

Stage 1 – Request for Senior Officer to Consider Transport Decision

Name: Mihaela Richardson - Jenkins
Address: 63B Lon y Felin
Ammanford
SA18 2RG
Pupil / student name and date of birth: Ffion Haf Richardson - Jenkins
20/06/2009
School attended: Ysgol Gyfun Maes y Gwendraeth

Type of Appeal

Please tick any that apply. I am appealing a transport decision because:

I believe that the distances from my home to the school have been incorrectly calculated and free transport should have been provided (more than 2 miles primary, more than 3 miles secondary school)

Transport has been offered by the department but the type of transport support on offer isn't suitable to the needs of the pupil / student.

The walking route isn't a safe and available walking route. (Please be sure to be specific and provide evidence)

The pupil / student has a temporary medical condition and without free transport they would not be able to get to school.

The pupil / student has a permanent medical condition or disability and without free transport they would not be able to get to school.

The pupil / student has a statement of Additional Learning Needs but transport wasn't considered necessary by those issuing the statement and we think that decision is wrong.

There are severe family / personal circumstances (financial or otherwise) which impact on the ability of the pupil / student to attend school / college which should be taken into account.

The pupil / student is currently or has been Looked After by the Local Authority and transport is requested as part of a support plan.

Some other wholly exceptional circumstances

Pupil attending
School in Carmarthenshire

Supporting statement

When we applied for school transport for Ffion we lived in Pantyffynnon Carmarthenshire our application was successful but one condition was that if we changed address there could be a change in our entitlement

After moving to live in Garnswilt Ammanford SA18 2RG
 We informed Carmarthen CC and they informed us that
 as we were now living in Glamorganshire and paying
 Council tax in Swansea free school transport would be
 withdrawn and an application should be made to
 Glamorgan to pay Carmarthenshire council towards
 school transport. We were informed on Mondays
 that because the school attended by Ffion was
 outside the catchment area then no assistance
 would be given as the Welsh school within the
 catchment area is Ysgol Bro Gwyr. As this school is
 at least an hour away from Garnswilt it is not
 feasible to attend this school. As we live only 20
 metres from the Carmarthenshire border (our next door
 is in Carmarthenshire) and we are prepared to take her
 to Ammanford to catch the bus. We hope you can re-consider
 our application and allow Ffion to use the free school
 transport

**Continue on separate sheets if necessary.
 Arrangements if free transport isn't provided**

How does the pupil currently get to school / college? If the pupil has not yet started attending school / college how is it envisaged the pupil will get to school / college if transport is not provided?

Parent has to take her and fetch her after school.
 This is very inconvenient as we have 3 other
 children in Welsh Primary School in Ammanford

Other Support

Please complete every section

	Family	Pupil
We own or have access to a family car or carer vehicle	Yes / No	Yes / No
The student / family are in receipt of a carers allowance	Yes / No	Yes / No
The student / family are in receipt of personal independence payments	Yes / No	Yes / No
The student is in receipt of Education Maintenance Allowance	N/A	Yes / No
The student is in receipt of a concessionary bus transport pass	N/A	Yes / No
The student is in receipt of a concessionary bus transport pass with companion element for a family member	Yes / No	Yes / No

Period of Time Transport is being asked for i.e. are you requesting short term support or longer term support

Long Term Support

Anything else you would like the reviewer to consider

If this application is not Successful it causes Severe inconvenience to her Parents and we will have to consider Alternative transport.

Declaration

I hereby declare that the information supplied on this form is true to the best of my knowledge and belief.

I authorise the Local Authority to undertake checks of other Local Authority held information or information held by partner agencies to ensure the accuracy of the information supplied on this form.

If I have knowingly provided false or misleading information I understand that provision will be withdrawn and the Local Authority will commence legal proceedings to recover the costs of transport provided. The Local Authority may also notify the police of any persons who have provided false information in order to secure a financial or service benefit to which they would otherwise not be entitled.

Signed.....M. Jones.....
Dated.....14/10/20.....

Internal Use Only

Date Received:

Received by (name):

Latest date for decision:

Transport Appeal Stage 1
Decision Notice of Senior Officer

Review Outcome: Ffion Haf Richardson-Jenkins (DOB 20/06/09)

Request for Transport to Ysgol Gyfun Maes Y Gwendraeth

Senior Officer(s) making decision together with job title:	Integrated Transport Unit Manager School & Governor Support Officer ALNIT Provisions Officer
Legal Advisor	Principal Lawyer
Date of Decision:	22 / 10 / 2020
Decision:	Transport refused
Type of transport assistance offered: (e.g. council run bus service, taxi, fuel allowance)	N/A
If transport is granted on a temporary basis, please state the date for review:	N/A
If transport is granted 'subject to a review' please state how the review will take place: - automatic review by Local Authority (i.e. no action needed by parent / student) - parent / student to re-apply with updated evidence (failure to re-apply will mean transport will end)	N/A

automatically on the specified date)	
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Evidence Considered

List the written evidence considered (attach copies to the decision):

- | |
|---|
| <ul style="list-style-type: none">• Email from Parent including photograph (dated 14/10/20) |
|---|

Details of consultations with others and verbal evidence considered if discussions took place with the applicant or other departments / partner agencies:

N/A

Details of legislation / guidance considered:

- | |
|--|
| <ul style="list-style-type: none">• Welsh Government (WG), Learner Travel Wales Measure• Learner Travel Statutory Provision and Operational Guidance• Swansea Council (LA), Transport Policy |
|--|

Reasons for the Decision

Factors taken into consideration

<p>The panel considered the written representations from the parent.</p>
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<p>The panel considered the Home to School Transport policy and the criteria for automatic entitlement to transport. The pupil was not automatically entitled to home to school transport and would require discretion being utilised if exceptional circumstances existed.</p>

Rationale for the decision

The application was refused on the following basis:

- The Information for Parents Booklet advises that parents who apply for a place at a school which is not the catchment school have to consider the implications for getting their child to and from school as this is their responsibility. Parents are able to express a preference but when a preference is expressed there is clear information provided that they will be responsible for transport.
- Parental preference does not give a right to a place in their chosen school. If there are places available at the parents' preferred school, the admission authority's decision should usually be to accept an application for admission. This can mean that some learners do not attend their nearest suitable school and live some distance away from the school they attend'.

As outlined by the Welsh Government's Statutory Provision and Operational Guidance for school transport:

- 1.38 'the definition of nearest "suitable school" is where the "education or training provided is suitable having regard for the age, ability and aptitudes of the learner and any learning difficulties he or she may have".
- 1.39 Local authorities need to consider the suitability of the school when deciding if the placement is appropriate for the learner. Deciding which suitable school is the learners 'nearest' is a matter for the local authority to determine in accordance with their own learner travel and education policy. Local authorities need to set out how the nearest suitable school is identified and publish this information in their learner travel policy in accordance with provisions outlined in the Learner Travel Information (Wales) Regulations 200943.
- 1.40 Parents and learners may express a preference for a particular school, a particular type of language provision or faith school, but the Measure does not confer on those parents and learners any rights to free transport to their preferred school and or location, unless that school is determined by the local authority to be the learner's nearest suitable school and the learner meets the distance criteria. 1.46 If a parent exercises their parental preference when determining which school their child attends and the chosen school is not the nearest suitable school agreed by the local authority, the learner is not entitled to free transport provision– even if the learner meets the distance or age criteria usually entitling them to free transport provision.
- 5.56 Parents have the following responsibilities:
 - It is for parents to decide at what age it would be appropriate for their child to walk unaccompanied to school

- In the event of a child not being eligible to receive free transport and having to walk to school, it will be for parents to make suitable travel arrangements for their children between home and school. Within the community, parents have the option of sharing the school run. The Welsh Government recommends that parents investigate whether community groups can coordinate this activity. The panel considered the basis for the appeal on the grounds of 'no available walking route' as inappropriate as this is only applicable where pupils are attending their catchment school and with this appeal the placement is due to parental preference

It was noted that no financial hardship arguments were being raised and that many parents have to balance work commitments and taking their children to school. The panel did not consider the circumstances of this case as 'exceptional' and therefore did not agree to exercise discretion in provision of transport for Ffion.

Note to Appellant – Details of further appeal options

Appeal to the Appeal and Awards Committee

If your request for a review has been refused there is one final appeal stage that you can take advantage of should you wish to renew your request for transport assistance.

Appeals against a review of a senior officer will be heard by the Council's Appeal and Awards Committee. The Committee consists of Councillors independent of the transport decisions made to date. They will consider the paperwork but will also invite applicants to attend in person and explain their request should they wish to do so. The Committee will be heard in private and the public will not be permitted to attend.

If you wish to appeal you should do so **within 20 working days** of this decision notice.

The committee will hear your appeal within 40 working days of receipt of a completed appeal form.

If you wish to appeal you should **complete the Stage 2 appeal form** which is available on request from the School and Governor Unit at email: schoolgovernorunit@swansea.gov.uk | Tel: 01792 636550

Complaint to the Public Services Ombudsman for Wales [PSOW]

If you feel the Local Authority have acted badly in progressing your request for transport assistance you can complain to the PSOW who is independent of the Council. The PSOW have powers to investigate whether the Local Authority have acted appropriately and in accordance with principles of good decision making.

For more information on the types of cases the Ombudsman will investigate together with the details of how to complain see:

www.ombudsman-wales.org.uk

Tel: 0300 790 0203

Email: ask@ombudsman.wales

Stage 2 – Transport Appeal Form
Appeal and Awards Committee

Name:	FFLOW RICHARDSON - JENKINS
Address:	63B LON Y FELIN AMMANFORD SA18 2RG
Pupil / student name and date of birth:	
School attended:	MAES Y GWENDRAETH
Decision notice being appealed: (please state the date of the review by senior officer together with the name of the person who made the decision)	TRANSPORT REFUSED 22/10/2020 INTEGRATED TRANSPORT UNIT MANAGER SCHOOL & GOVERNOR SUPPORT OFFICE ALNIT PROVISIONS OFFICER LEGAL ADVISOR.

NOTE:

All previous evidence together with the stage 1 appeal form you completed will be automatically provided to the Appeal and Awards Committee.

You do not therefore need to set out your full case again on this form unless you wish to do so.

any other comments you would like the Appeal and Awards Committee to consider

HOPE THAT YOU CONSIDER OUR APPEAL
AND THAT THE OUTCOME WILL BE FAVOURABLE
TO US.

evidence

Evidence attached Yes / No / Not Applicable

List any attachments:

Declaration

I hereby declare that the information supplied on this form is true to the best of my knowledge and belief.

I authorise the Local Authority to undertake checks of other Local Authority held information or information held by partner agencies to ensure the accuracy of the information supplied on this form.

If I have knowingly provided false or misleading information I understand that provision will be withdrawn and the Local Authority will commence legal proceedings to recover the costs of transport provided. The Local Authority may also notify the police of any persons who have provided false information in order to secure a financial or service benefit to which they would otherwise not be entitled.

Signed..... M Jenkins

Dated..... 14 / 12 / 2020

Reason for appealing the Stage 1 decision of Senior Officer

(E.g. you may wish to set out any factual inaccuracies in the decision, any instances where you believe the senior officer didn't give enough regard to a particular aspect of your case, or any failure of the Senior Officer to consider certain issues at all)

THANK YOU FOR YOUR EMAIL RE SCHOOL TRANSPORT FOR FFION RICHARDSON - JENKINS AS STATED PREVIOUSLY CARMARTHEN COUNTY COUNCIL APPROVED SCHOOL TRANSPORT WHEN WE LIVED IN PANTYFFYNON AMMANFORD CARMARTHENSHIRE AS IT MET THE CRITERIA IN ACCORDANCE WITH THE AUTHORITY'S POLICY. WE BROUGHT A HOUSE IN GARNSWILT NOT REALISING THAT GARNSWILT WAS NOT IN CARMARTHENSHIRE AS THE ADDRESS STATED GARNSWILT AMMANFORD FFION WANTED TO ATTEND MAES Y GWENDRAETH AS SHE HAD BEEN FRIENDS WITH HER AGE GROUP FROM HER TIME IN AT PRIMARY SCHOOL. WE ONLY HAVE ONE CAR IN OUR HOUSEHOLD AND FINDING HUGE DIFFICULTY TO GET THE CHILDEN TO SCHOOL ON TIME AS FFION SCHOOL IS IN CEFNEITHIN AND THE OTHER 3 ATTEND TO YSGOL GYMRAG RHYDAMMAN. AS THE TIMES OF SCHOOL START AND SCHOOL FINISH CLASH, IT IS VERY INCONVENIENT TO BE IN TWO PLACES AT THE SAME TIME. I WOULDN'T WANT FFION TRAVELING ON PUBLIC TRANSPORT ON HER OWN TO GET TO SCHOOL ON TIME AND AFTER SCHOOL. AS SHE WOULD HAVE TO WALK DOWN TO AMMANFORD TO CATCH THE BUS AS THERE IS NO LIGHTS AT THE END OF OUR STREET AND NO FOOTPATH SHE IS 11 YEAR OLD GIRL, AND VERY EMOTIONAL GIRL. AND WALK BACK TO GET HOME.

Continue on separate sheets if necessary.

Internal Use Only

Date Received:

Received by (name):

Latest date for decision:

APPEALS AND AWARDS COMMITTEE

IN THE MATTER OF THE SCHOOL TRANSPORT POLICY

STATEMENT OF CATHERINE SWAIN

I, Catherine Swain, will hereby state as follows:

1. I am the manager of the Integrated Transport Unit for the City and County of Swansea.
2. I make this statement to provide a general overview of the transport discretions that have been applied during the academic year 2020 – 2021. The Appeal and Awards Committee will have the benefit of having copies of individual refusal notices for individual appeals. This statement will provide a more general overview of the approach and decisions made.

Decisions and Discretions under the School Transport Policy – A general overview

3. The City and County of Swansea Home to School Transport Policy provides that the Local Authority will offer free transport if the pupil lives more than 3 miles from their designated secondary school measured by the shortest 'available' walking route or 2 miles from their designated primary school. The full eligibility criteria are set out in the policy.

4. There is discretion for officers to provide transport over and above that which it is required to do so by law. This discretion is used in wholly exceptional circumstances and where there is clear evidence that provision of transport is necessary to facilitate the learners' attendance at school.
5. When considering whether it is necessary for the Local Authority to pay for transport, the officers will consider a range of different factors:-
 - Whether there are already resources available to the family that can or should be used to support transport. Family and friends able to assist, personal independence payments, mobility vehicles or access to a family car, access to a free concessionary bus pass, education maintenance allowance.
 - Whether the child can walk to school. If the child has a particular difficulty walking alone would it be reasonable to ask the parent to accompany.
 - Whether the family are financially able to support their own transport needs.

This is not an exhaustive list but is illustrative of the fact that officers will look at what is available and why it couldn't be utilised for transport.

6. Whilst every case is considered on its own merits (and there will always be exceptions), officers are less inclined to grant free transport where it is requested due to:-
 - Parental working patterns
 - A choice to send a child to a school other than a catchment school. Parents are advised before choosing a school that was not designated by the Local Authority and if they do choose such a school that they will need to organise their own transport.
 - Siblings in multiple schools

The above are generally common difficulties that many Swansea parents will encounter and will not be exceptional. Officers will look at whether there is a real need for transport or if the difficulty is a reasonably foreseeable consequence of a choice made or a common inconvenience faced by many parents.

7. Disabilities and additional learning needs are always considered sensitively. Officers will try and focus on 'ability' and will want to see how we can support pupils to become independent. Like all other pupils Officers will scrutinise what financial and practical support is already available to the pupil and parent. Some parents for example, will by virtue of their child's disability receive a carers allowance and potentially a mobility car for transporting the child. Officers will also be keen to explore whether a parent should accompany a pupil to school in the event that independent travel is not possible.
8. Officers will be mindful of the fact that appeals will generally be coming from parents who live within the distance criteria of their catchment school (2 miles primary / 3 miles secondary) and that at average walking speeds a mile can be completed in 15-20 minutes. Generally walking distances will therefore not be excessive. Officers will also be mindful of the need to promote active travel arrangements wherever possible and that the duty to secure the child's attendance at school lies with the parent.
9. Officers in being careful to manage the public purse will also ensure that there is evidence to support the need for transport. For example if a parent has not supplied any evidence of financial hardship the officer must be careful in granting the application. The same need for evidence applies for any medical or other special circumstance. The application form prompts the applicant to supply evidence and it is reasonable to expect it to be provided.

Cost of transport and discretions granted in the 2020-2021 academic year to date

10. The Appeal and Awards Committee will only have before them the cases that have already been carefully considered by officers and a detailed decision given for refusal. For obvious reasons, the successful requests for discretionary transport will not be before the committee.

11. For this academic year the statistics for officer discretions are as follows:

Cases considered:	36
Transport granted:	15
% of cases transport granted:	41%
Total additional cost to transport budget per year:	£41,582

*as the transport is subject to a procurement exercise (and regular retendering) this figure is a mixture of known costs and estimates, and should therefore be treated as illustrative only. It will however be closely representative of what the additional cost is likely to be.

12. The Council in the last financial year spent just over £9 m on school transport as a whole.

13. The figures for discretionary transport decisions by officers are included to highlight that there has already been a detailed sift of cases in order to provide for those deemed exceptional but would otherwise not be entitled to transport by statute. As officers have carried out a thorough and detailed consideration of the merits of cases against our policy and statutory obligations and as the figures above illustrate, officers have offered discretionary transport when necessary. The panel will only receive cases that have been refused for various reasons.

14. This statement is not a comprehensive guide to officer decision making as every case is very different. Specific officer decisions are always provided to parents in writing and these will be made available to the committee. Officers will also be in attendance to answer questions or elaborate on decisions made.

I make this statement believing the contents to be true and in the knowledge that the same will be placed before the Appeals and Awards Committee

SIGNED: *C.L. Swain*

DATE: 15 January 2021