

APPEALS COMMITTEE ***Agenda***

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| Date | Monday 22 nd December 2025 |
| Time | 10.00 am |
| Venue | J R Clynes Ground Floor Room 1 - The JR Clynes Building, Cultural Quarter, Greaves Street, Oldham, OL1 1AL |
| Notes | <p>1. Declarations of Interest- If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Alex Bougatef or Constitutional Services at least 24 hours in advance of the meeting.</p> <p>2. further details relating to this meeting are available from Constitutional Services – email: constitutional.services@oldham.gov.uk</p> |

Membership of the APPEALS COMMITTEE
Councillors Bishop or Hamblett, J. Hussain, Shuttleworth, Wahid and Wilkinson

Item No

- 1 Election of Chair

The Panel is asked to elect a Chair for the duration of the meeting.
- 2 Apologies For Absence
- 3 Urgent Business

Urgent business, if any, introduced by the Chair
- 4 Declarations of Interest

To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 5 Mainstream Home to School Transport and College Transport Policy (Pages 1 - 10)

To note the 'Mainstream Home to School Transport and College Transport Policy'.
- 6 Home to School Transport Appeal Procedure (Pages 11 - 12)

To note the 'Home to School Transport Appeal Procedure'.
- 7 Exclusion of the Press and Public

To consider that the press and public be excluded from the meeting for the following 4 items of business, pursuant to Section 100A(4) of the Local Government Act 1972 on the grounds that discussions may involve the likely disclosure of exempt information, under paragraph(s) 1 and 2 as defined in the provisions of Part 1 of Schedule 12A of the Act, to the Local Government Act 1972 and public interest would not be served in publishing the information.
- 8 Home to School Transport Appeal (Pages 13 - 38)
- 9 Home to School Transport Appeal (Pages 39 - 40)
- 10 Home to School Transport Appeal (Pages 41 - 46)
- 11 Home to School Transport Appeal (Pages 47 - 52)

Mainstream Home to School Transport and College Transport Policy

September 2016

Contents

| Section | |
|---------|---------------------------------|
| 1 | Introduction |
| 2 | Eligibility |
| 3 | Provision of Support |
| 4 | Application Process |
| 5 | Applications Outside the Policy |
| 6 | Appeals |
| 7 | Complaints Procedure |
| 8 | Some Useful Information |

1 Introduction

- 1.1 Section 7 of the Education Act 1996 imposes a duty on parents to ensure their child receives efficient education, either by attendance at school or otherwise. Section 509 of this act states that where it considers necessary a Local Authority has a duty to arrange for the provision of home to school transport.
- 1.2 This policy outlines the circumstances in which Oldham Council (the Council) will provide support for children and young people to travel between home and school or college. It clarifies the respective roles and responsibilities of the Council and parents or carers and provides a clear framework within which arrangements can be managed.
- 1.3 This policy applies to the provision of mainstream transport to:
- Schools maintained by Oldham Council.
 - Schools maintained by other LAs where Oldham has determined these as the *designated schools* for the pupils concerned.
- Parents who decide to send their children to an independent school will not normally receive assistance with the cost of transport.
- 1.4 Please note that a separate policy is available, giving details on the eligibility, provision and application process for children and young people with Special Educational Needs and Disabilities. This can be found at the Oldham Council web site, under the SEND Local Offer.

2 Eligibility

- 2.1 To be eligible for transport support a compulsory school age pupil must travel more than 2 miles if under 8 years of age, or 3 miles if 8 years or over, between home and school. Distance is defined as the distance between the child's home and school / college, using the nearest available short walking route.
- 2.2 The Council considers a short walking route to be one measured by the shortest route along which a child, accompanied as necessary, may walk with reasonable safety. In circumstances where the safety of a walking route is reliant upon the child being accompanied by a parent/carer, but the child cannot be accompanied by a parent/carer because the parent/carer has a disability which prevents them from doing so, then the child will be eligible.
- 2.3 Where a child travels to the nearest qualifying school and the distance is below 2 miles for pupils aged under 8 years, or 3 miles for pupils aged 8 years and over, parents may request a review of the measured walking route if they feel that the journey between home and school may be unsafe. The Council may, after assessing the safety of the route, provide support.
- 2.4 The Protocol for Assessing Walking Routes to School is available upon request from the Council's Home to School Transport Team.

- 2.5 The Council considers a “qualifying” school to mean the nearest school or educational establishment maintained by the Oldham Council, with places available that provides education appropriate to the age, ability and aptitude of the child, and any special/additional educational needs s/he may have.
- 2.6 In determining whether places are available at a nearer school, account will be taken of the position at the time when places were allocated. If a place is likely to have been available at the point of allocation, then it will be assumed that places were available.
- 2.7 There will be an expectation in most cases that an application will have been made to Oldham Council and/or local Oldham schools for a placement. If no application has been made it is likely assistance will not be provided.
- 2.8 Where a parent/carer chooses to send their child to a school other than the nearest available qualifying school, assistance will not be provided by the Council.
- 2.9 This policy applies to travel arrangements from “home to school” at the start of the day, and “school to home” travel arrangements at the end of the day. It does not relate to travel between educational institutions during the school day.
- 2.10 “Home” means the permanent address where the child resides during the normal school week. This is usually the address used by the Council for School Admission processes.

Low Income Groups

- 2.9 Children who are entitled to free school meals, or those whose families are in receipt of their maximum level of Working Tax Credit (WTC), at the time of the application, are defined as those from low-income groups.
- 2.10 Children aged 8 years, but under 11 years, from low income families are eligible for support where they live more than 2 miles from their nearest qualifying school.
- 2.11 Children aged 11 years or over, from low income groups are eligible for transport support to a) a choice of schools between 2 and 6 miles of the child’s home and b) to the nearest school preferred by reason of a parent’s religion or belief between 2 and 15 miles from the child’s home. Distances beyond 3 miles will be measured along road routes.
- 2.12 A copy of the most recent Working Tax Credit award letter or a letter confirming receipt of Free School meals for the relevant academic year will be required to establish that a child is from a low-income group.

In Year Fair Access Protocol

- 2.13 Where the Council has directed a pupil, within the agreed Oldham Council In-Year Fair Access Protocol, to a school further than the relevant statutory walking distance, the pupil will be entitled to a Free School Travel Pass.

3 Provision of Support

Free School Travel Passes

3.1 Free school travel passes will be issued to pupils aged under 8 years of age where:

- the distance the child is required to travel to the nearest qualifying school is more than 2 miles, measured by the nearest available short walking route; and
- there is no suitable alternative school accommodation available within the 2 mile limit.

If pupils travel over this distance because of parental preference and there is suitable alternative school accommodation available within the 2-mile limit, parents/carers will be responsible for any travelling expenses incurred.

3.2 Free school travel passes will be issued to pupils aged 8 years, but under 11 years, from low income families, where:

- the distance the child is required to travel to the nearest qualifying school is more than 2 miles, measured by the nearest available short walking route; and
- there is no suitable alternative school accommodation available within the 2 mile limit.

If pupils travel over this distance because of parental preference and there is suitable alternative school accommodation available within the 2-mile limit, parents/carers will be responsible for any travelling expenses incurred.

3.3 Free school travel passes will be issued to pupils aged between 8 years and 16 years where:

- the distance the child is required to travel to the nearest qualifying school is more than 3 miles, measured by the nearest available shortest walking route; and
- there is no suitable alternative school accommodation available within the 3-mile limit.

If pupils travel over this distance because of parental preference and there is suitable alternative school accommodation available within the 3-mile limit, parents/carers will be responsible for any travelling expenses incurred.

3.4 Free school travel passes will be issued to pupils who are aged 11 years or over from low income families where:

- the distance to one of 3 nearest qualifying schools is more than 2 miles, but not more than 6 miles, from their home address, or
- the distance to the nearest suitable school preferred on grounds of a parents' religion or belief is more than 2 miles, but not more than 15 miles, from their home address.

If pupils travel over this distance because of parental preference and there is suitable alternative school accommodation available within the 2-mile limit, parents/carers will be responsible for any travelling expenses incurred.

3.5 Where a pupil moves to a new address in Oldham, s/he will be entitled to a free school travel pass if, at the time of moving:-

- s/he is in Year 10 or 11, and
- s/he is taking courses leading to external examinations; and
- the school is more than 3 miles away from the new address.

This is in addition to eligibility within the support available for low-income groups as defined in paragraph 2.9.

- 3.6 Pupils in Years 7, 8 and 9 may continue to attend their present school, but there will be no entitlement to free school travel.

Bicycle

- 3.7 An allowance will be paid at a rate determined by Oldham Council, when a student who is eligible for support under the Council's Policy and uses a bicycle to travel to school or college.

Post 16 Provision

- 3.8 Students travelling to the nearest suitable school or college will have such travelling expenses refunded that are above the level of the first concessionary fare, i.e. students who have to travel to school/college on two buses will be able to claim for the second bus journey. All students pay the first concessionary fare in operation at the time.

4. Application Process

- 4.1 Parents/carers should make an application transport assistance, if they feel that they meet the above criteria. Applications made to the Council will be assessed against the criteria set out in section 2 Application forms are available upon request from the Home to School Transport Team. Contact details can be found in Section 8.
- 4.2 For those who have previously been determined as eligible for assistance, a renewal form will automatically be sent out to the address to which we hold on record. If this address has changed since the previous application was made, parents/carers must inform the Council of this change in order to receive a renewal application. Eligibility will then be determined from the new address. Please note those who previously qualified under the low income criteria, will be required to submit up to date supporting documentation
- 4.3 Applications will be responded to within 5 working days. Confirmation of eligibility or non-eligibility and the process to appeal the decision will be sent within 10 working days of receipt of the application.

Distance

- 4.4 The following distance criteria will be applied in deciding whether or not a child is eligible for support:-
- A child under the age of 8 years is travelling more than two miles to the nearest qualifying school (via the shortest walking route)
 - A child aged 8 years or over is travelling more than three miles to the nearest qualifying school (via the shortest walking route)

Income

4.5 The following criteria will be applied to applications from low income groups in deciding whether or not a child is eligible for support:-

- A child from a low income family aged 8 years, but under 11 years, is travelling more than two miles to the nearest qualifying school (via the shortest walking route).
- A child from a low income family aged 11 years or over is travelling more than 2 miles, but no more than 6 miles, to one of three nearest qualifying schools
- A child from a low income family aged 11 years or over is travelling more than 2 miles but not more than 15 miles to the nearest suitable school preferred on the grounds of a parent's religion or belief

Risk Assessment

4.6 The following criteria will be applied in deciding whether or not a child is eligible for support:-

- Evidence that there would be health and safety risks if the child travelled to school without support
- Evidence that a parent's/carer's disability prevents them from accompanying their child, and that the route would be considered unsafe if the child is unaccompanied
- Evidence that a child's temporary medical needs prevent them from travelling safely to school.

5. Applications outside the Policy

5.1 The Home to School and College Transport Policy should provide suitable support for those who require it. However, in exceptional cases where, within the terms of the policy, a pupil is not eligible for support, a case can be put forward to a panel of Senior Officers, who will assess the case and decide if support will be provided.

If you wish to apply for support via this process, application forms are available from:

**Home to School Transport Team
Level 12
Civic Centre
P O Box 40
West Street
Oldham
OL1 1XJ**

0161 770 3209

5.2 When your application has been received, the panel will assess the case and respond in writing with the outcome of the application.

6. Appeals Procedure

6.1 If an application for travel assistance is not approved by the Council, parent/carers have a right of appeal. The appeal should be made in writing within 20 working days of

the decision letter being received by the parents/carers. Appeals are administered in two stages:

6.2 Stage 1: Review by a Senior Officer - A parent has 20 working days from receipt of the Council's decision to make a written request asking for a review of the decision.

6.2.1 The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.

6.2.2 Within 20 working days of receipt of the parent's written request a Senior Officer reviews the original decision and sends the parent 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 e.g. Road Safety GB);
- 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 can escalate their case to stage two (if appropriate).

6.3 Stage 2: Review by an Independent Appeal Panel - A parent has 20 working days from receipt of the Council's stage one written decision notification to make a written request to escalate the matter to stage two.

6.3.1 Within 40 working days of receipt of the parents request an independent appeal panel considers written and verbal representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome (within 5 working days of the date of the appeal hearing), setting out:

- The nature of the decision reached;
- How the review was conducted (including the standard followed e.g. Road Safety GB);
- 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 (see below).

6.3.2 The independent appeal panel members will be independent of the original decision making process (but are not required to be independent of the Council) and suitably experienced (at the discretion of the Council), to ensure a balance is achieved between meeting the needs of the parents and the Council, and that road safety requirements are complied with and no child is placed at unnecessary risk.

- 6.4 Local Government Ombudsman – Parents, carers, children and young people have the right of complaint to the local Government Ombudsman.
- 6.5 The Local Government Ombudsman will consider complaints where the complainant considers 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 panel to be flawed on public law grounds, the complainant may also apply for judicial review.

7. Complaints Procedure

- 7.1 The availability of a clear policy about home to school/college transport should reduce the likelihood of complaints but may not eliminate them completely.

If you are not satisfied with any aspect of the Council's support with home to school/college transport, or a decision made with regard to the level or type of support being offered, then please write to:

Senior Transport Officer
Level 12
Civic Centre
P O Box 40
West Street
Oldham
OL1 1XJ

- 7.2 All written complaints will be acknowledged within five working days of receipt, indicating which officer will be dealing with it. You will receive a written response to your complaint within fifteen school days of receipt of your letter.
- 7.3 Any complaints, including appeals against a Council decision on the provision of transport support, will be dealt with under the Council's standard complaints procedures, a copy of which is available upon request.

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Oldham Metropolitan Borough Council

APPEALS PANEL

PROCEDURE FOR FREE SCHOOL TRAVEL PASS APPEAL AND HOME TO SCHOOL TRANSPORT

- 1.1 Appeal for Free School Travel pass will be heard by a panel of at least three Members, one of whom will act as Chair and who will have a casting vote.
- 1.2 The Chair introduces the participants and outlines the procedure to be used.
- 1.3 The Chair will control the procedure with the advice and assistance of the Legal Representative from within Oldham Metropolitan Borough Council.
- 1.4 The Chair will ensure that the following procedure is followed
- 1.5 The case for the LEA
- 1.6 Questioning by the Parent / Guardian
- 1.7 Questioning by Panel Members;
- 1.8 The Case for the Parent / Guardian
- 1.9 Questioning by the LEA
- 1.10 Questioning by Panel Members;
- 1.11 Summing up by the LEA
- 1.12 Summing up by the Parent/Guardian
- 1.13 The Panel may adjourn at any point in the proceedings.
- 1.14 Any documentation to be presented at the hearing will be copied to each member and party at least five days before the hearing. Evidence which comes to light either within this time frame or at the hearing will be considered by the Panel.
- 1.15 The Chair recalls both parties and either conveys the decision orally or reserves the decision, in the presence of both parties.
- 1.16 The decision will be confirmed in writing to both parties with reasons as soon as reasonably practical, but in any event within five days of the close of the hearing.

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