to be heard which are scheduled for January/February 2023.

(1.3) It is interesting to note that in 2022 the majority of the total number of appeals were heard between August – 31 December 2022 although the overall numbers compared to 2021 have reduced.

(1.4) Appeals are successful due to a variety of reasons and can include:

- Financial hardship
- Health & medical need
- No cost to the Council
- Temporary accommodation
- Family circumstances
- Circumstances of the child
- Childs safety
- Review cases

2. Changes to the process due to Covid

(2.1) Following Covid, revised arrangements were made in order to facilitate appeals. Parents are provided with three options as to how they wished their appeals to be heard. These options are, face to face appeals

which are held at Session House, Maidstone, virtual appeals via video conference on Microsoft Teams; and finally, paper-based appeals where Members considered the case based on the written submissions only.

(2.2) Although there are no longer restrictions in place due to Covid, parents are still able to select how they wish their appeal to be considered which best suits their circumstances. The following table provides Members with a breakdown of how appeals were facilitated during 2022 and the percentage of those being successful.

	Appeals heard	% Upheld
Paper Based Appeals	31	19%
Virtual Appeals	45	58%
Face to Face	29	65%

3. Transport Appeal Statistics – 2021

(3.1) For the period between 1 January 2021 to 31 December 2021 a total of 118 appeals were considered by Transport Appeal Panels. 60% were upheld at least in part (e.g. time-limited assistance).

4. Local Government & Social Care Ombudsman

(4.1) If parents remain dissatisfied and believe that they have suffered injustice as a result of maladministration by the Panel, they are advised of their rights to pursue their complaint with the Local Government & Social Care Ombudsman (LGSCO). This is not a right of appeal and has to relate to issues such as failure to follow correct procedures or failure to act independently and fairly, rather than just that the person making the complaint believes the decision to be wrong.

(4.2) During the last year, 4 complaints were received with 2 with no faults being found and two decisions still outstanding. The LGSCO provide a breakdown of their findings at <https://www.lgo.org.uk>

5. Recommendation Members are asked to note this report.

Appendix A – Home to School Transport appeal table

Andrew Ballard

Principal Democratic Services Officer

Tel No: 03000 415809, e-mail: andrew.ballard@kent.gov.uk

TABLE 1
HOME TO SCHOOL
TRANSPORT APPEALS -1 JANUARY – 31 December 2022

Month	Total Scheduled	Total Heard	Upheld	Not Upheld	% Upheld
January	10	10	6	4	60%
February	4	3	1	2	33%
March	6	6	2	4	33%
April	14	12	6	6	50%
May	5	5	4	1	80%
June	1	1	1	0	100%
July	6	6	2	4	33%
August	17	15	7	8	47%
September	13	8	2	6	25%
October	18	14	6	8	43%
November	13	9	7	2	78%
December	19	15	6	9	40%
TOTALS	126	104	50	54	48%

TABLE 2
HOME TO SCHOOL TRANSPORT APPEALS - 2010-2020

Year	Upheld	Not Upheld	Total Heard	% Upheld
2010	38	46	84	45%
2011	23	43	66	35%
2012	26	80	106	24%
2013	33	76	109	30%
2014	76	72	148	51%
2015	67	57	124	54%
2016	72	65	137	52%

2017	102	89	191	53%
2018	87	78	165	53%
2019	89	77	166	54%
2020	76	42	118	64%
2021	75	42	118	60%