

APPEALS COMMITTEE

NOTES FOR APPELLANTS

PLEASE READ CAREFULLY PRIOR TO THE DATE OF YOUR APPEAL HEARING

It is open to you to lodge an appeal in respect of a decision of officers of the Council concerning: grants to students, home to school and college transport and applications for secondary boarding placements. Your appeal will be considered by the County Council's Appeals Committee. The Committee comprises of four Members (County Councillors) one of whom will Chair the Committee. At the present time the four Members comprise of three from the Conservative group, and one from the Labour group.

Set out below are a few notes which I hope will help you in the preparation of your appeal and also assist you on the day, should you decide that you wish to attend the meeting of the Committee to present your case. These notes are intended as a guide.

Non-attendance at the hearing will not be taken as an indication that you are not wholehearted about your appeal. Members appreciate that attendance is often difficult to organise, but in such circumstances, the Committee will make its decision in your absence, based on all the information in the appeal papers from the local authority and yourself.

IF YOU SUBSEQUENTLY DECIDE TO WITHDRAW YOUR APPEAL PLEASE CONTACT THE CLERK TO THE COMMITTEE IMMEDIATELY.

WHERE WILL THE HEARING TAKE PLACE?

The letter you will receive approximately 5 days before the appeal hearing will inform you of the date, time and place of the appeal.

Please arrive a few minutes early.

The Appeals Committee normally hold their scheduled meetings at County Hall, Northallerton. On occasions, however, if there are a number of appeals to be heard concerning appellants from a particular part of the County, then arrangements can be made for such appeal hearings to be heard elsewhere.

If you cannot attend an appeal in Northallerton on the date you have been given you should contact the Clerk to the Appeals Committee at County Hall, Northallerton who will be able to inform you of the Committee's future dates. The Clerk will also be able to advise you of a telephone conferencing facility which can be used if you are unable to attend and where you would phone a pre-determined number to put your case to the Committee.

IF I DISCOVER THE TIME OF THE HEARING IS INCONVENIENT

So long as at least three working days' notice is given, attempts will be made to reschedule the timing of your appeal. However, as many of the appellants will be travelling from considerable distances and will have already made their arrangements, this may not always be possible to do.

HOW LONG WILL THE APPEAL TAKE?

Provided that we know you are coming we will do our best to ensure that you are seen on time but this cannot be guaranteed. On average an appeal takes about 30 minutes but may take longer depending on individual circumstances. Please try to be patient if you have to wait for your own appeal to be heard.

Whilst any delay may seem a little inconvenient, I hope you will appreciate that the reason will normally be due to the fact that appellants being heard prior to your case will have been given every opportunity

by the Committee to present their case in full, in order that all the facts are established. You will be given the same opportunity.

ARRIVAL AT COUNTY HALL, NORTHALLERTON

When you arrive at County Hall, give your name to the Receptionist who will direct you to the waiting area being used on the day.

When the Committee is ready to hear your case, the Clerk to the Appeals Committee will come to the waiting area and greet you prior to taking you, together with the representative of the Director of the Children and Young Peoples Service who is presenting the other side of the case, into the room where the hearing is taking place.

DISABLED APPELLANTS

When meeting somewhere other than at County Hall, the premises used will have suitable disabled access.

IF YOU ARE WHEELCHAIR BOUND OR HAVE A DISABILITY FOR WHICH YOU WILL NEED ASSISTANCE PLEASE CONTACT THE CLERK TO THE APPEALS COMMITTEE WHO WILL MAKE THE APPROPRIATE ARRANGEMENTS PRIOR TO THE HEARING. FOR EXAMPLE IF YOU NEED A SIGN LANGUAGE INTERPRETER TO BE PRESENT AT YOUR APPEAL THIS CAN BE ARRANGED FOR YOU.

ACCOMPANIED AT THE HEARING

The Committee will allow you to be accompanied by a friend, relative, or even local Councillor if you wish. (Please complete this detail on your Appeal Form). The Committee is, however, keen to see that wherever possible, appellants who wish to attend the hearing present their own case. Relatives or friends may, of course, give supporting evidence or assist you during the period of questioning by the Committee and the Authority's representative but the Members of the Committee will, in most cases, direct their questions to you personally.

In cases of Post 16 transport appeals the Committee welcomes students presenting their own case, supported by their parents/guardians if they so wish.

It is appreciated that, especially during term time, it may be difficult for you to attend the hearing personally and, therefore, a relative or friend can present the case for you.

SHOULD YOU WISH A RELATIVE OR FRIEND TO PRESENT YOUR CASE IN YOUR ABSENCE YOU MUST DISCUSS THIS WITH THE CLERK TO THE APPEALS COMMITTEE PRIOR TO YOUR ATTENDANCE AT THE HEARING. SHOULD YOU WISH TO BE ACCOMPANIED BY A PERSON OTHER THAN A RELATIVE OR FRIEND YOU MUST ALSO DISCUSS THIS WITH THE CLERK TO THE COMMITTEE PRIOR TO YOUR ATTENDANCE.

YOUR APPEAL

All proceedings of the Appeals Committee are heard in private.

Members of the Committee will have received a copy of your appeal form and any other supporting documents a number of days before the hearing, so they have had the opportunity to thoroughly read your case in detail.

SHOULD YOU WISH TO PRODUCE ANY ADDITIONAL EVIDENCE IN SUPPORT OF YOUR APPLICATION, THIS MUST BE RECEIVED BY THE CLERK TO THE COMMITTEE AT LEAST THREE DAYS BEFORE THE HEARING IN ORDER THAT DUE CONSIDERATION CAN BE GIVEN BY THE COMMITTEE.

You are permitted to bring with you to the hearing any references, copies of Certificates, letters of support from other parties if relevant to your case. These can be handed to the Committee at the appropriate time during your hearing. Would you please note however that if additional information is given to the panel on the day of the appeal the Chairman may ask for an adjournment so that the Committee and officers are able to read the information before the appeal is heard. In some cases, if there is a large amount of additional information, the Chairman may ask for an adjournment to the next scheduled meeting.

If you wish to support your case with medical evidence, **it is essential** that you obtain a letter or statement from your GP or Consultant to help the Committee assess the significance of the information. This information should be provided to the CYPs Transport Team at the Education Office in Harrogate **first** so that they can consider eligibility. Their contact details are: Tel: 01609 533693 or E-Mail: schooltransport@northyorks.gov.uk. It is not appropriate to have it tabled at the appeal or given to Legal and Democratic Services prior to the appeal being heard. The Chairman may ask for an adjournment to the next scheduled meeting if he/she considers the local authority representative needs time to consider this information.

In determining your appeal the Committee will be looking to see if your case provides any exceptional circumstances which would warrant the granting of your case. The factors which you must therefore emphasise at your appeal hearing or in your papers if you are not attending, should include any circumstances which you consider that local authority officers have failed to take into account when considering your application, eg disability, ill health, personal, domestic or social difficulties or any other reasons.

WHAT HAPPENS AT THE HEARING

The Committee tries to make sure that your case is considered in as informal an atmosphere as possible and they do understand that you may be nervous.

When the Clerk to the Committee invites you into the room, you will sit opposite the four Committee members. The representative of the Corporate Director – Children and Young People's Services (the presenting Officer) will enter the room with you and will be seated to one side of the room – the Clerk to the Committee will be seated at the opposite side. Any friend or relative who attends the hearing with you will be seated next to you.

On occasions, for training purposes, it may be necessary for another member of staff to be seated in a corner of the room. This is for observation purposes only and this person will take no part in the hearing. If you do not wish such a person to be present then please tell the Clerk and your wishes will be respected without any detriment to your case.

The Chairman of the Committee will sit directly opposite you in the middle of the table and will introduce himself/herself and the other three Committee Members. The Chairman will then indicate who the other individuals present in the room are. The Clerk to the Appeals Committee will usually be seated on the same table as the four Committee Members, but to one side. The only other person in the room will be representative of the Corporate Director – Children and Young Peoples Service who will present the case on behalf of the Authority. There may at times be other officers in the room such as the Integrated Passenger Transport Officer, the Road Safety and Travel Awareness Officer or the Special Educational Needs Officer (SENO) to present evidence on behalf of the Authority specifically on transport or SEN issues.

If your appeal case involves an element of route safety, the Corporate Director – Business and Environmental Services will provide a video of the route the child is expected to walk. This will be shown in the meeting and you will have an opportunity to comment on it if you wish.

The Clerk to the Committee is not part of the decision-making process but is present to make a record of the proceedings, to clarify any procedural points and to note the decision. The Clerk is completely independent and is able to provide advice to all parties equally.

ORDER OF APPEAL

The Clerk will give a brief outlining on the procedure for the hearing and the order of the hearing. The representative of the Children and Young People's Service will present the case to the Committee as to the reasons why the decision was made to decline your application. This Officer also advises the Committee on matters of policy and how this relates to your case. The Members of the Committee and yourself will then be given an opportunity to question the Officer on the factual information referred to concerning the making of that decision.

At the conclusion of any questions to the officer, the Chairman will then invite you to present your case. In so doing, Members will expect you to highlight any areas within the report or your appeal form that you feel are important for them to consider when making a decision on your case.

In presenting your case you may refer to any notes; Members do recognise that attendance at the hearing is likely to be an unusual situation for you and I can assure you that they will do everything to assist you in putting your case forward as easily as possible.

The Committee does not have any desire to ask any questions which are intended to confuse or embarrass you in the presenting of your case, they wish only to obtain information in order to substantiate any claims you are putting forward.

At the conclusion of your case, the Chairman will invite the presenting Officer to comment/or question you and, following this, he/she will ask the Committee if they have any questions to put to you.

Once the Chairman is happy that you have indicated that you have said all that you have wanted to, the Committee moves to the summing up stage of the hearing. The presenting officer will briefly sum up for the local authority and then you will be asked to briefly sum up your case.

Your appeal will finish at this stage and the Chairman will ask you to leave the hearing, together with the presenting Officer and then the Committee will make its decision. ***If you consider that you have not had adequate time to state your case, please say so before you leave the hearing and the Committee will permit you to re-emphasise any points which you feel you have not had adequate opportunity to explain.***

THE DECISION-MAKING PROCESS

When you leave the hearing, the Committee will consider the facts presented to them and will make their decision.

The Clerk to the Committee will remain in the room, with the four Members of the Committee, but will take no part in the decision-making process. The reason why the Clerk stays in the room is so that any questions of a procedural nature can be answered and so that an accurate note of the decision of the hearing can be taken.

During the decision-making process, the Committee must first of all consider whether or not the County Council's Home to School Transport Policy has been applied correctly in your case, it must then consider whether there are exceptional circumstances in your case which justify a departure from that policy.

The Appeals Committee does not have the authority to instigate new policy on behalf of the County Council, nor can it take a decision, the consequences of which are to broaden or constitute a change in any existing policy.

if you are making your appeal on the grounds that you do not believe that the County Councils existing Home to School Transport Policy is fair then you will be advised that the Appeals Committee is not the correct forum for that discussion, however sound your points may seem to be. That is a matter that you can take up through your local County Councillor.

In certain cases the Committee may conclude that they need further information before making a decision on your case and, consequently, they may “defer” the case until their next meeting to which you will be invited to attend again, if you so wish.

HOW AM I INFORMED OF THE DECISION?

During the hearing, the Clerk will provide you with a contact telephone extension number at County Hall which you may ring after the time indicated in order to obtain a verbal decision on your appeal. **The information provided over the telephone will merely state whether your appeal has been successful or unsuccessful and it will not be possible for any additional information/discussion to be entered into at this point.** You will appreciate that the reason for this is due to the fact that a considerable number of appeals may have been heard on the same day as your own and other appellants’ will be in a similar situation to yourself and will be endeavouring to reach the contact extension telephone number provided to learn whether their appeal has been successful or not.

You will be notified, in writing, of the decision made in your case as soon as possible after the date of the meeting. This will normally be within five working days.

FORMS OF REDRESS

Following the decision of the Committee there is no procedure within the Authority for handling an appellant’s case any further - **THE APPEAL MECHANISM HAS BEEN EXHAUSTED.**

You will be advised in the decision letter that if you feel the Authority has acted unreasonably or illegally in the exercise of its functions, or outside any policies or Regulations you can make representations to Local Government Ombudsman. Contact details will be included in correspondence sent to you.

However, it is important to note that the Local Government Ombudsman does not have the power to overturn the Appeals Committee’s decision and that the Ombudsman does not provide another avenue of appeal.

****IMPORTANT NOTE CONCERNING THE MAKING OF YOUR APPEAL ****

In completing your Appeal forms and in presenting your case, if you wish to attend the hearing, the Committee is concerned that it is the most relevant information which is presented. In this respect, whilst it is important to complete all questions on the appeal form so far as you are able, emphasis should be placed on the effects which a decision not to uphold your appeal will have on your circumstances.

Should the Committee consider that there is essential information which has not been fully provided it may defer making a decision.

I AM STILL UNSURE WHAT TO DO

If this is the case, and you still want to talk to someone about what happens on the day, please do not hesitate to contact Legal and Democratic Services at County Hall, Northallerton who will be able to assist you.

It is important that any questions of a procedural nature you may have concerning your appeal are raised PRIOR to the day of the hearing. Due to the early morning start of meetings of the Appeal Committee the Clerk will be otherwise committed from 8.30am on the day of your appeal.

USEFUL CONTACT NUMBERS IN LEGAL AND DEMOCRATIC SERVICES

Mary Davies: 01609 532840
Sally Mitchell: 01609 532943
Louise Buckley: 01609 533385

PLEASE NOTE - THE ABOVE NAMED FORM PART OF A TEAM OF OFFICER'S WHO PROVIDE THE CLERKING ARRANGEMENTS FOR APPEAL HEARINGS - WHILST THEY WILL PROVIDE, FROM THEIR EXPERTISE ANY ADVICE OR INFORMATION YOU MAY REQUIRE CONCERNING YOUR APPEAL HEARING THEY CANNOT EXPRESS ANY VIEW AS TO THE LIKELIHOOD OF THE SUCCESS, OR OTHERWISE, OF YOUR APPEAL NOR CAN THEY ADVISE AS REGARDS SPECIFIC EDUCATIONAL MATTERS RELATING TO YOUR CASE - SUCH ARE MATTERS FOR YOU TO RAISE DIRECTLY WITH THE LOCAL EDUCATION OFFICE OR THE STUDENT SUPPORT SECTION THAT HAS BEEN DEALING WITH YOUR CASE.

FINALLY

If you find that your travel arrangements are likely to mean that you will arrive at the hearing later than the scheduled time, please advise Legal and Democratic Services of the intended time of your arrival. Regretfully, on a number of occasions when appellants have arrived late and have failed to give notice of the fact, the Committee has concluded its business and the Appeal has been heard.

IF YOU HAVE INDICATED ON YOUR APPEAL FORM THAT YOU WANT TO ATTEND, BUT THEN CHANGE YOUR MIND OR FIND THE ARRANGEMENTS INCONVENIENT, PLEASE CONTACT LEGAL AND DEMOCRATIC SERVICES AT COUNTY HALL AS SOON AS YOU CAN SINCE IT MAY BE NECESSARY TO RESCHEDULE THE TIMES OF THE HEARINGS FOR OTHER APPELLANTS.

AND.....!

IF YOU DECIDE TO WITHDRAW YOUR APPEAL BEFORE THE DAY OF THE HEARING PLEASE CONFIRM THAT YOU HAVE DONE SO IN WRITING REGARDLESS OF THE FACT THAT YOU HAVE ALREADY SPOKEN TO AN OFFICER INDICATING YOUR INTENTION.

MD/Nov 2015