

## KENT COUNTY COUNCIL

### REGULATION COMMITTEE

#### *PROCEDURE FOR CONSIDERING HOME TO SCHOOL TRANSPORT APPEALS*

- (1) Parents and pupils are entitled to appeal against decisions by the Local Authority in respect of Home to School Transport.
- (2) The request for an appeal shall be made in writing to the Head of Democratic Services or his nominated representative, setting out the grounds and the preferred outcome of the appeal.
- (3) The Head of Democratic Services shall arrange for the appeal to be considered by an ad-hoc Regulation Committee Panel. The following procedure applies:-
  - (a) The Panel of Members will consist of 3 Conservative, 1 Labour and 1 Liberal Democrat. The Panel must be chaired by a member of the Regulation Committee and include at least one other Member of the Regulation Committee. No Member of the Panel will have had any previous connection with the matter under consideration.
  - (b) A Democratic Services Officer nominated by the Head of Democratic Services and Local Leadership will clerk the Panel and arrange a date for a meeting of the Panel in consultation with the parties concerned, setting a deadline for any additional papers to be provided.
  - (c) At least 5 clear working days before the Panel meeting, the agenda papers are sent to the appellant, the nominated officer for the Head of Admissions and Transport and the Panel Members (mainstream home to school transport or the Head of Additional Educational Needs (if applicable) hereafter referred to as the presenting officer, and the Panel Members.
- (4) The Panel will normally meet under the provisions set out in Section 100A of the Local Government Act 1972, whereby the press and public (apart from the appellant) are excluded. The meeting procedure is set out below:-

- (a) Introductions by the Chairman, including an explanation of the procedure to be followed.
- (b) The presenting officer explains the reasons that have prevented the Local Authority from meeting the appellant's wishes up to this stage.
- (c) The appellant and Panel Members can ask questions of the presenting officer.
- (d) The appellant and/or his/her representative (who can be a Member of the County Council) explain the grounds for the appeal and its desired outcome.
- (e) The presenting officer and the Panel Members can ask questions of the appellant.
- (f) When the Chairman is satisfied that all parties have completed their representations, the presenting officer is invited to summarise the case for the Local Authority.
- (g) The appellant is invited to sum up, (the appellant has the final word).
- (h) The appellant and the presenting officer leave the room. A decision is reached by the Panel. This decision will be set out in writing to all parties by the Clerk, who will also set out the reasons for it.

## REACHING A DECISION

- (1) In reaching its decision the Panel must have due regard to the Local Authority's policies in respect of free home to school transport. The Panel will need to satisfy itself that the policies have been correctly applied.
- (2) The Panel must then go on to look at the specific circumstances of the case to determine whether they are sufficiently strong enough to justify the Panel exercising its discretion to disregard the Local Authority's policies.
- (3) There is a responsibility on the Panel to consider the most cost effective and appropriate mode of home to school transport taking into account the family circumstances at the time of the appeal.

## THE DECISION

- (1) The Panel may decide to uphold the appeal in all respects.
- (2) The Panel may decide not to uphold the appeal in any respect.

(3) The Panel may decide to partially uphold the appeal. This can include meeting the appellants' wishes wholly or in part for a time-limited period. At the end of the time specified for the provision of home to school transport the Panel can review the circumstances of the case again. The Panel can also specify that additional information be made available at the review. This might include such things as up to date medical reports and school attendance records.

(4) If a parent requests a cash allowance, the Panel should consider this, taking into account the availability of alternative modes of transport and the personal circumstances of the appellant or parent. Mileage will normally only be paid for one return journey from home to school per day.

#### VARIATION TO THIS PROCEDURE IN RESPECT OF APPEALS FOR THE LOCAL EDUCATION AUTHORITY TO DESIGNATE A ROUTE FROM HOME TO SCHOOL AS HAZARDOUS.

1) For the purposes of considering an appeal that the nearest available route from home to school is hazardous *in itself*, the meeting will be open to the public, following the procedure set out above in all other respects.

2) The Appellant may also ask the Panel to consider his or her personal circumstances in the event that the Panel decides that the route is not hazardous *in itself*. This part of the appeal will be held under the provisions set out in Appendix 100A of the Local Government Act 1972, whereby the press and public (apart from the appellant) are excluded. The procedure set out above will be followed in all other respects.