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| **Request for Review of Transport Entitlement Decision** |
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**Parents/Carers must complete this form to be considered by a Senior Officer at the first stage of appeal, or an Independent Review Panel at the 2nd stage of appeal. You must have already been refused assistance in line with standard Herefordshire Council policy**

There are four principal grounds of appeal:

* The type of transport arrangements offered
* Your child’s eligibility
* That the walking distance from home to school has been incorrectly measured
* That the walking route is unavailable due to exceptional hazards

You may also appeal if you feel there are exceptional circumstances that would warrant discretionary transport assistance being provided.

**BEFORE COMPLETING THIS FORM PLEASE READ THE ENCLOSED GUIDANCE NOTES**

**MAIN PARENT/CARER DETAILS: PARTNER or other PARENT/CARER DETAILS:**

| **Title:** |  |  | **Title:** |  |
| --- | --- | --- | --- | --- |
| **First Name:** |  | **First Name:** |  |
| **Surname:** |  | **Surname:** |  |
|  |  |  |  |  |
| **Daytime contact No:** |  |  | **Daytime contact No:** |  |
| **Email:** |  |  | **Email:** |  |

| **Home Address:** |  |  | **Home Address:** |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
| **Post Code:** |  |  | **Post Code:** |  |

| **Is this your first or second request for review?** |  | **1st** |  |  | **2nd**  |  |
| --- | --- | --- | --- | --- | --- | --- |

**GROUNDS ON WHICH YOU ARE APPEALING**

| **Grounds for appeal** | **Tick all that apply** |
| --- | --- |
| The type of transport arrangements offered |  |
| Your child’s eligibility |  |
| That the walking distance from home to school has been incorrectly measured |  |
| That the walking route is unavailable due to exceptional hazards |  |
| Exceptional circumstances exist (see explanation below) |  |
| Transport assistance may be provided in exceptional circumstances to pupils not otherwise eligible. Such circumstances may include exceptional family circumstances where the pupil might be at risk of educational disruption.The overriding expectation is that parents should undertake their legal responsibility to get their child(ren) to and from school and as such the Council will need to be satisfied that the parent has demonstrated why they cannot undertake this duty. Evidence to support such applications will be required from relevant professionals. Each application will be considered on its own merits. |

**DETAILS OF CHILD(REN) REQUESTING TRANSPORT FOR:**

| **Full Name** | **D.O.B** | **Year Group** | **SEN1** | **Name of School transport is required to** |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

***1*** *Please indicate if your child has a statement of Special Educational Needs*

**DETAILS OF OTHER CHILDREN IN THE FAMILY:**

| **Full Name** | **D.O.B** | **Year****Group** | **SEN\*** | **Pre-School, School or College attending** |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

**DETAILS OF TRANSPORT AVAILABILITY:**

| **Do you have a family vehicle?** |  | **Yes3** |  |  | **No** |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Do you have a mobility vehicle?** |  | **Yes3** |  |  | **No** |  |
| **Is public transport available to the school?** |  | **Yes3** |  |  | **No** |  |
| *3Please explain why these cannot be used to take your child to school:* |
| **When do you require transport from? 4**  |  |
| **How long will transport be required for?** |  |
| **How is your child currently getting to school and what are the problems with this?** |
|  |
| **If school start/end times are problems, have you tried school clubs, asking the school for some flexibility with times or other child care?** |
|  |
| **Are family, friends or neighbours able to help?** |
|  |
| **How will your child get to school if you are not provided with transport assistance?** |
|  |

*4 If your application is successful, you will receive information relating to the arranged transport provision as soon as possible but this may be up to 30 school days. During this time it is the responsibility of parents/carers to transport their child to and from school. Any incurred costs will not be reimbursed by the Local Authority..*

**FAMILY CIRCUMSTANCES:**

 *All information provided will be kept confidential and only used for appeal purposes.*

| **Are you in employment?** |  | **Yes** |  |  | **No** |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  |
| **Full-time** |  |  | **Part-time** |  |  | **Monthly Income 5**  |  | £ |
|  |  |  |  |  |  |  |  |  |
| **Hours of work:** |  |  |

| **Is your partner in employment?** |  | **N/A** |  |  | **Yes** |  |  | **No** |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  |
| **Full-time** |  |  | **Part-time** |  |  | **Monthly Income**  |  | £ |
|  |  |  |  |  |  |  |  |  |
| **Hours of work:** |  |  |

*5 Please submit specific evidence in support of this application (i.e. you need to fully demonstrate financial hardship if you are claiming to be unable to pay for assistance yourself)*

| **Are you and/or your partner in receipt of the following benefits?** | **Amount per month 5** |
| --- | --- |
|  | tick here |  |
| **Income Support** |  | £ |
| **Income-based Job Seeker’s Allowance** |  | £ |
| **Income-related Employment & Support Allowance** |  | £ |
| **Child Tax Credit** |  | £ |
| **Working Tax Credit** |  | £ |
| **State Pension, Disability Benefit or PIP** |  | £ |
| **Child Benefit** |  | £ |
| **Universal Credit** |  | £ |
| **Other Benefits**  | ***(please state which)*** |  | £ |

| **Are you receiving support from any other agency e.g., social care or medical professional?** |
| --- |
|  |  |  |
| **Service Name** | **Contact Name** | **Contact Number** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
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| **Use the space below to detail your personal circumstances and reasons for appeal.** *If your case is being made on medical grounds, you must submit evidence from a healthcare professional with this request. This must clearly identify you, or your child’s, specific medical condition and its impact upon mobility. Decisions can only be made based upon the information you submit.*  |
| --- |
|  |

Please return your completed form to either School Transport Appeals, Herefordshire Council, Plough Lane, Hereford, HR4 0lE or transport.support@herefordshire.gov.uk

Herefordshire Council is the Data Controller under data protection law and will use the information you provide on this form for the purpose of reviewing your appeal and organising your transport . The legal basis for processing this data is our legal obligations under the Education Act 1996 legislation. We will store your data securely for six years after any transport ceases, in line with the Data Retention Schedule. Herefordshire Council will only share your data with the transport operators and the school in order to provide you with transport and also Hoople Ltd for the collection of any payments. Individuals have a number of rights under data protection law, including the right to request their information. You also have a right to make a complaint about our handling of your personal data to the [Information Commissioner’s Office](https://ico.org.uk/).

By signing this document, I certify that the above information, along with any additional information submitted as part of my application, is correct. I give my consent for officers to approach professionals mentioned in this form to gather evidence and I understand that the information provided will only be used for the purpose of assisting the Council in its decision making regarding transport assistance and that in doing so, the Council may discuss this case with other agencies indicated within this application:

| **Signed:** |  |  | **Name:** |  |  | **Date:** |  |
| --- | --- | --- | --- | --- | --- | --- | --- |

| ***Reasons continued*** |
| --- |
|  |

**Guidance Notes**

**1. Introduction**

If you disagree with the assessment made, you may request a review of your application by completing this form.

There are four principal grounds of appeal:

1. The type of transport arrangements offered
2. Your child’s eligibility
3. That the walking distance from home to school has been incorrectly measured
4. That the walking route is unavailable due to exceptional hazards

You may also appeal if you feel there are exceptional circumstances that would warrant discretionary transport assistance being provided.

**2. Grounds for appeal**

1. The type of transport arrangements offered

You may appeal if transport assistance has been offered but you do not feel that the offer is suitable for your child’s needs, you will need to clearly demonstrate why this is the case and provide supporting evidence as necessary.

1. Your child’s eligibility

Your child has been refused transport on the grounds of their eligibility.

Travel assistance from home to school will be provided for pupils who meet all the following criteria:

* Live in Herefordshire
* Are of compulsory school age (i.e. 5 to 16 years), and extended in Herefordshire to include 4 year olds
* Attend their nearest suitable primary or secondary school, located in England, or their nearest suitable primary or secondary school, if located in Wales
* Live over 2 miles from school if below the age of 8, and over 3 miles from school if aged between 8 and 16

In addition, there are some additional entitlements for pupils from families with low incomes, please see the [school transport policy](https://www.herefordshire.gov.uk/download/downloads/id/14876/school_transport_policy.pdf) for further details.

The Department for Education (DfE) defines the ‘nearest school’ as the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any special educational needs that the child may have.

Where a pupil attends a school that is not the nearest available school, as a result of parental preference, transport will not normally be provided.

1. That the walking distance from home to school has been incorrectly measured

Your child has been refused free travel on the grounds that the distance between your home and the school is less than the “statutory walking distance” - 2 miles for a child under the age of 8, and 3 miles for children aged 8 to 16.

The ‘statutory walking distance’ is measured from the pupil’s or student’s home to the school or college’s main gate using a network of roads and paths as defined by the Ordnance Survey. The measurement will be taken from a point at the centre of a public highway or footpath that is closest to the “mail delivery point” defined by the Royal Mail. Distances are measured using standard Geographic Information System (GIS) software which calculates the shortest available route. Each measurement is specific to the pupil’s individual application and the network of roads and paths available at that time. Distance measurements may be subject to change following map updates.

1. That the walking route is unavailable due to exceptional hazards

Local Education Authorities are obliged to provide free travel for a child if the walking route between their home and school is “unavailable” due to exceptional hazards. This is assessed against a set of national guidelines. If you consider that the route is not available you are entitled to appeal. The route will then be assessed by officers against the criteria noted in Appendix 1 of this document. The assessment will always bear in mind that a responsible adult can be expected to accompany the child. Please note that even if the shortest route is assessed as not available, there may be alternatives that are, and remain under the distance limit.

Exceptional circumstances

Transport assistance may be provided in exceptional circumstances to pupils not otherwise eligible. Such circumstances may include exceptional family circumstances where the pupil might be at risk of educational disruption.

The overriding expectation is that parents should undertake their legal responsibility to get their child(ren) to and from school and as such the Council will need to be satisfied that the parent has demonstrated why they cannot undertake this duty.

Evidence to support such applications will be required from relevant professionals. Each application will be considered on its own merits.

**3. Appeal process**

The appeal process is in two stages:

**Stage 1**

A senior officer assesses all appeals against our approved Home to school transport policy. They will take into account special circumstances. You must provide any evidence to demonstrate the special circumstances, when you are making your appeal.

We will write to you within 20 working days of receiving your appeal. We will provide you with the detailed reasoning for the decision, including the factors which were considered and details of who was consulted. We will also inform you how to escalate your appeal to the next stage if you are not happy with the outcome.

**Stage 2**

If you are still not happy with the decision, you can ask for your complaint to be referred to an independent review panel. You must make your request by completing this form, stating the reasons why you wish the appeal to be considered further. If agreed, the panel will convene within 40 working days of your request. You will have the option to attend the panel hearing in person to present your case, or for the panel to review your case based on written evidence.

The panel will send you a decision letter, within five working days, including details of how to escalate your complaint to the local Government Ombudsman (LGO).

If you wish to complain about the way applications or appeals are handled, please use our [complaints procedure.](https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved/7)

**Appendix 1**

Criteria used to determine availability of home to school walking routes free transport will be granted where exceptional hazards are determined Exceptional hazards will only be determined where:

1. No alternative ‘safe’ route exists within the “walking distance” from the home to the

school and, for primary school children 2 miles or more, for secondary aged and

other older children, 3 miles or more measured over the nearest available route:

i.e. the shortest walking distance.

1. The exceptional hazard still exists where a suitable adult person accompanies the

child.

Subject to the following additional qualifying/quantifying criteria:

Being accompanied by a suitable adult person means that exceptional hazard should not be presented by:

* Lonely route
* Moral danger
* Canals, rivers, ditches, dykes, lakes and ponds
* Railway crossings

Exceptional hazard will not be seen to exist where, criteria existing individually or in combination:

* There exists a footway or walkable roadside strip
* There exists a public footway or bridleway
* There exists an adequate width of road to allow vehicles to give pedestrians a reasonable berth even though there is no footway or verge ‘adequate width’ is normally a minimum of 5.5 metres of usable road surface

On narrower up to 5.5 metres width roads:

* There exists a verge that can be stepped onto for refuge subject to the road being

‘lightly trafficked’ i.e. maximum two-way traffic volume of no more than 240 vehicles per hour of which total the maximum proportion of HGV’s is no greater than 5%.

* Within this traffic flow short lengths of road, e.g. bridges etc., where no verge exists, are acceptable and can be considered safe to negotiate.
* The relevant accident statistics do not indicate a blackspot (relevant means pertinent to pedestrians).
* Visibility is not normally and generally dangerously impaired by tight bend, high hedges or other obstacles
* The roads are considered to be in the vicinity of the child’s home. This recognizes that such roads will be used for a variety of activities out of school time in a perfectly safe and acceptable manner, accompanied or not.

A short length of road will normally be defined as a distance relative to volumes of traffic shown below:



**APPLICATION FOR FREE TRANSPORT PROVISION ON EXCEPTIONAL HAZARD GROUNDS**

Exceptional Hazard will be determined using only the criteria approved by the Local education Authority. These criteria are set out below for the information of parents to help them in deciding whether or not to submit a formal application given their particular circumstances.

**CRITERIA TO BE USED TO DETERMINE EXCEPTIONAL HAZARD**

**The Legal Responsibility of Parents**

The legislation about the provision of free transport is set out in Section 509 of the 1996 Education Act and as interpreted by the Courts over the years establishing what is termed “Case Law”. The Courts have established that within their legal duty to bring about the attendance of their children at the schools at which they are registered, parents must do those things which are reasonably practicable to be done and which an ordinary prudent parent would do. This includes such things as seeing that they get up in the morning and set out in reasonable time; in the case of an unwilling child, if necessary, taking the child to school; and accompanying the child in situations where it would be unsafe for the child to go to school or college unaccompanied. This duty is reinforced by the Children and Young Persons’ Act 1933.

**GENERAL CRITERIA**

**Road Safety**

Road Safety is a matter of education. Apart from the responsibilities that fall to parents under the law, it is imperative that they, in co-operation with and supplementary to their children’s schools, ensure their children learn and understand the highway code to the extent that they may look to their own safety in the due course of time.

Since all roads are potentially dangerous, whether in a rural or urban setting, it is not considered, for that reason alone, necessary to discriminate and make special provision over and above that provided under the normal transport policy. However, from time to time, because of other factors, routes may become of exceptional danger in either the short or long term and it is in these cases where special transport arrangements may be considered subject to the specific criteria set out above.

As is described above, parents have a duty to bring about the attendance of their children at the schools at which they are registered and must, in fulfilling this duty, do those things which are reasonably practicable to be done and an ordinary prudent parent would do. This may include accompanying the child, or arranging for the child to be accompanied in situations where it would be unsafe for the child to go to school unaccompanied. As the law stipulates no age limit on this responsibility it would include situations relating to moral and other dangers of secondary or college aged children.

Where appropriate the Authority will expect parents to provide children with suitable footwear and clothing, including reflective clothing to cope with the prevailing

circumstances on the route. This may include flashlights when and where necessary.

Where speed limits exist, the Authority will expect traffic to comply with them. Where this is not the case the Authority will assume that the police have been asked to take any necessary enforcement action.

The crossing of a road on its own is not a matter for consideration under the exceptional hazard criteria as most children somewhere in the course of getting to and from school need to undertake this task. The establishment of school crossing patrols is a matter for the County Road Safety Officer, for which a nationally determined formula exists.