Barnet Education & Learning Service

SEN Home to School Travel Assistance

Guidance for Appeals & Complaints

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1.Complaints

1.1. The Transport Brokering Team (TBT)

The TBT fall under the Education & Skills department. The TBT are responsible for delivering cost effective, suitable and safe travel solutions for eligible pupils. The team are responsible for commissioning travel solutions with providers that have met the requirements to undertake work for the Local Authority.

In many cases the TBT must liaise with providers to resolve issues and complaints. As the TBT are required to liaise with providers in order to action changes, please provide the team with adequate time to challenge the providers, if required.

The largest provider for the TBT is a separate department within the Local Authority, known as Passenger Transport Services (PTS). Collectively the PTS & the TBT are one body (the Local Authority), however Transport Brokering do not have direct control over the other departments resources.

1.2. Raising complaints to the Transport Brokering Team

TBT would be the first point of contact if you would like to raise any concerns/complaints. The TBT will endeavour to resolve any complaints to a satisfactory standard in a swift manner, when possible

In order to raise a complaint, we would advise that this is sent in writing to the TBT at transport.brokering@barnet.gov.uk , outlining the logic and reasoning behind the complaint. We also advise that any evidence is forwarded with the complaint.

In the event an individual is unable to put their complaint into writing due to barriers beyond their control, please call on 0208 359 4038 or 0208 359 5110. A member of TBT will take down your statement in writing over the phone.

If the TBT do not manage to resolve or respond to your complaint within 10 days, then you may exercise your right to raise a complaint against the service to the Education & Skills complaints department. Please see the next point for further advise on this.

1.3. Raising complaints to the Education & Skills complaints service

The Local Authority would like to settle complaints as quickly as possible, without recourse to formal procedures when possible. For this reason, if you have a general complaint about a transport related issue, we advise you to contact the Transport Brokering Team first, unless the complaint is directly against the Transport Brokering Team.

If you would like to raise a complaint to the Education & Skills service please email your complaints to E&SComplaints@Barnet.gov.uk .

Please see the following link for further information on the Education & Skills complaints process. https://www.barnet.gov.uk/schools-and-education/school-support-information/education-skills-comments-compliments-and

2. Appeals

2.1. Decisions that can be appealed

- The transport arrangements offered.
- The young person's eligibility
- The distance measurement in relation to statutory walking distances
- The safety of the route

2.2. Stage one of the appeal

The first stage of the appeal is for the decision to be reviewed by a senior officer.

Please see the requirements from all parties below.

2.3. Requirements of the requestor for stage one of the appeal

- The parent/carer can nominate a representative on their behalf
- The requestor has 20 working days from receipt of the Local Authorities decision, to make a request for the decision to be reviewed.
- The requestor must send their request in writing to the TBT.
- If the requestor does not meet the 20 day deadline, the Local Authority may still consider the request to review the decision.
- The requestor must provide reasons to why they believe the decision should be reviewed.
- The requestor should provide information on their personal and/or family circumstances if it is relevant to the case.
- The requestor should also provide any supporting evidence for their request.

2.4. Requirements of the senior officer for stage one of the appeal

- The senior officer must confirm receipt of the request.
- The senior officer then has 20 working days from the date of receipt to review the original decision.
- The senior officer would generally review the original decision in the weekly SEN transport Panel, in presence of the other panel members.
- The senior officer must also have sent the parent written notification of the outcome from the review within the 20 day window; although that does not guarantee that the decision will be with the requestor if it is sent by post with the 20 day period.
- The written outcome should include information on how the decision was reached, how the review was conducted, information about other parties that may have been contacted for information, the rationale and factors behind the decision.
- Within the written notification, the senior officer must also include details on escalating the appeal to stage two, in the case that the requestor is not satisfied.

3. Stage two of the appeals process

The second stage of the appeals process is for the decision to be reviewed by an independent appeals panel.

Please see the requirements from all parties below.

3.1. Requirements of the requestor for stage two of the appeal

- The parent/carer can nominate a representative on their behalf
- The requestor has 20 working days from receipt of the Local Authorities decision from the stage one of the appeals process, to make a request for the case to be escalated to stage two.
- The Transport Brokering Team are to send an appeals form to the requestor which should be completed within the 20 day time frame.
- If the requestor does not meet the 20 day deadline, the Local Authority may still consider the request and escalate the case.
- At this point the requestor should provide any additional/supporting information that may have not been provided earlier or that may act as a grounds to challenge the decision from stage one.

3.2. Requirements of the independent appeals panel

1. The independent appeal panel members should not have been involved in the original decision-making process. They must be independent to the process thus far.
2. Barnet council generally aim to have a senior representative from the Education & Skills department, a medical/health professional and a member of the public present at the independent appeals panel.
3. The independent appeals panel have 40 working days from receipt of the parents request to reach an outcome.
4. The independent appeals panel must send written notification of the outcome within 5 working days of their decision.
5. The written outcome should include information on how the decision was reached, how the review was conducted, information about other parties that may have been contacted for information, the rationale and factors behind the decision.
6. Within the written notification, the independent appeals panel must also include details on raising a complaint to the Local Government Ombudsman.

4. Raising a complaint to the Local Government Ombudsman

A requestor has every right to raise a complaint to the Local Government Ombudsman

Please see below for further information on raising a complaint to the Local Government Ombudsman.

4.1. Reasons to complain to the Local Government Ombudsman

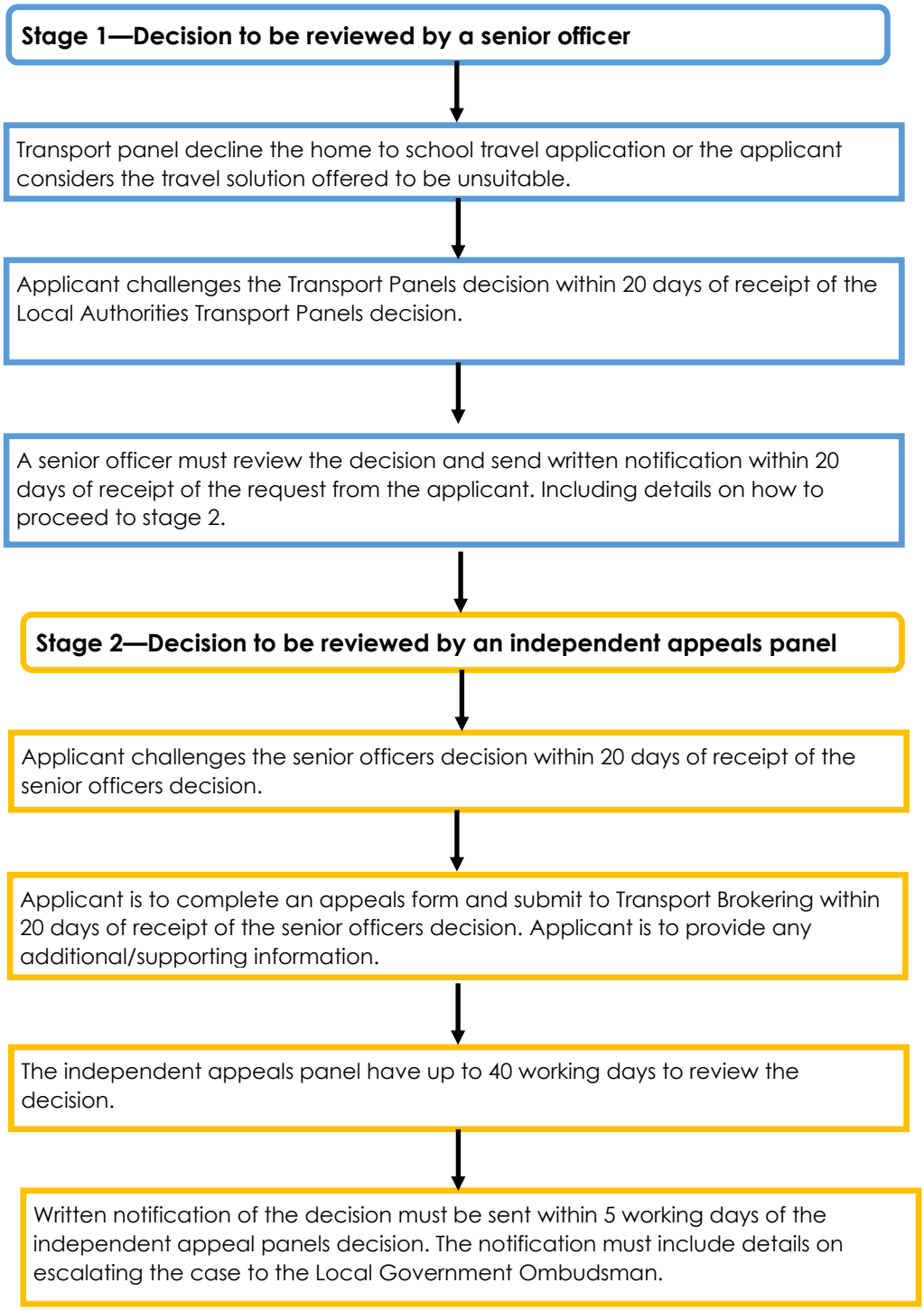
We would generally advise to complain to the Local Government Ombudsman once the Local Authorities own appeals/complaints process has been completed. However, you can raise a complaint at any point if:

- The LA did not comply with the procedural rules
- If there were any irregularities in the way the appeal was handled

Please visit the official website for further information on the Local Governments Ombudsman https://www.lgo.org.uk/ .

5. Flowchart of the review/appeals process

This flowchart follows the exact same sequence as stated in the 'Home to school travel and transport guidance, Statutory guidance for Local Authorities' document.



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