

SCHOOL TRANSPORT AND CURRICULUM APPEALS COMMITTEE

30 AUGUST 2016

SCHOOL TRANSPORT AND CURRICULUM APPEALS COMMITTEE – TERMS OF REFERENCE

Report from: Perry Holmes – Chief Legal Officer

Author: Julie Keith – Head of Democratic Services

Summary

This report sets out the terms of reference of the School Transport and Curriculum Appeals Committee.

1. Budget and Policy Framework

1.1 This report is for information.

2. Background

2.1 This report sets out the terms of reference of the School Transport and Curriculum Appeals Committee to assist the Committee in determining school transport appeals.

2.2 The setting of policy relating to school transport is the responsibility of the Cabinet. The remit of this Committee is to determine appeals relating to the application of the Council's policy for assisting with transport for pupils and students at schools and colleges.

2.3 All decisions of the Committee should be made on the basis of evidence produced by the appellant or the local authority - a decision may be subject to challenge if there is no evidence available on which the Committee could reasonably have formed its view.

2.4 The Council's school transport policy must be given significant weight in determining appeals, so that the Council's discretionary powers can be exercised with proper consistency. However the Committee must be prepared to consider making an exception to the general policy if the circumstances of the case justifies different treatment.

2.5 The Committee should avoid taking decisions which are inconsistent with Council policy unless there are adequate and relevant grounds for doing so. All decisions should be made on the basis of evidence produced by the appellant or the local authority – a decision may be unlawful if there is no evidence available on which the committee could reasonably have formed

that view. Each party to the hearing (the appellant and the authority) should be given the opportunity to hear and answer evidence. Where matters are raised by a party for first time at the hearing itself, the other party must be given opportunity to respond.

2.6 The Committee must give reasons for the decision that it has made

3. Risk management

3.1 The Committee has a responsibility to have regard to the Council's Policy on School Transport and other relevant evidence produced by the parties when considering appeals for school transport assistance.

Risk	Description	Action to avoid or mitigate risk
Consideration of appeals for financial assistance for the cost of home to school transport.	The Council has agreed a policy for the granting of home to school transport. Such policy is administered within the Children and Adult's Directorate. Parents can appeal to the School Transport and Curriculum Appeals Committee against an Officer's decision to refuse home to school transport assistance. In considering such appeals, the School Transport and Curriculum Appeals Committee must have regard to the Council's policy and other relevant evidence produced by the parties. Failure to do so could result in a challenge to the decision of the Committee.	Clear advice to members of the School Transport and Curriculum Appeals Committee of the circumstances under which the Committee may uphold appeals.

4. Financial and legal implications

4.1 Each school transport appeal upheld by the Committee will have a financial implication to the Council and the level of financial assistance payable by the Council if the appeal is upheld is clearly stated in each set of appeal case papers.

4.2 It is within the remit of the School Transport and Curriculum Appeals Committee to determine appeals for home to school transport assistance. However, in doing so, the Committee must have regard to the Council's Home to School Transport Policy and other relevant evidence produced by the parties.

5. Recommendations

5.1 This report is for information to assist the Committee in undertaking its role in determining appeals for home to school transport assistance.

Lead officer contact

Julie Keith, Head of Democratic Services

Telephone: 01634 332760

Email: julie.keith@medway.gov.uk

Background papers

None