

ROYAL BOROUGH OF KINGSTON UPON THAMES

GUIDANCE FOR HOME TO SCHOOL TRAVEL APPEALS

The Appeals Procedure enables Parents or Guardians who are unhappy with the Local Authority's decision not to pay in full or part for their child's home to school travel to have their concerns considered by a Panel of Members of the Council. The Panel may consider the Parents'/Guardians' personal and financial situation and either uphold the Local Authority's decision or provide varying support for home to school travel costs. Details of the Statutory and Discretionary Provision for home to school transport are described at the end of this Guidance at **Annex 1**.

Where English is the Parents'/Guardians' second language, Parents/Guardians may ask for an interpreter to be present and assist at the Panel meeting. This will be arranged by the Democratic Support Officer. Parents/Guardians are able to have a representative to attend to speak on their behalf if they wish.

This Guidance describes what happens at School Travel Appeals Panel Meetings.

1. A detailed report will be written by a Local Authority Officer setting out the Parents'/Guardians' reasons for requesting an appeal, and the Local Authority's comments about why it decided not to pay for travel costs (in full or part). Because the report has private details about the family it is only circulated to the Members of the Panel, Council officers connected with the work of the Panel and the Parents/Guardians of the child. The report is sent to these people one week before the meeting. (Guidance on good practice in relation to confidentiality can be found in **Annex 2**).
2. The appeal is heard in private by the Panel Members. One or two Officers from the Local Authority and a Democratic Support Officer are also present to help the Panel. Meetings may be held during the day or in the evenings at the Guildhall, Kingston upon Thames. An appeal takes about an hour.
3. Parents/Guardians are invited to attend the meeting at an agreed appointment time to make representations on their appeal. Parents/Guardians do not have to attend, but it is helpful to the Panel if they do come.
4. At the meeting both the Local Authority Officer and the Parents/Guardians are asked to make representations on the appeal. This can be verbal or written. (Parents/Guardians do not have to comment on their case if they do not wish to do so). It is usual for the Local Authority Officer to put the Local Authority case prior to the Parents/Guardians.
5. Members of the Panel may ask the Local Authority Officer and the Parents/Guardians questions.
6. The Parents/Guardians may ask the Local Authority Officer questions about the report or what the Officer has said to the Panel.
7. The Local Authority Officer may ask the Parents/Guardians questions about what they have said to the Panel.

8. Both the Local Authority Officer and the Parents/Guardians, in that order, will have the opportunity to sum up their cases to the Panel before they leave the Meeting.
9. The Parents/Guardians and Local Authority officer will be asked to wait outside whilst the Panel considers whether they need to ask any further questions. If further information or clarification is required, both Parents/Guardians and the Local Authority officer(s) must be recalled and will be able to leave once the Panel is satisfied. If no further information is needed the Parents/Guardians and Local Authority officer may leave the Guildhall.
10. The Panel will then consider all the evidence in private and decide whether or not to uphold the appeal.
11. As soon as possible after the meeting a letter will be sent by the Democratic Support Officer to the Parents/Guardians to let them know of the Panel's final decision. No decision will be given to either of the parties on the night.

Note: The Democratic Support Officer will remain with the Panel purely to offer advice on legal or procedural matters; he/she will not participate in the decisions made by the Panel.

Annex 1

HOME TO SCHOOL TRANSPORT – SUMMARY OF STATUTORY, ROYAL BOROUGH OF KINGSTON DISCRETIONARY PROVISION AND GLA PROVISION

Statutory Provision

All Local Authorities have a statutory duty to provide free transport to and from school for pupils living in the Borough if:

- The pupil is under 8 years of age and the nearest available route to school on foot is over 2 miles.
- The pupil is 8 years of age or more and the nearest available route to school on foot is over 3 miles.

For the above, the nearest available route, whatever its length, does not include any route which is considered unsafe if travelled on foot, even if the child is accompanied by an adult.

Additional Discretionary Provision for Pupils living in Kingston

- Free transport will be provided for all pupils of Primary School age where the shortest route to school on foot is over 2 miles.
- For pupils from low income families, free transport will be provided if the child is of secondary age and is attending one of three nearest suitable schools between 2 and 6 miles away or is of primary school age and is attending one of three nearest schools over 2 miles away.
- Assistance may also be provided to pupils who attend the nearest suitable school which was chosen on the grounds of religion or belief and if the school is up to 15 miles away.

- Free transport may be provided if the family move home and the parents wish the pupil to complete their schooling at their existing school. This applies to pupils in Years 6, 10 and 11 only, and is dependent on distance criteria.
- Assistance with travel costs may be provided in cases where it is considered that there are “exceptional circumstances” to be taken into account, e.g. relating to a child’s needs or family circumstances. Such cases will be determined by the Appeals Panel.

Greater London Authority Provision

- Free bus travel is available for all under 16-year-olds and for under 18-year-olds in full time education.

Annex 2

GOOD PRACTICE FOR CONFIDENTIALITY

Parents/Guardians may choose to share the details of their case with one of their 3 Ward Councillors or another Representative. Care should be taken by that Councillor or Representative not to disclose any personal information of the family to anyone who is not a member of that Panel or an Officer of the Council who would not have received the report on a need to know basis. It is good practice for Councillors or Representatives to obtain Parents’/Guardians’ permission before discussing the case with anyone else.

If requested to do so by the Parents/Guardians, the Councillor may lobby members of the Panel or attend the Panel to assist them put forward their case.

In the event that the Councillor who is approached by the Parents/Guardian in relation to their appeal is also a member of the Panel, the Councillor concerned should request the Parents/Guardian to contact either of the 2 other Ward Councillors for assistance. This is to avoid a potential conflict of interest for the members of the Council.

Background Papers

Royal Borough of Kingston Home to School Transport Policy January 2007

Royal Borough of Kingston SEN Home to School Transport Policy January 2007

1 April 2007