APPEALING FOR TRANSPORT ON THE

GROUNDS OF HAVING EXCEPTIONAL CIRCUMSTANCES

Any request for the document in another format or language will be considered.

Please contact Exceptional.Circumstances-Transport@eani.org.uk
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1.0 PURPOSE

It is the legal responsibility of every parent for a child to cause that child to receive a full time education by means of regular attendance at school or otherwise. For children who are registered pupils at a school, it is therefore the responsibility of a parent to ensure that the child attends the school at which they are registered, and, if necessary that the child is accompanied to school. In the event that the parents are unavailable at the time their child travels to and from school, due to work commitments or otherwise, it remains their responsibility to make arrangements to ensure that their child attends school.

2.0 OBJECTIVES OF THE POLICY

Where an application is made on the grounds that it is exceptional, it is the responsibility of the parent to make available to the Education Authority all of the facts, circumstances and materials which are relied upon to demonstrate the exceptional nature of the case. In such cases, the Education Authority reserves the right to request additional information which it considers to be appropriate in the circumstances.

3.0 COMPLIANCE WITH RELATED LEGISLATION, POLICIES AND GUIDANCE

The circumstances in which the Education Authority will make arrangements for transporting a child to and from school or provide assistance for such arrangements are set out in the Department of Education’s Circular 1996/41 – School Transport (18 September 2009).

As outlined in Paragraph 8 of Circular 1996/41 the Education Authority has the discretion to provide assistance in cases falling outside of the eligibility rules which it considers to be exceptional in nature.

4.0 POLICY SCOPE

By their very nature, it is not possible to provide an exhaustive list of those circumstances which the Education Authority does and does not consider to be exceptional. The Education Authority will therefore consider each application for transport assistance upon its individual merits.

5.0 POLICY STATEMENT

5.1 Circumstances which the Education Authority will NOT normally consider to be exceptional.

- Low income or lack of income on the part of the child’s parent.
- Non-availability of or lack of access to transport by the parent.
- Work commitments or domestic difficulties of parents including taking other children to school.

1 ‘Parent’ is defined as:
- The natural parents of a child, whether married or not.
- Anyone who although not a natural parent has parental responsibility for a child.
- Any person, who although not a natural parent, has care of a child.
• Parent\textsuperscript{1} unavailable/unable to escort their child to and from school; or to and from designated bus stop due to their own e.g. medical/physical needs.

• A child attends a school/college outside the distance criteria which is not the nearest school/college by reason of parental choice.

• A child does not attend a suitable school within the statutory walking distance in order to attend one further away due to the range or nature of curriculum offered, proficiency at a particular sport, relationships with parish boundaries or where they wish their child to attend single sex or co-educational schools.

• Risks to the safety of the child arising from walking through perceived hostile areas along the shortest available route, where access to alternative safe means of transport to and from school/college is reasonably available to the child.

5.2 Although not an exhaustive list, dependant on the evidence the following situations MAY BE considered exceptional:

• travel to or from school either has resulted in the child suffering significant harm and where alternative safe means of travel are not reasonably available to the child;

• enforced relocation;

• serious mental health concerns for the child; and

• extreme and persistent bullying.

If any parent\textsuperscript{1} wishes to rely upon any of the circumstances detailed above in support of an application for exceptional transport assistance, the Education Authority will normally expect the application to be supported by the type of information described in Appendix A. This may also be of assistance in gathering information to support applications in circumstances other than those identified.

The onus rests with parents\textsuperscript{1} to ensure that all applications are supported by sufficient evidence of the exceptional circumstances relied upon. Only one Appeal can be submitted in respect of each case (refer to Section 5.3.3).

Where applications are not supported by any or insufficient evidence or are otherwise incomplete, the application may be refused. Alternatively the Education Authority may return the Application with an indication of the deficiencies in the supporting evidence and invite the application to be resubmitted within 8 weeks from the receipt of the returned Appeal Application form.

The correct applicant is the parent\textsuperscript{1} and applications will not be considered without the signature of the parent\textsuperscript{1}. Where an application form has not been signed, it will either be refused or returned.

5.3 Application Process: Completion of Appeal Application Form

If you have applied for transport assistance for your child and have been refused on the basis of the Education Authority’s interpretation of the transport circular you may make written request to appeal this decision.
Requests and enquiries must only be made in writing by completing the ‘Exceptional Circumstances Appeal Application Form’ which can be downloaded from the EA website [www.eani.org.uk](http://www.eani.org.uk)

The completed form (including any supporting evidence) can be returned via email [Exceptional.Circumstances-Transport@eani.org.uk](mailto:Exceptional.Circumstances-Transport@eani.org.uk) or by post to:

Education Authority
Transport Section
Armagh Office
3 Charlemont Place
The Mall
Armagh
BT61 9AX

5.3.1 Stage One of the Appeal process: Pre-Panel

All Appeals will be determined by a Pre-Panel comprising Officers from within the Education Authority who have not previously dealt with your application. Direct contact with members of the Pre-Panel is not permitted and membership of the Panel will not be publicised.

The Pre-Panel will meet on a monthly basis. At peak times in the academic year it may meet more frequently. The Pre-Panel will endeavour to consider all applications and deliver a decision as quickly as possible.

The Pre-Panel will consist of:

- two panel members

The Clerk to the Pre-Panel will also be in attendance.

Each appeal will be considered on its own merits and the decision will take full account of all information submitted and the Department of Education’s Circular on school transport.

Any application initially deemed to be exceptional in nature will move to Stage Two of the Appeal process. Applications not deemed to be exceptional in nature will either be forwarded to the relevant section for consideration i.e. Transport/Special Education or will be refused.

Applicants will normally be notified in writing of the decision of the Pre-Panel within 10 working days.

Until a written decision is received it is parental responsibility to make alternative arrangements for your child(s) transport to and from school.

5.3.2 Stage Two of the Appeal process: Exceptional Circumstances Panel

All Appeals at this stage will be dealt with by an Exceptional Circumstances Panel comprised of different Education Authority Officers than those on the Pre-Panel and who have not previously dealt with your application. Direct contact with
members of the Exceptional Circumstances Panel is not permitted and membership of the Panel will not be publicised.

The Exceptional Circumstances Panel will meet on a regular monthly basis although at peak times in the academic year it may not be possible to do so. The Exceptional Circumstances Panel will endeavour to consider all applications and deliver a decision as quickly as possible.

The Exceptional Circumstances Panel will consist:

- Chair of the panel; and
- three panel members.

The Clerk to the Exceptional Circumstances Panel will also be in attendance.

Each appeal will be considered on its own merits and the decision will take full account of all information submitted and the Department of Education’s Circular on school transport.

A written outcome will normally be sent to you within 10 working days stating the:

- date that the Appeal was heard;
- evidence that was submitted by the parent; and
- nature of the decision reached.

Until a written decision is received it is parental responsibility to make alternative arrangements for your child(s) transport to and from school.

5.3.3 If the Appeal is refused

If the Appeal is refused there is no further right of Appeal to the Education Authority.

5.3.4 If the Appeal is successful

If the appeal is upheld the Education Authority will arrange for transport assistance for your child. The Authority reserves the right to provide transport assistance to the parent\(^1\) which is different from the form of transport requested, but which the Education Authority considers to be consistent with the:

- welfare needs of the child (as opposed to those of the Parent\(^1\)) and/or
- efficient management of transport services and resources

Transport assistance can be provided by a variety of means including the issue of sessional tickets (commonly referred to as ‘bus passes’) for public transport, the operation of EA vehicles, the hire of taxis and the payment of car allowances.

It is a matter of parental\(^1\) choice whether to accept the transport assistance which the Authority is willing to provide.

Where transport assistance has been accepted by the parent\(^1\), the provision is normally available for a specified fixed period initially but will not exceed the
academic year in which application was made. The transport assistance will also be subject to regular review thereafter during the period the child remains a registered pupil at the relevant school. Each review will take account of:

- All of the circumstances of the case;
- Any changed circumstances;
- The uptake of provision;
- Attendance rates;
- Resource constraints.

As a consequence of that review the Education Authority reserves the right to change the terms of transport assistance or terminate the existing arrangements.

Where transport has been awarded for a fixed period and is required for the following academic year; a new application and supporting evidence must be submitted.

5.3.5 Contact with the Education Authority regarding Appeals

Due to the potentially sensitive and confidential nature of this process the single point of contact is through the following link Exceptional.Circumstances-Transport@eani.org.uk

Alternatively if you do not have access to email:

Education Authority
Exceptional Circumstances
Transport Section
Armagh Office
3 Charlemont Place
The Mall
Armagh
BT61 9AX

6.0 ROLES & RESPONSIBILITIES

Assistant Director for Transport

Will be required to provide direction on the approval levels required for this policy. The Assistant Director for Transport is also required to establish a central point within their Directorate for collating information relating to this policy and should include details of the levels of approval and final date of approval and review date.

Directorate Management Teams

Have the responsibility for ensuring that this policy is adhered to by those developing or reviewing policies, procedures, guidelines, and protocols in terms of processes to be followed and layout.
Managers

Have a responsibility to fully consider this guidance along with equality screening documentation when reviewing or developing a policy, procedure, guideline or protocol. They must ensure they take into account a realistic timeframe to allow meaningful consultation, equality requirements and approval processes.

7.0 BREACH OF POLICY

The Exceptional Circumstances process and the Transport Division will be subject to a review conducted by the Education Authority’s Internal Audit Division.

8.0 REVIEW

In line with best practice this Policy will be reviewed every two years.

9.0 APPENDICES

Examples of possible Exceptional Circumstances included at Appendix A.
### APPENDIX A

#### Examples of possible Exceptional Circumstances

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| Travel to or from school either has resulted in the child suffering significant harm or is likely to result in the child suffering significant harm where alternative safe means of transport are not reasonably available to the child. | Where there is evidence that a child has suffered or is likely to suffer significant harm the EA may, if appropriate, review eligibility of the child for transport assistance. Information is required from at least one of the following Agencies before the request can be considered:  
• Health & Social Services Trust  
• PSNI  
• Education Welfare Service  
• CAMHS |
| Enforced Relocation.                                                          | Where families are forced to move home at short notice for reasons beyond their control, the EA may, if appropriate review eligibility of the child for transport assistance. Information is required from at least one of the following before the request can be considered:  
• PSNI  
• The Housing Executive or other Housing Authority  
• Court Service  
• Health & Social Services Trust  
• Education Welfare |
| Serious mental health concern for the child.                                 | Where professionals have raised serious concerns in light of their assessment of the child in relation to his/her mental health, the EA may, if appropriate review eligibility for transport assistance. Information is required from at least one of the following before the request can be considered:  
• Consultant Paediatrician  
• Community Consultant Paediatrician  
• Child Psychiatrist  
• Clinical Psychologist  
• CAMHS |
| Change of school placement as a result of extreme and persistent bullying.   | Documentary evidence will be required detailing the steps taken to resolve the bullying through existing anti-bullying procedures within the school, together with a report from a Senior Education Welfare Officer. In such cases the EA may, if appropriate, review eligibility of the child for transport assistance.  

Transport assistance in exceptional circumstances will normally only be provided to the child experiencing the bullying and all siblings will be subject to the normal application process.  
