

Procedure – Free School Transport Applications & Appeals
From 1/9/16 onwards

For the purposes of decisions at first instance, stage 1 and stage 2 appeals
Carmarthenshire County Council’s School transport Policy is as set out in its “School
transport Policy (1st October 2015 edition)

Decisions at First Instance

- Applications for free school transport shall be determined at first instance by the Authority’s Passenger Transport Operations Manager or his / her authorised delegated officer.
- Should an application be refused the decision will be confirmed in writing to the learner/s parent/s / guardian/s and the reasons given for how this decision was reached. If the parent/s / guardian/s are not in agreement with the decision at first instance an application for review will lie to the Authority’s Stage 1 Officers Review Panel.

Stage 1 Officers Review Panel – Application for school transport.

- Applications for a review of a refusal of free school transport made by the decision maker at first instance shall be submitted in writing and received by the Authority on the prescribed review form within 28 days of the date of refusal letter at first instance.
- Such applications for review shall be determined by the Officers Review Panel who will make a decision as to whether the request meets all the criteria set out in Carmarthenshire County Council’s Free School Transport Policy or if it falls within one of the exceptions listed in the Policy.
- If approved, travel arrangements are made and where appropriate a bus pass will be issued, and the applicant notified in writing.
- Should an application for review be unsuccessful, the decision will be confirmed in writing to the parent(s)/guardian(s) and the reasons given for how this decision was reached. If the parent(s)/guardian(s) are not in agreement with the decision, a written appeal will lie to the Authority’s Stage 2 Members Home to School Transport Appeals Panel, if the parent / guardian so elects.

Membership of Stage 1 Panel:

- Head of Transport & Engineering or his nominated representative (1 vote, and casting vote in event of equality of votes)
- Representative from the Legal Department (1 vote)
- Representative from the Education and Children’s Services Department (1 vote)
- Any application form(s)/documentation received will be presented to the School Transport Review Panel by the Learner Travel Policy & Development Officer and/or the Operations Manager (Passenger Transport) (no vote)
- There will be a minute taker present who will record all decisions

- Parent(s)'s/Guardian(s)'s representations to the Panel will be by way of their written representations, as outlined above, and will not be by way of their attendance at the Panel

Stage 2 – Appeal against refusal of Free School transport

- Appeals against refusal of free school transport by the Stage 1 Officers Review Panel shall be submitted in writing and received by the Authority by the date specified in the original stage 1 Review Panel decision letter and must state the reasons why the appellant disagrees with the Stage 1 Officers Review Panel's decision. The only available grounds are as specified in the Policy.
- The appeal shall be against the decision of the Stage 1 Review Panel and shall not plead any new grounds (in that any new grounds would require a fresh application for stage 1 determination)
- The School Transport Member Appeal Panel will consider any appeals received at its next scheduled meeting.
- The decision of the Stage 2 Appeal Panel shall be final.

Membership of Stage 2 Members Home to School Appeals Panel

- The Executive Board Member for Technical Services and the Executive Board Member for Education & Childrens Services together with the local member (or both members in a 2 member ward) (ie. "local" member for the appellant learner/s ward). On a day when multiple appeals are considered the "local" member/s shall only remain in the appeal hearing during consideration of their own ward learner/s appeals.
- Any local ward member who is unable to attend the Panel meeting may submit representations in writing.
- The Chair of the Members Appeal Panel shall be the Executive Board Member for Technical Services (or in his or her absence the Executive Board Member for Education and Childrens Services)
- The quorum for the stage 2 panel shall be 2 of which at least one must be an Executive Board Member
- Each member shall have a vote, save that the Chair of the Appeals Panel shall have the casting vote in the event of equality of votes
- Representative from the Legal Department to provide legal and procedural advice (no vote)
- Representatives from the Environment Department and / or Education and Childrens Services Departments to provide technical and education advice and information (no vote)
- Minute taker (no vote)
- The usual provisions regarding declarations of interests etc. will apply.

- Parent(s) / Guardian(s) representations to the Panel will be by way of written representations and no provision is made for attendance in person before the Panel.
- The Panels will be held on a monthly basis (unless the volume of appeals requires otherwise)