

# Appeals Committee

18 January 2012

**Report:** Proposed amendments to the terms of reference of the Appeals Committee regarding the appeals against refusal to provide assistance with home to school transport.

## Background

The duties of the Appeals Committee are set out on page 27 of the Constitution. Table 3.3 at point 7 states

*Appeals against refusal to supply free home to school transport*

## Process

Following a recent audit of home to school transport appeals, it is proposed that the description of the duties of the Appeals Committee in relation to such appeals be expanded as set out below. Any amendment to the Constitution requires a meeting of the Appeals Committee to accept the recommendations, a meeting of the Constitution Committee and finally the recommendations are considered by full Council. There should also be a fuller set of terms of reference of the Committee as set out in Appendix A hereto. These terms of reference would not be included in the Constitution but would be available to members prior to all appeal hearings.

## Recommendations

It is proposed that the duties or purpose of the Appeals Committee when hearing home to school transport appeals should be as follows:

“7. Act as an independent appeal panel and assess appeals lodged by parents, guardians, carers and other professionals against the decision of the County Council to decline requests for transport”

***The following to be added as a note underneath Table 3.3:***

“For the purpose of hearing appeals relating to home to school transport there shall be a panel of three members taken from the 18 trained members on the committee.”

Nigel Roberts,  
Director of Law & Administration  
December 2011

## Appendix A

### **Terms of reference**

#### **Purpose**

The panel will

- Be impartial and operate in an open and transparent manner when determining whether to uphold or dismiss any appeals presented to the panel
- Focus on the needs of the individual and properly consider the implications of any decision by the panel on the individual
- Ensure that any decision is made on the particular circumstances of the case

#### **Aim**

- To provide clear and concise decisions on transport provision.

#### **Scope**

- The presumption is that any appeal will need to clearly demonstrate that the policy does not adequately deal with the circumstances of the individual, or that the circumstances are such that it warrants a decision being made by the Appeal Panel.
- The panel will not have the power to change the Home to School Transport Policy as published.

#### **Governance**

- Decision will be by simple majority with the Chair holding the casting vote.

December 2011