

School transport appeals

A guide for parents



May 2012
APP5

What school transport does Devon County Council provide?

Devon County Council (DCC) meets its duty under the Education Act 1996 and the Education & Inspections Act 2006 to provide school or college transport by adopting the principles explained in the Education Transport Policy. The policy is available at www.devon.gov.uk/school_transport or you can ask the Education Transport Team for a copy by ringing **0845 155 1019**.

We provide school or college transport for pupils under 16 if:

- the distance is more than three miles for children of secondary school age
 - the distance is more than two miles for children of primary school age
- and**
- where the school in question is the one designated by us to serve the home address.

Transport will also be provided, if requested, to pupils registered at the school nearest to their home where that is not the designated school, provided it is beyond the walking distance and is suited to the child's age, ability and aptitude.

The statutory right to free transport for secondary school pupils from low income families provides a choice to one of the three nearest schools to the home address. However, transport will only be provided if the school is between two and six miles away from the home address.



Where you choose a school that is not designated by us to serve your home address, or one that is not the nearest to your home, there is no entitlement to transport. You will need to make your own transport arrangements and pay any travel costs for your child's transport for the whole time they will be at that school.

Students over 16 who are entitled to assisted transport will be charged a fee each term. Young people entitled to assisted transport who are from families receiving an appropriate means tested benefit may qualify for a reduction in the contribution rate charged.

If spare seats are available on school transport vehicles (and there are no public services) children who do not qualify for free transport may be allowed to travel on a concessionary basis, by paying a fee in advance.

They will have to give up the seat if:

- it is needed for children who move into the area and are entitled to free transport
- the route is reorganised
- it is necessary to hire a smaller vehicle.

If this happens you will be given at least one week's notice so that you can make other arrangements.

The law allows, but does not require, us to provide transport to other non-entitled pupils as we think fit. The circumstances where this may be considered are set out in our *Education Transport Policy*.

What is the transport appeal process?

Complaints about eligibility to school or college transport are always first considered by a Transport Panel of officers. They will send you a letter advising you of their decision.

DCC has an Appeals Committee to hear the cases of parents who are not satisfied with the Transport Panel's decisions about eligibility to school or college transport. The Committee is made up of elected members of the County Council and usually meets at County Hall in Exeter.

If you wish, the Chief Executive will let your county councillor know about your appeal and when it will be heard. If you want your councillor to come to the appeal with you, you will need to contact them directly yourself.

You can get more information about appeal arrangements from the Committee Secretariat at County Hall on **0845 155 1019**.

The Appeals Committee will listen to and decide on any representations from parents about the way the Education Transport Policy has been applied and may ask the Council to look into other matters where this seems necessary. It will take into consideration the recommendations of the Transport Panel.

The Appeals Committee also hears appeals from parents asking it to use its discretion to provide transport where there is no entitlement.

What will the Appeal Committee take into account?

The law states that school attendance is a parental responsibility and only in a minority of cases does the County Council have to provide help. If you are appealing for transport, this means that the County Council does not normally have to help someone in your situation with school transport.

You need to persuade the Appeals Committee to provide transport as an exception to the normal rules.



What if my child lives in walking distance of school?

We will consider whether you can get your child to school yourself. The Committee will want to know if you can walk with your child to school, get help from others to walk your child to school, drive your child to school, or pay for someone to transport your child to school.

If you live in walking distance of school but you think the route is unsafe for your child to walk, accompanied by an adult, the Committee will consider:

- the age of the child
- the availability of parents to accompany the child
- road width
- visibility
- the availability of footpaths and verges
- the volume of traffic at relevant times of day
- the accident record along the route
- space between pedestrians and vehicles
- any other information you provide.

If your child is attending a school that is not designated to serve your home address, the Committee will consider your reasons for choosing this school and whether you can get your child to school yourself. It will consider whether you can drive your child to school, pay for your child to use public transport, or if you could get help from others to get your child to school. It will give full consideration to any other factors that you feel are relevant.

What happens next?

The appeal form and supporting evidence will be sent to the Appeals Committee and you before the hearing. We aim to hear your appeal within six weeks, although this may not always be possible during the summer months.



Can I bring someone with me to the hearing?

Yes, for example, a friend, a relative, or your county councillor. At the hearing you and/or your representative can put your own case and ask questions about the Education Transport Team's report. You might find it helpful to decide in advance who is going to speak and to make a note of the things you want to say.

Who will be at the meeting?

Up to six members of the Committee, assisted usually by:

- the Committee Secretary who records the Committee's decisions and advises on procedure for the conduct of the meeting
- officers from the Education Transport Team who attend to put the DCC's case. The officers do not advise or take part in making decisions.

What happens at the appeals hearing?

When you arrive at County Hall, report to main reception and you will be given directions. When you reach the Committee rooms, please wait outside the room until you are called. When you enter the Committee room, the Chair will welcome you and introduce everyone.

The hearing will follow this format:

- Education Transport Officers will be asked to explain why transport has not been provided.
- You or your representative or both will be invited to explain why you think your child should be provided with free transport.
- You or your representative or both may be asked questions about your case. You will be given a chance to ask questions as well.
- You, your representative and the officers will be asked to leave the room.
- The Committee will discuss your case and notify you in writing of their decision within seven working days.
- The decision of the Appeals Committee is final and binding on all parties.



If you need more information please contact the Education Transport Team on:
0845 155 1019