

Families First:

SEND Assessment and Planning Service (EHC)

SEN Travel Assistance Review / Appeal Process:

Terms of Reference

May 2019



The SEND Assessment and Planning Service (EHC) is responsible for determining eligibility of home to school / college travel assistance for children and young people with an Education, Health and Care Plan in line with Staffordshire County Council's Home to School/College Travel Assistance Policy. Current information on travel assistance entitlement, the latest policy document and review / appeal process can be found online (see Appendix B for a list of links).

This document describes how eligibility is assessed and sets out a clear and transparent two stage appeals process (with paper copies available on request) for parents and/or young people who wish to challenge a decision about:

- Eligibility for travel assistance including;
 - The distance measurement in relation to statutory walking distances for children and young people up to and including Y11; and
 - The availability and / or nature of the route for children and young people up to and including Y11; and
- Transport arrangements offered

It is outside the remit of the SEN travel assistance review / appeal process to make decisions regarding the suitability of a school named in Section I of an Education, Health and Care Plan as nearest appropriate. The process will ensure the transport policy and law have been correctly applied. It will also ensure that any special and exceptional circumstances which mean that travel assistance should be granted as a concession are considered. Among other factors, we will consider the distance and journey time of the place of learning from the home, taking into account the nature (including safety) of the route, or alternative routes, which a young person could be expected to take. We will also consider the fact young people should be able to reach their education or training without incurring such stress, strain, or difficulty that they would be prevented from benefiting from the education provided. Requests for review / appeal which centre solely on the suitability of the school will be rejected and the parent referred to the SEND Assessment and Planning Service (EHC). During the review / appeal process you are responsible for arranging and funding any travel until your case has been considered.

This process is based on statutory guidance published by the Department for Education and feedback received from the Local Government Ombudsman. The timings outlined below are recommended and not compulsory. We envisage many appeals will be dealt with sooner than these timings, particularly those which have a time pressure, whilst complex cases may take longer. The timings for responses may be extended if additional time is required to gather supporting information or delayed by school / college holidays. Parents will be advised of any such delays.

Initial Decision on eligibility and transport arrangements offered

A SEND Key Worker will make the initial assessment on whether someone is eligible in line with the Staffordshire County Council Home to School / College Travel Assistance Policy. If it is determined that a child or young person is not eligible, they will be informed of the reasons for this and be given information about how they can escalate their case to the review / appeal process. The Transport and The Connected County Department will make an assessment of what transport arrangements are required. If the parent or young person considers that the transport arrangements put in place are not suitable, they will be given information about how they can escalate their case to the review / appeal process. A parent or young person has 20 working days from receipt of the decision on eligibility and / or transport arrangement offered to request a review / appeal.

Stage One: Review by a Senior Officer

A parent or young person has 20 working days from receipt of the Local Authority's home to school travel assistance decision to make a written request asking for a review of the decision. The written request should detail why the parent or young person believes the decision should be reviewed and give details of any personal and / or family circumstances the parent or young person believes should be considered when the decision is reviewed. Within 20 working days of receipt of the parent's or young person's written request, a Senior Officer reviews the original decision and sends the parent or young person 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);
- 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 or young person can escalate their case to stage two (if appropriate).

Stage Two: Review by an Independent Appeal Panel

A parent or young person 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 parent's or young person's request an Independent Appeal Panel considers written and verbal representations from both the parent or young person and officers involved in the case and gives a detailed written notification of the outcome (within 5 working days), setting out:

- the nature of the decision reached;
- how the review was conducted (including the standard followed);
- 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's right to put the matter to the Local Government Ombudsman.

The Independent Appeal Panel members will be independent of both the initial assessment and the stage one review decision making process and include a Senior Officer of the SEND Assessment and Planning Service (EHC) and representatives from the Transport and the Connected County and Access to Learning departments, to ensure a balance is achieved between meeting the needs of the children, young people, parents and the Local Authority's duty.

If at stage two the decision not to provide travel assistance is upheld, the parent or young person will be informed of their 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 Appeal Panel to be flawed on public law grounds, the complainant may also apply for judicial review.

Appendix A: SEN Travel Assistance Review/Appeals Process Flowchart

Initial Decision: Officer declines the travel assistance application or offers travel assistance that the parent or young person considers 'unsuitable'



Parent or young person challenges decision (within 20 working days)

Parent or young person challenges Officer's decision on the basis of:

- Eligibility for travel assistance including:
 - The distance measurement in relation to statutory walking distances for children and young people up to and including Y11; and
 - The availability and / or nature of the route for children and young people up to and including Y11;
- Transport arrangements offered



Stage 1 (within 20 working days): Review by a Senior Officer

Senior Officer reviews Officer's decision and sends the parent or young person written notification of the outcomes including:

- Detailed reasoning for the decision made
- Notification of option to escalate to Stage 2 (an Independent Appeal Panel)



Parent or young person challenges decision (within 20 working days)

Parent or young person challenges Senior Officer's decision



Stage 2 (within 40 working days): Review by an Independent Appeal Panel

Independent Appeal Panel (Officer and Senior Officer from the review and Stage 1 must not sit on Panel) considers written and verbal representation from the parent or young person. The Appeal Panel is independent of the process to date



Independent Appeal Panel sends decision letter to parent or young person (within 5 working days of the Stage 2 meeting), including how to escalate the case to the Local Government Ombudsman (LGO) if the Stage 2 appeal is unsuccessful

Appendix B: Useful resources

- For general information on travel assistance to Schools and Colleges in Staffordshire and for the latest copy of the Home to School/College Travel Assistance Policy, please visit: <https://www.staffordshire.gov.uk/education/schoolsandcolleges/Schooltransport/>
- For specific information on travel assistance for Students with Special Educational Needs in Staffordshire, including information on eligibility, Appeal/Review process and applications, post16 travel assistance application and more, please visit: <https://www.staffordshire.gov.uk/education/schoolsandcolleges/Schooltransport/SEN/>
- Department for Education (2014), *Home to school travel and transport guidance, Statutory guidance for local authorities*. Available at: <https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>
- Department for Education (2019), *Post-16 transport to education and training, Statutory guidance for local authorities*. Available at: <https://www.gov.uk/government/publications/post-16-transport-to-education-and-training>
- Local Government Ombudsman (2017), *All on board? Navigating school transport issues, Focus Report: learning lessons from complaints*. Available at: <http://www.lgo.org.uk/information-centre/reports/focus-reports>

Document and Version Control

Version	Author	Implementation Date	Revision Detail
1.0	Vasileios Stamatelatos, SEND	May 2017	Policy revised to reflect a current statutory guidance and LGO report
1.1	Vasileios Stamatelatos, SEND	June 2018	Policy revised to reflect LGO advice and remove reference to Statements of SEN
1.2	Vasileios Stamatelatos, SEND	May 2019	Policy revised to reflect LGO advice and updated Department for Education guidance