

Annex 2: Recommended review/appeals process

Previous guidance made clear that local authorities should have in place and publish their appeals procedures, but left it to the individual authority to determine how this should operate in practice. We are now recommending that local authorities adopt the appeals process set out below. The intention is to ensure a consistent approach across all local authorities, and to provide a completely impartial second stage, for those cases that are not resolved at the first stage.

Local authorities should publish annually their appeals process on their website. This should set out a clear and transparent two stage process (with paper copies available on request) for parents who wish to challenge a decision about:

- 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: Review by a senior officer

- A parent has 20 working days from receipt of the local authority's home to 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 and 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 reviews the original decision and sends the parent a detailed written notification of the outcome of their review, setting out:
 - the nature of the decision reached;
 - how the review was conducted (including the standard followed e.g. Road Safety GB);
 - 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;
 - information about how the parent can escalate their case to stage two (if appropriate).

Stage two: Review by an independent appeal panel

- 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 considers written and verbal representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome, setting out:
 - the nature of the decision reached;
 - how the review was conducted (including the standard followed e.g. Road Safety GB);
 - 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;
 - information about the parent's right to put the matter to the Local Government Ombudsman (see below).
- The independent appeal panel members should be independent of the process to date and suitably experienced, 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.
- Local Government Ombudsman – it is recommended that as part of this process, local authorities make it clear that there is a right of complaint to the Local Government 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.

Home to school travel and transport: flowchart of the review / appeals process

