

**School Transport Policy**

**HAMPSHIRE COUNTY COUNCIL**

**SCHOOL TRANSPORT POLICY**

**EFFECTIVE FROM SEPTEMBER 2025**

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## **1. BACKGROUND AND SCOPE OF THE POLICY**

- 1.1. The Policy sets out the legal responsibilities that Hampshire County Council (the County Council) has in order to provide assistance with transport to school or another education setting for children living in the County Council local authority administrative area. It also supports the County Council's sustainable school travel strategy <sup>1</sup>.
- 1.2. This Policy reflects the requirements of the Education Act 1996 (the Act) and the Education and Inspections Act 2006. It also complies with the Department for Education's statutory guidance, Travel to School for children of compulsory school age, issued in January 2024<sup>2</sup>.
- 1.3. Changes to the 2025 Policy include clarifying that licensed standing capacity may be used where vehicles have a certified standing capacity (4.32), an adjustment to the Personal Transport Budget wording (4.33), explaining that transport usage data is monitored and how it could be used (4.42), and providing updated information about the regular review of transport arrangements (paragraphs 7.1 - 7.3).
- 1.4. Charges for transport arrangements are set out in Appendix 1.
- 1.5. The process for appeals is set out in Appendix 2.
- 1.6. Arrangements for post-16 age (sixth form) student transport are set out in a separate annual transport policy statement that is published by 31 May each year.
- 1.7. Note: References to parent in this document include birth parents, adoptive parents, foster parents, carers or legal guardians with parental responsibility.

## **2. LEGAL RESPONSIBILITIES FOR TRANSPORTING CHILDREN TO/FROM SCHOOL**

- 2.1. Parents have a legal duty and a responsibility to make the necessary arrangements to ensure that their child of compulsory school age attends school regularly. For most parents, this means making arrangements for their child to travel to and from school.
- 2.2. It is the responsibility of those with parental responsibility to make suitable arrangements to ensure that their child is accompanied on walking routes to school, if it is considered by the parents that the child's age, ability and levels of understanding make this necessary. The Authority will therefore not provide transport solely because parents have not made such arrangements, unless there is good reason. In the event that parents are working or otherwise unavailable at the time their child travels to and from school it

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<sup>1</sup> [Hampshire sustainable modes of transport for children and young people - January 2013](#)

<sup>2</sup> [Department for Education \(publishing.service.gov.uk\)](#)

remains the parents' responsibility to make arrangements to ensure that their child attends school.

- 2.3. The County Council has a statutory duty to make arrangements to provide free of charge school transport for **'eligible children' (defined in paragraph 3.1) only.**

### **3. DEFINITION OF 'ELIGIBLE CHILDREN'.**

- 3.1. Eligible children are defined<sup>3</sup> as children of compulsory school age (defined in paragraph 4.3):

- who attend their nearest or catchment school which is beyond the statutory walking distance. Where a child lives within more than one catchment area, eligibility for School Transport will be based on the shortest walking route to any of the catchment schools.
- who, because of their special educational needs, disability or mobility problems cannot reasonably be expected to walk to their school, even if accompanied by an adult.
- whose route to the nearest suitable school is unsafe as determined in accordance with Road Safety GB guidelines.
- children entitled to free school meals or whose parents receive the maximum level of Working Families Tax Credit (subject to a distance requirement).

- 3.2. All eligible children are entitled to free of charge transport to/from school at the beginning and end of the normal school day only.

### **4. 'ELIGIBLE CHILDREN' - EXPLANATION OF RELEVANT FACTORS.**

- 4.1. As a general rule, the County Council will only make provision for free of charge transport for the children referenced set out above.
- 4.2. The following paragraphs explain the eligibility for free of charge transport for **eligible children only** in more detail.

#### **Compulsory school age**

- 4.3. Children are of compulsory school age from the beginning of the term following their fifth birthday (*or from their fifth birthday if it falls on 31 August, 31 December or 31 March*) until the last Friday in June of the academic year in which they reach 16 years of age.

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<sup>3</sup> Schedule 35b of the Education Act 1996

## **Statutory walking distances<sup>4</sup>**

- 4.4. For children of compulsory school age, transport is provided if their nearest suitable or catchment school, measured from the child's home to the nearest available entrance to the school grounds', is:
- Beyond two miles (if below the age of eight); or
  - Beyond three miles (if aged between eight and 16).
- 4.5. A child living between two and three miles from their school ceases to be an eligible child on their 8th birthday.
- 4.6. The above are the statutory walking distances prescribed by legislation. However, different walking distances apply in respect of children who are entitled to free school meals or whose parents receive the maximum level of working tax credit (see paragraph 4.9).
- 4.7. When determining whether a non-catchment school qualifies as a nearer school distances greater than the statutory walking distances will be measured on 'road routes', passable for a suitable motorised vehicle.
- 4.8. Where a child lives at an address that is within the catchment area of more than one school, the qualifying school for the purpose of School Transport is the catchment school that is closest to their home as measured by walking route. Where both schools in question are over the statutory walking distance, the route to the schools will be measured by the nearest available road route, passable for a suitable motorised vehicle, when determining which catchment school qualifies as a nearer school.

## **Extended rights eligibility**

- 4.9. A child is eligible for free travel to school if they are eligible for free school meals or a parent with whom they live receives maximum Working Tax Credit, and the child is:
- Aged eight or over but under 11, attend their nearest suitable school and it is more than 2 miles from their home by the nearest walking route; or
  - Aged 11 to 16 years, and attend one of their three nearest suitable schools provided it is more than 2 miles (nearest walking route) but not more than 6 miles (by road) from their home; or
  - Aged 11 to 16 years, attend a school that is more than 2 but not more than 15 miles from their home that their parents have chosen on the grounds of their religion or belief if, having regard to that religion or belief, there is no suitable school nearer to their home.

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<sup>4</sup> Statutory walking distance defined in Section 444(5) of the Education Act 1996

## **Unsafe routes**

- 4.10. Transport arrangements will be made for children of compulsory school age who cannot reasonably be expected to walk to the nearest suitable school because the nature of the route is deemed unsafe to walk.
- 4.11. Assessment of Walked Routes to Schools Guidelines', published by Road Safety GB, support the assessment of routes. Officers apply the guidelines to determine the nature – safe or otherwise - of any walking routes.
- 4.12. Where no safe walking route exists, for example where the road outside the child's home is unsafe, distances to schools, for the purpose of identifying the nearest suitable school, will be measured on 'road routes', passable for a suitable motorised vehicle.

## **Special educational needs (SEN), a disability or mobility problems**

- 4.13. A child of compulsory school age with special educational needs, a disability or mobility problems who cannot reasonably be expected to walk to school, even if they were accompanied by an adult, will receive free school transport, regardless of distance.
- 4.14. Eligibility is assessed on an individual basis, which includes the following:
- The child must be attending the nearest designated catchment area school, a nearer school, or the nearest school with a place or is attending the nearest appropriate school as determined by the Special Educational Needs (SEN) service.
  - By reason of their SEN, disability or mobility problem (including temporary medical conditions) the child cannot reasonably be expected to walk to school.
  - Eligibility will be assessed on a case-by-case basis, and any evidence submitted e.g., from a medical practitioner will be taken into consideration.

## **Parental Preference for children with EHC Plans**

- 4.15. Where a parent would prefer their child to attend a school that is further away from their home than the nearest school that would be able to meet their needs, the County Council will consider whether arranging travel to the preferred school would be incompatible with the efficient use of resources.
- 4.16. The County Council will determine the cost of providing the child with free travel to each of the two schools. If travel to the parent's preferred school would cost more than travel to the nearer school, the County Council will decide whether the additional cost of providing travel to the parent's preferred school is incompatible with the efficient use of resources.

- 4.17. If the County Council determines that providing travel to the parent's preferred school would be incompatible with the efficient use of resources, the County Council will either:
- A. name a different school that would be appropriate for the child's needs, or
  - B. name the parent's preferred school on the condition that the parent arranges the travel or provides some or all of the cost of the travel. This would normally be the difference between the cost of travel to the parents' preferred school and the cost of travel to the nearest suitable school.
    - o At this point, the parent may withdraw their request for the preferred school, and the County Council will therefore name the school that would have been named in option A.

### **Primary Age Siblings**

- 4.18. In the case of children with SEN, a disability or mobility problems (see paragraph 4.13), transport will be provided where there is a need for primary age sibling(s) to be taken to other school(s), provided that the school(s) is/are the catchment area school(s), a nearer school or next nearest school. In addition, consideration would be given to the timing of the school day or the direction of the other school(s) that would prevent the parent from accompanying the child(ren).

### **Accompaniment**

- 4.19. In determining whether a child cannot reasonably be expected to walk for the purposes of 'special educational needs, a disability or mobility problems eligibility' or 'unsafe route eligibility', the County Council will consider on an individual basis whether the child could reasonably be expected to walk if accompanied by an adult and, if so, whether the child's parent can reasonably be expected to accompany the child. This will take into account age of the child and whether one would ordinarily expect a child of that age to be accompanied on that journey.
- 4.20. The general expectation is that a child will be accompanied by a parent where necessary, unless there is good reason why it is not reasonable to expect the parent to do so. A child will not normally be entitled to free school transport **solely** because their parents' work commitments or caring responsibilities mean they are unable to accompany the child to school. As set out in the Department for Education statutory guidance sections 47 – 52<sup>5</sup> (Travel to school for children of compulsory school age), reasons such as the parent's working pattern or the fact they have children attending more

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<sup>5</sup> [Travel to school for children of compulsory school age - June 2023](#)

than one school, will not normally be considered sufficient reasons for a parent being unable to accompany their child. These reasons apply to many parents, and, in most circumstances, it is reasonable to expect the parent to make suitable arrangements to fulfil their various responsibilities (for example, their responsibilities as an employee and as a parent).

- 4.21. The circumstances the County Council will consider when determining if a child can be reasonably accompanied include (but are not limited to) where the parent has a disability or mobility problem that would make it difficult for them to accompany their child, or other exceptional reasons provided by the parent as to why they cannot accompany their child or make other suitable arrangements. If a parent submits evidence that they are unable to accompany their child to school this will be assessed on an individual basis and any evidence submitted e.g., from a medical practitioner will be taken into consideration.
- 4.22. When deciding whether it is reasonable to expect the parent of a child with special educational needs, disability or mobility problem to accompany their child to school, the County Council will be sensitive to the particular challenges parents of such children may face.

#### **Definition of Home Address**

- 4.23. The home address will be that at which the child resides and spends the majority of his/her time. Occasionally a child will have more than one address, for example, because they live with parents who have different addresses. In this situation, the home address used for determining transport will be the one at which the child spends most of their time including weekends and school holidays as well as during the week. Where the child spends equal time at two addresses, parents must nominate one address as the home address for transport even if both addresses are eligible for transport assistance. Parents must let the County Council know if the child's home address changes and will be asked to provide evidence of this if it affects entitlement to transport assistance. When the child lives at the other address, they will not qualify for any transport arrangements other than the one provided from the home address.

#### **Qualifying schools**

- 4.24. The schools covered by this Policy statement are: -
- community, foundation and voluntary aided and voluntary controlled schools;
  - academies (including those which are free schools, university technical colleges, studio schools and special schools);
  - alternative provision academies;
  - community or foundation special schools;
  - non-maintained special schools;

- pupil referral units (education centres)<sup>6</sup>;
- maintained nursery schools (where attended by a child of compulsory school age); and
- city technology colleges (CTC), city colleges for the technology of the Arts (CCTA).
- for children with SEN, an independent school if it is the only school named in the child's Education, Health and Care Plan (EHCP), or if it is the nearest of two or more schools named in the EHCP and is not named on the basis of parental preference.

### **School choice**

- 4.25. Where parents apply for the designated catchment or a nearer school and the school is unable to offer a place, free of charge transport will be offered to the next nearest school with a place available providing the distance criteria are met.
- 4.26. The child will remain entitled to transport to the next nearest school with a place until they leave the school, or they change address.

### **Exclusion**

- 4.27. Transport is provided for pupils who have been permanently excluded from school who attend a new school or Education Centre, subject to the statutory walking distance criteria being applied.

### **Suitability of arrangements**

- 4.28. Transport arrangements should allow the child to reach school without undue stress, strain or difficulty. Shorter journey times are desirable in achieving this. Where practicable, maximum journey times should be 45 minutes each way for children of primary school age and 75 minutes each way for children of secondary school age. A Passenger Assistant will be provided on SEN transport when required, based on the needs of the children travelling.
- 4.29. The most economic form of transport available will be provided, having due regard to the availability of the transport as determined by the County Council's Passenger Transport Group (PTG) and the maturity, health or special needs of the child, as determined by the Head of School Transport in the Children's Services Department.
- 4.30. One vehicle may be used to transport children attending different schools. Mixing of children attending special schools and mainstream schools may occur when appropriate.
- 4.31. Transport will either be provided from designated pick-up and drop-off points or from a child's home address. A decision as to the collection point for

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<sup>6</sup> Where they are receiving education by virtue of arrangements made under section 19(1) of the Education Act 1996

transport will be made using the criteria in 4.28 and 4.29. Designated Pick up or drop off points will be no further than one mile walking distance from a child's home address.

4.32. Transport arrangements may utilise the full capacity of the vehicle in exceptional circumstances. This may include standing capacity where the vehicle has a certified standing capacity as set out in Regulation 6 of the Public Service Vehicles (Carrying Capacity) Regulations 1984. This will include consideration of data on vehicle usage from transport operators, electronic ticketing and other sources.

### **Personal Transport Budgets**

4.33. Where it is found to be suitable, and subject to parental consent, the most cost-effective arrangement could be for the parent to provide the transport. This may be because:

- Suitable transport is difficult to find, or not available at all, in the local provider market;
- The child requires an adapted vehicle that is not available locally;
- The child requires skilled support tailored to their individual needs; or
- The County Council's officers and the parent agree that transport provided by the parent is the most suitable arrangement.

In those cases, the County Council may offer parents a Personal Transport Budget (PTB) to enable the parent to make suitable travel arrangements for transport and/or passenger assistant support. The PTB would replace the child's existing travel arrangement.

4.34. A Personal Transport Budget will be calculated by considering:

- The mileage to the child's nearest suitable school (at the current HMRC mileage rate)
- The child's support needs and the level of skill required to support them on their journey to school
- Individual circumstances affecting the child's journey to and from school
- The efficient use of the County Council's resources

### **Children with Medical Needs**

4.35. Where a child has medical needs that might affect their journey to and from school, the County Council will ask parents about the support they need as part of the transport application process. The County Council will also seek information from the child's school, as it is likely that the school will have arrangements in place to manage their medical needs during the day.

4.36. Passenger Assistants will receive a range of training, including First Aid certification and awareness about common medical needs affecting children travelling to school. Where the County Council is made aware that a child has a specific medical need, we will ask the parent to provide the Individual

Healthcare Plan which will be shared with the Passenger Assistant. The County Council will also ask the child's school to share information about the arrangements they put in place to manage their medical needs and to offer training to the Passenger Assistant. The County Council will also ask the school to identify whether the child's needs will affect the child on the journey to and from school.

- 4.37. Where unforeseen medical issues occur, or the child needs a medical intervention beyond what has been covered in training, the Passenger Assistant or driver will immediately call 999 and act in accordance with the 999 operator's instructions.
- 4.38. A child's routine medication will not be administered on the journey to and from school, and routine medical procedures will not be carried out. It may sometimes be necessary to administer a child's emergency medication. Emergency medication will only be administered in accordance with instructions from a health care professional, for example where a clear Individual Healthcare Plan written by a health care professional has been provided, or under medical supervision during a 999 call.

#### **Promoting independent travel**

- 4.39. Transport arrangements for SEN children will, wherever possible, support them to develop independence, taking into account the health or special needs of the child, and any steps towards independence outlined in the EHCP.
- 4.40. Independent Travel Training may be offered to eligible children with parent's consent. Readiness to complete Independent Travel Training would be outlined in the EHCP or agreed by the County Council following a discussion with the school and parents. Once an eligible child has successfully completed Independent Travel Training, their travel arrangements will be reviewed.
- 4.41. The County Council will not withdraw free school transport from an eligible child who does not successfully complete the travel training programme.
- 4.42. The County Council reserves the right to monitor the usage of transport through electronic tickets, data from transport operators or by performing a census of passengers. The County Council will suspend or remove transport provision if the eligible child does not use the transport regularly. Parents will be notified if transport is removed for this reason. The parent can re-apply for transport, and the application will be assessed using the eligibility criteria described in this policy.

#### **5. DISCRETIONARY TRANSPORT ARRANGEMENTS – CHARGEABLE**

- 5.1. This section sets out the limited circumstances in which the County Council will use its discretionary powers (under Section 508C of the Act) for children

who are not entitled to free transport (as set out under Section 4 of this Policy above).

- 5.2. Where this discretion is used, there will usually be a charge for the transport provided, as shown in Appendix 1
- 5.3. All arrangements within this section will be time limited. At the end of the specified period, parents will need to re-apply.

### **Spare Capacity Seats**

- 5.4. A spare place on a contract vehicle may be offered to a child who is not entitled to transport assistance. It will be withdrawn if the space is required for an eligible child or if there are changes to the route which reduces the number of concessionary seats. A flat rate charge will be made for such seats (set annually by the County Council), except where the child being transported is entitled to free school meals or the family is in receipt of the maximum level of working tax credit. Parents must make their own arrangements for the child to travel to the nearest existing pick-up point on the route. Spare capacity seats will be offered only once all arrangements are in place for eligible children.

### **Part-time attendance**

- 5.5. This will not normally be supported with a transport arrangement. Transport may be provided to facilitate part-time attendance, where a child is convalescing following medical treatment or illness. The child's progress will be reviewed at least on a termly basis. This is a discretionary arrangement and may be subject to the charge in Appendix 1 except when part-time attendance is in place with the agreement of the local authority.

### **Journey times of more than 75 minutes**

- 5.6. Unusually there may be situations where a journey time of more than 75 minutes is required. These may occur in transport:
  - to Faith secondary schools;
  - to special schools;
  - to pupil referral units (Education Centres);
  - for pupils attending their next nearest school with an available place because no place available at designated catchment area school or nearest school; and
  - for pupils attending out of county residential schools.

### **Religion or belief**

- 5.7. Under the extended rights eligibility (paragraph 4.9), there is entitlement to free transport for certain children aged 11 to 16 attending the nearest school preferred on the grounds of religion or belief. Where extended rights eligibility does not apply, requests for transport will be considered applying this Policy and any grounds for an exceptional arrangement.

## **6. CIRCUMSTANCES WHERE TRANSPORT WILL NOT BE PROVIDED**

6.1. Transport will not be provided in circumstances other than those set out above for eligible children and where discretionary arrangements are made.

6.2. Specific examples of where transport will not be provided are:

- Temporary address. Transport will not be provided from a temporary address to a school that is not the designated catchment area or nearest school for that address.
- Journeys to and from other destinations. Transport is not offered to or from points other than the school/ education centre and home or pick up/drop off points.
- Victims of bullying. Dealing with bullying should be fully explored with the current school. If parents decide to move their child's school due to dissatisfaction with their current school, then there is no entitlement to free school transport.
- To or from pick-up and drop-off points, except as outlined in paragraph 4.31.
- Unacceptable behaviour of a pupil, as determined by the school/the County Council/transport operator or passenger assistant (where applicable) with reference to the Mainstream and SEN Pupil Codes of Conduct. In such cases, requests for an allowance for parents to provide transport (paragraph 4.32) or for public transport will be considered.
- To take account of work/business commitments or domestic difficulties of parents.
- To accommodate attendance at after school activities or for arrival at start times other than the usual start time for the school. For example, individual exam timetables will not usually be accommodated.

## **7. OTHER ISSUES**

### **Review of the Transport Arrangements**

- 7.1. A timescale for a planned review of transport arrangements, including Passenger Assistant allocation, will be set at the same time as an eligibility decision is made.
- 7.2. The planned review timescale will be based on the child's needs and will typically be at the end of the academic year, at a change of school phase, or at the end of the child's compulsory school career.
- 7.3. Transport arrangements, including Passenger Assistant allocation, will also be reviewed if the County Council becomes aware of a change of circumstance, including where a parent notifies the County Council that the child's circumstances or needs have changed or where Independent Travel Training has enabled a child to travel more independently.

## **Withdrawal of Assistance**

- 7.4. Where the school transport Policy is changed and the level of discretionary provision reduced, transport may be withdrawn from children who are currently receiving assistance. In these cases, a reasonable notice period will be given to enable parents to make informed decisions about their child's education. Any change of Policy will be subject to a period of consultation with those affected.

## **Delays**

- 7.5. Where a delay occurs in providing transport which is over and above the normal operational timescale for doing so and the application for transport has been submitted in good time (with full information), reimbursement may be made to cover expenses incurred (upon production of evidence of expenditure) from the date from which transport would otherwise have been provided. Such reimbursement will be for use of the most cost-effective type of transport.
- 7.6. In the case of entitlement being granted upon appeal, reimbursement may be made of expenses incurred upon production of evidence of expenditure from the date upon which the appeal was lodged or, if this falls within a school holiday period, from the start of the following term or half-term. Such reimbursement will be for use of the most cost-effective type of transport.

## **Errors**

- 7.7. Where assistance is found to have been granted in error, notice of one full term will normally be given that assistance will be withdrawn to allow families to make other arrangements.
- 7.8. Where entitlement has been denied in error, transport will be arranged as soon as possible and consideration will be given to reimbursing parents retrospectively, with a time limit of the start of the academic year in which the error was discovered.

## **Complaints/Appeals**

- 7.9. Hampshire County Council takes all complaints seriously and has a complaints procedure to ensure they are investigated and, where possible, resolved. The procedure is available on our website: [Children's Services Complaints](#).
- 7.10. People are encouraged to raise their concerns using the appropriate contacts. Where necessary, complaints will be considered at a more senior level to ensure every effort is made to resolve the issue.
- 7.11. Parents wishing to make an appeal regarding a transport entitlement decision or subsequent transport arrangements should contact the Head of School Transport [via our online appeal form](#) or in writing to Children's

Services Department, Hampshire County Council, The Castle, Winchester, Hampshire, SO23 8UG. The appeals process is provided in Appendix 3.

### **Contacts**

7.12. Please visit the School Transport page on Hampshire County Council's website (Hantsweb) for up-to-date contact information.

[Travel to school | Hampshire County Council \(hants.gov.uk\)](https://www.hants.gov.uk/travel-to-school)

## Appendix 1

### Schedule of Charges for Discretionary Arrangements

The cost of a Spare Capacity Seat will be reviewed annually and charges adjusted in line with the Consumer Price Index (CPI) rate in March each year. The up-to-date charges for each academic year will be displayed on the [Hampshire County Council website](#).

Distance to travel	2023/24 Annual charge
Up to 5 miles	£640
5.01 miles to 7.5 miles	£887
7.51 miles to 10 miles	£1,242
Over 10 miles	£1,419

The contribution is waived for families when the travelling child is in receipt of Free School Meals on the grounds of low income or the family is in receipt of the maximum level of Working Tax Credit.

### Exceptions to Policy

To be reviewed annually and charges adjusted annually in line with March CPI. The following contributions apply based on the distance to travel. The exception to Policy will be time limited and the charge for discretionary arrangements can be pro-rated based on the length (in weeks) of the actual arrangement. The up-to-date charges for each academic year will be displayed on the [Hampshire County Council website](#).

Distance to travel	2023/24 Annual charge
Up to 5 miles	£640
5.01 miles to 7.5 miles	£887
7.51 miles to 10 miles	£1,242
Over 10 miles	£1,419

If the child's parents are in receipt of Income Support; income-based Jobseekers Allowance; income-related Employment and Support Allowance; support under Part VI of the Immigration and Asylum Act 1999; the guaranteed element of State Pension Credit; Child Tax Credit (provided you're not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190); Working Tax Credit run-on-paid for 4 weeks after you stop qualifying for Working Tax Credit; or Universal Credit, the contribution will be waived.

Families in receipt of free school meals (due to low income) are not required to pay the contribution.

Families with a low income, but not in receipt of the above benefits, where the imposition of the contribution would reduce their income to around £16,190; or those with discretionary circumstances, may apply for a discretionary waiver or reduction in contribution.

## Appendix 2

### School Transport - Review/Appeals Process

Parents who wish to challenge a decision about:

- The suitability of the transport arrangements offered to their child;
- their child's eligibility;
- the distance measurement in relation to statutory walking distances; and
- the inherent safety of the route in accordance with the Road Safety GB guidelines

may do so [via our online appeal form](#) or in writing to, School Transport, Elizabeth II Court, Children's Services Department, Hampshire County Council, The Castle, Winchester, Hampshire, SO23 8UG. Parents should indicate their reasons for challenging the decision using the categories above.

In the first instance a case will be reviewed by a Senior Officer within the School Transport Service.

In cases against refusal of a transport service there may be a further appeal to an Independent Appeal Panel made up of one or more Senior Officers outside of the School Transport Service.

Members of the Panel will hold a comprehensive understanding of the school transport Policy and legislative framework and will make decisions on appeals against offers of transport.

#### **Stage one: Review by a Senior Officer**

A parent has 20 working days from receipt of the local authority's school transport decision to make a written request asking for a review of the decision.

The written request should detail why the parent believes the decision should be reviewed using the categories above. They should give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.

Within 20 working days of receipt of the parent's written request a senior officer will review the original decision and send the parent a detailed written notification of the outcome of their review, setting out:

- whether they have upheld the local authority's original decision;
- why they reached that decision;

- how the review was conducted (including the standard followed e.g. Road Safety GB);
- the factors considered in reaching their decision;
- any other agencies or directorates that were consulted as part of the review.

Where they have upheld the original decision, they should also explain how the parent may escalate their appeal to stage two of the process.

### **Stage two: Review by an independent appeal panel, where it applies.**

A parent has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two.

Within 40 working days of receipt of the parents request an independent appeal panel will consider written and verbal representations from both the parent and officers involved in the case and give a detailed written notification of the outcome (within 5 working days), setting out:

- whether they have upheld the local authority's original decision;
- why they reached that decision;
- how the review was conducted (including the standard followed e.g. Road Safety GB);
- the factors considered in reaching their decision;
- information about any other directorates and/or agencies that were consulted as part of the review; and
- information about the parent's right to put the matter to the Local Government and Social Care Ombudsman (see below).

**The independent appeal panel** will be made up of one or more members who will be independent of the original decision making process (but are not required to be independent of the local authority) and suitably experienced (at the discretion of the local authority), to ensure a balance is achieved between meeting the needs of the parents and the local authority, and that road safety requirements are complied with and no child is placed at unnecessary risk. Members will be assigned by a senior officer within the County Council's Children's Services directorate.

**Local Government and Social Care Ombudsman** There is a right of complaint to the Local Government and Social Care Ombudsman, but only if complainants consider that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal has been handled. 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.