

# Public Document Pack

## Blackpool Council

8 January 2021

To: Councillors Hugo, Hunter, Hutton, Matthews, R Scott and T Williams

The above members are requested to attend the:

### **APPEALS COMMITTEE**

Monday, 18 January 2021 at 10.00 am  
via Zoom Conference Call

### **A G E N D A**

#### **ADMISSION OF THE PUBLIC TO COMMITTEE MEETINGS**

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The Head of Democratic Governance has marked with an asterisk (\*) those items where the Committee may need to consider whether the public should be excluded from the meeting as the items are likely to disclose exempt information.

The nature of the exempt information is shown in brackets after the item.

This information is provided for the purpose of this meeting only and must be securely destroyed immediately after the meeting.

#### **1 DECLARATIONS OF INTEREST**

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned; and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

#### **2 MINUTES OF THE LAST MEETING HELD ON 23 NOVEMBER 2020**

(Pages 1 - 4)

To agree the minutes of the last meeting held on 23 November 2020 as a true and correct record.

\* **3 HOME TO SCHOOL TRANSPORT APPEAL**

(Pages 5 - 58)

To consider an appeal lodged in connection with the provision of assistance for home to school transport.

(This item contains personal information regarding the appellant, which is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972).

**4 DATE OF NEXT MEETING - 1 MARCH 2021**

To note the date of the next meeting as Monday 1 March 2021 at 10.00am

**Other information:**

For queries regarding this agenda please contact Yvonne Burnett, Senior Democratic Services Adviser, Tel: (01253) 477034, e-mail [yvonne.burnett@blackpool.gov.uk](mailto:yvonne.burnett@blackpool.gov.uk)

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

### **Present:**

Councillor Hunter (in the Chair)

Councillors

Hutton	R Scott	Critchley
Matthews	T Williams	

### **In Attendance:**

Mrs Janet Roberts, Employee Relations Team Manager  
Yvonne Burnett, Democratic Governance Senior Advisor  
Dawn Goodall, Head of Legal Services

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

### **2 MINUTES OF THE LAST MEETING HELD ON 4 NOVEMBER 2019**

**Resolved:** That the minutes of the meeting held on 4 November 2019 be approved and signed by the Chair as a correct record.

### **3 EXCLUSION OF THE PUBLIC**

**Resolved:** That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the whole item, including the decisions referred to at Agenda items 4 and 5 on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

### **4 HOME TO SCHOOL TRANSPORT APPEAL**

The Committee considered an appeal that had been lodged in connection with a decision taken by officers within the Children's Services Directorate not to provide assistance with home-to-school transport.

Mrs L Rowbottom presented the case on behalf of the Authority.

The Appellant was in attendance at the meeting.

Also in attendance at the meeting were Ms Goodall, Head of Corporate Legal and Miss Burnett, Clerk to the Committee.

The Committee carefully considered all the information submitted by the appellant and the Authority both in writing and verbally at the meeting and took into consideration the family's recent bereavement and the emotional impact this had caused.

## MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 23 NOVEMBER 2020

The Committee acknowledged the appellant's reasons for wanting assistance with home-to-school transport costs, but were mindful that the child was attending a school identified by the appellant as one of two preferred schools, which was located less than the three miles, required to qualify for assistance, from the family home.

It was also noted that in accordance with the Home to School Transport Policy the distance from the family home was not considered an unreasonable distance for a child to walk unaccompanied to school and had been measured using the shortest safe walking route.

It was noted that transport assistance may be provided where pupils are entitled to free school meals or their parent was in receipt of maximum Universal Credit, but at the time of application, this had not been applicable. The Committee was advised that due to the pandemic the appellant's employment status had recently changed and as a consequence his Universal Credit entitlement was currently being reassessed.

The Committee gave careful regard to the appellant's circumstances and after carefully considering all the evidence before it, the Appeals Committee was satisfied that the decision not to provide assistance with home to school transport costs was made in accordance with the Council's Home to School and College Transport Policy.

### **Resolved:**

1. To uphold the officer's decision not to provide assistance with home to school transport costs on the grounds that the decision was made in accordance with the Council's Home to School and College Transport Policy and did not consider that there were sufficient special circumstances or considerations to override the policy.
2. The Committee recommended that the appellant submitted a new application for Home to School Transport assistance, due to the change of circumstances and consideration should be given to making an application for Free School Meals.

Background papers: Exempt

### **5 APPEAL AGAINST DISMISSAL**

The Committee considered a request to review the decision of the Council to dismiss an employee.

The appellant, accompanied by a Trade Union representative, were in attendance at the meeting.

Mrs Roberts (Employee Relations Manager) and Ms Goodall (Head of Corporate Legal) were in attendance to advise the Committee on policy and procedure only and had taken no part in the original decision. Also in attendance was Miss Burnett, Clerk to the Committee.

The relevant Head of Service, Investigating Officer and Employee Relations Adviser presented the case on behalf of the Authority,

## MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 23 NOVEMBER 2020

The Committee carefully considered all the representation and documentation put forward by both parties and acknowledged the appellants' acceptance that a serious error in judgement had been made, but was of the opinion that that the Council's Disciplinary Procedure and Managing Poor Performance policies were not sufficiently robust. Due to a lack of clarity, the interpretation and application of the Managing Poor Performance Policy by the Service had raised concerns and both policies were currently being reviewed by the Council and the Trade Union.

The Committee, on the evidence of doubt, agreed that the appellant had not received adequate training, supervision and support. In addition, the Committee noted that following an internal investigation into the incident, it had been recommended that written procedures for every element of the service should be developed and discussed within induction and supervision with all staff and actions from previous disciplinary investigations were understood across relevant managers and implemented in a timely manner, which suggested some failings in the service.

The Committee considered that that the Council had failed to provide the appellant with sufficient training, supervision and support and had not fully adhered to its own policies and was so significant as to undermine the reasonableness of the original decision.

### **Resolved:**

1. That the original decision to dismiss the employee be overturned on the grounds that the Council had failed to fully comply with the relevant policies and procedures and the decision taken could be deemed unreasonable based on the evidence presented.
2. That officers be requested to ensure that recommendations of the internal investigation, if not already in place, be implemented with immediate effect.

Background papers: Exempt

### **6 DATE OF NEXT MEETING - 18 JANUARY 2021**

**Resolved:** To note the date of the next meeting as 18 January 2021.

### **Chair**

(The meeting ended 1.45pm)

Any queries regarding these minutes, please contact:  
Yvonne Burnett Senior Democratic Services Adviser  
Tel: (01253) 477034  
E-mail: [yvonne.burnett@blackpool.gov.uk](mailto:yvonne.burnett@blackpool.gov.uk)

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<b>Report to:</b>	<b>APPEALS COMMITTEE</b>
<b>Relevant Officer:</b>	Diane Booth, Director of Children's Services
<b>Date of Meeting:</b>	18 January 2021

## HOME TO SCHOOL TRANSPORT APPEAL

### 1.0 Purpose of the report

1.1 To consider an appeal lodged in connection with the provision of assistance for home to school transport.

### 2.0 Recommendation(s):

2.1 The Committee will be asked to determine the appeal.

### 3.0 Reasons for recommendation(s):

3.1 Once an application for a review has been received the application and any relevant representation must be considered by the Appeals Committee.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

There are no alternative options as the review must be considered by the Appeals Committee.

### 4.0 Council Priority:

4.1 The relevant Council Priorities are "The economy: Maximising growth and opportunity across Blackpool" and "Communities: Creating stronger communities and increasing resilience".

### 5.0 Background Information

5.1 An appeal has been lodged against the decision made by officers not to provide assistance for home to school transport. Copies of the appeal documents are attached.

Does the information submitted include any exempt information?

Yes

**List of Appendices**

Appendices 3(a) to 3(h): Details of Case (Not for Publication).

**6.0 Financial considerations:**

6.1 Details of the cost of providing transport assistance to the appellant will be provided at the meeting.

**7.0 Legal considerations:**

7.1 The Head of Corporate Legal will be represented at the meeting to advise the Committee on policy and procedure only and will not have been involved with any of the decisions previously taken.

**8.0 Risk management considerations:**

8.1 None

**9.0 Equalities considerations:**

9.1 None

**10.0 Sustainability, climate change and environmental considerations:**

10.1 None

**11.0 Internal/ External Consultation undertaken:**

11.1 None

**12.0 Background papers:**

12.1 Home to School Transport Policy 2018.