

# Home to school transport - case review process

Parents/carers of children who live in Surrey (or who are in care to Surrey and have an Education, Health and Care Plan) and who wish to challenge a decision about one of the following, may apply for their case to be considered at a transport case review:

- the transport arrangements offered;
- their child's eligibility;
- the distance measurement in relation to statutory walking distances; and
- the safety of the route.

## **Stage one: Case review by a senior officer**

Parents/carers must complete a stage one transport case review form on which they must indicate whether they believe the original decision to be wrong or whether they wish their case to be considered as an exception to the policy. The form must be returned with details of the case within 20 working days from receipt of the original transport decision.

The written request should detail why the parent/carer believes the decision should be reviewed and give details of any personal and/or family circumstances they believe should be considered.

Within 20 working days of receipt of the written request a senior officer, who was not involved with making the original decision, will review the case. More complex cases may sometimes exceed the 20 working day turnaround time for review.

The senior officer will write to the parent/carer, normally within five working days of the review, setting out:

- the decision reached;
- how the review was conducted;
- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached; and
- information about how the parent/carer can escalate their case to stage two (if appropriate).

Where possible, applications for review at stage one of the review process should be accompanied by independent supporting evidence such as from a GP or consultant, a social worker, the police, other local authority officers, copies of relevant court orders etc as appropriate.

With the exception of eligibility based on extended entitlement for families on low income, qualification for travel assistance is not means-tested, and family income will not normally be given special consideration under this review process.

When considering reviews, the following will also not normally be taken into account:

- Parent/carers' work or other commitments.

- Attendance by siblings at other schools.
- A work experience placement.
- An address other than the home address, including a childminder's address.
- Ad hoc visits to other establishments or locations.
- Out of hours clubs (e.g. breakfast club, after school activities).

### **Stage two: Case review by an independent panel**

If the parent/carer remains unhappy with the decision at stage one of the transport case review, they can complete a 'Stage 2 transport case review form' to request that their case is escalated to a panel of three Surrey County Council Members. Members on the stage two case review panel will be independent of the original decision making process and will not have had any prior involvement with the case or be connected to the school or family in question.

Requests for a stage two case review must be made within 20 working days from receipt of the local authority's stage one written decision.

Stage two case reviews will normally be considered within 40 working days of receipt of the parent/carers request for it to be escalated. A copy of the paperwork that has been submitted to the stage two case review panel will be sent to the parent at least seven working days prior to the review.

The parent/carer will be asked to indicate on the 'Stage 2 transport case review form' whether or not they wish to attend the review to present their case verbally. An officer for the local authority will also be invited to present the local authority's case. Parent/carers are not required to attend and if they do not indicate that they wish to attend the review will be scheduled to be heard in their absence.

The stage two case review panel will give equal consideration to all case reviews whether conducted in the presence of all parties or heard in the absence of one/both parties. If the panel considers that further information is required, the case will be adjourned so that the information can be made available.

Where a parent/carer chooses to attend the stage two case review, the panel chairman will:

- welcome all parties and introduce the panel members, clerk, and officer of the local authority.
- explain the procedure, clearly and simply, including the panel's remit.
- explain that the panel has read the full written case.
- invite the applicant to briefly highlight the main points of their application.
- invite the officer for the local authority to briefly highlight the main points of the local authority's case.

The panel will seek clarification on points raised by either party if required.

Once the parent/carer and officer for the local authority have left, the panel will reach a decision as to whether to uphold or reject the review. When the panel considers its decisions, the clerk must remain with the panel solely for the purpose of offering advice on procedure or law, making reference to notes or evidence and record decisions, including the reasons for them.

The clerk to the stage two case review panel will write to the parent/carer, normally within five working days of the review, setting out:

- the decision reached;
- how the review was conducted;
- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached; and
- information about the parent/carer's right to put the matter to the Local Government Ombudsman (see below).

### **Local Government Ombudsman**

There is a right of complaint to the Local Government Ombudsman, but only if the complainant considers that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the review has been handled. Further advice is available at [www.lgo.org.uk](http://www.lgo.org.uk) or on the Local Government Ombudsman advice line on 0300 061 0614.

If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for judicial review.

# Transport Review Process

## **Outcome of travel assistance application**

Officer A declines the home to school travel application or offers travel arrangements the parent considers 'unsuitable'

## **Parent challenges – within 20 working days**

The parent returns a stage one transport case review form challenging Officer A's decision on the basis of:

- Entitlement
- Distance measurement
  - Route safety
- Exceptional circumstance

## **Stage one: Review by Senior Officer - within 20 working days**

Officer B (a Senior Officer) reviews Officer A's decision

## **Stage one: outcome**

Within 5 working days of the review the Senior Officer sends the parent a written notification of the outcome including

- Reason for the decision
- How to escalate to stage two

## **Parent challenges – within 20 working days**

The parent challenges Officer B's decision and returns a form requesting that their case is referred for a stage two review

## **Stage two: Review by Members review panel - within 40 working days**

The Member review panel hears written/verbal evidence from the parent and the local authority officer.

## **Stage two: outcome**

Within 5 working days of the panel the clerk sends the parent a written notification of the outcome including

- Reason for the decision
- How to escalate to case to the Local Government Ombudsman