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Blackpool Council

20 October 2023

To: Councillors Boughton, S Brookes, Jones, C Mitchell, Sloman and Webb

The above members are requested to attend the:

APPEALS COMMITTEE

Monday, 30 October 2023 at 10.00 am
in Committee Room B, Town Hall, Blackpool FY1 1GB

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 25 SEPTEMBER 2023 (Pages 1 - 4)

To agree the minutes of the last meeting held on 25 September 2023 as a true and correct record.

*** 3 HOME TO SCHOOL TRANSPORT APPEAL** (Pages 5 - 88)

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 GRIEVANCE REVIEW**

(Pages 89 - 378)

To consider and determine a request for a review of the decision of the Council not to uphold a grievance submitted by an employee.

5 DATE OF NEXT MEETING

To note the date of the next meeting as 11 December 2023.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Jenni Cook, Democratic Governance Senior Adviser, Tel: (01253) 477212, e-mail jennifer.cook@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.

Public Document Pack Agenda Item 2

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 25 SEPTEMBER 2023

Present:

Councillor Boughton (in the Chair)

Councillors

	Jones	Sloman
S Brookes	C Mitchell	Webb

In Attendance:

Dawn Goodall, Head of Legal Services

Lennox Beattie, Executive and Regulatory Support Manager

1 DECLARATIONS OF INTEREST

Councillor Boughton declared a prejudicial interest in Agenda Item 4- Home to School Transport Appeal in respect of RE. The nature of the interest being that as ward councillor- Councillor Boughton had supported the appellant at earlier stage of the application process.

2 MINUTES OF THE LAST MEETING HELD ON 23 AUGUST 2023

The Committee considered the minutes of the last meeting held on the 23 August 2023.

Resolved:

That the minutes of the last meeting held on the 23 August 2023 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 3 and 4 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 a request to review the decision of the Council to not provide assistance with home to school transport in respect of A.C.

Ms D Goodall (Legal Advisor) was in attendance to advise the Committee on procedure and policy only and had taken no part in the original decision. Also in attendance was Mr L Beattie, Clerk to the Committee.

The relevant Head of Service presented the case on behalf of the Authority and advised

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the Committee of the reasons why the child did qualify for assistance by means of a bus pass but not dedicated home to school transport. The relevant Head of Service explained that following a review of eligibility and particularly after the commencement of travel training, A.C did not qualify for dedicated home to school transport based on Special Educational Needs. It though remained the case that the nearest suitable school was over 3 miles from the parental address so A.C. would remain eligible for assistance by means of a bus pass.

A family member was in attendance and presented the case on behalf of the family. The appellant highlighted while they were satisfied that the Home to School Transport Policy had been followed, their view remained that A.C. should be granted given the exceptional circumstances. The appellant explained that while the travel training had worked well to build confidence and meant that A.C. could now travel on their own by bus. The appellant identified the key issue being the significant amount of time that A.C would have to wait for a bus after school combined with their significant vulnerability which would cause a safeguarding concern particularly as most other children at the school received home to school transport.

The Committee considered the evidence submitted by both parties. While it considered that the policy had been followed and the application dealt with correctly. It considered it there were circumstances notably A.C's vulnerability and the fact that they had not yet completed the travel training to grant home to school transport on a short term basis as an exceptional case.

Resolved:

That home to school transport be granted for the remainder of school year 2023/234 (unless circumstances change) on the grounds of exceptional circumstances.

5 HOME TO SCHOOL TRANSPORT APPEAL

(Councillor Boughton having a declared prejudicial interest in this matter, left the meeting before consideration of this matter and took no part in the discussion or decision making)

Councillor S Brookes as Vice-Chairman took the Chair at this point.

The Committee considered a request to review the decision of the Council to not provide assistance with home to school transport in respect of R.E.

Ms D Goodall (Legal Advisor) was in attendance to advise the Committee on procedure and policy only and had taken no part in the original decision. Also in attendance was Mr L Beattie, Clerk to the Committee

The relevant Head of Service presented the case on behalf of the Authority and advised the Committee of the reasons why the child did not qualify for home to school transport. The Head of Service explained that the distance from the home to school was under the defined distance and the SEN assessment had concluded that R.E. could reasonably be expected to walk or travel to school accompanied by a parent. The Head of Service emphasised that there were a number of areas within the appellant's case such as family circumstances and employment that could not be taken into consideration.

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Two family members presented the case on behalf of the appellant. The family members highlighted the family's difficult circumstances meant that an exception should be made to policy. The family members also emphasised their view that walking R.E to school would be incredibly difficult and time consuming. One family member outlined their view that the shortest route could not be walked by R.E. due to their sensory needs and that therefore the distance to school would be more than 2 miles. The family member also outlined the difficulties with having two children in two different schools.

The Committee considered carefully the situation but considered that the Home to School Transport Policy had been followed and the decision of the Panel had been reasonable. The Committee did not consider that there were exceptional circumstances either to grant assistance.

The Committee noted the discrepancy between the safest walking route mapped by the authority and that identified by the appellant. It recommended that the route be remeasured taking into account R.E's sensory needs and that the application be reconsidered if evidence was received that the route was unsuitable and the only suitable route was more than 2 miles.

Resolved:

That the appeal is dismissed as the Committee was satisfied that the Council's relevant policies and procedures had been correctly followed and the decision was reasonable and correct.

6 DATE OF NEXT MEETING

To note the date of the next meeting as 30 October 2023.

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Report to:	APPEALS COMMITTEE
Relevant Officer:	Paul Turner, Assistant Director of Children’s Services
Date of Meeting:	30 October 2023

HOME TO SCHOOL TRANSPORT APPEAL

1.0 Purpose of the report

1.1 The Committee is asked to consider and determine a request for a review of a decision of the Council to not provide assistance for home to school transport.

2.0 Recommendation(s):

2.1 To determine the request for a review.

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.

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

3.3 Is the recommendation in accordance with the Council’s approved budget? Yes

4.0 Other alternative options to be considered:

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

5.0 Council Priority:

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

6.0 Background and key information

6.1 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

7.0 List of Appendices

7.1 Appendices are listed within the details of the case (Not for Publication).

8.0 Financial considerations:

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

9.0 Legal considerations:

9.1 The Head of 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.

10.0 Risk management considerations:

10.1 None.

11.0 Equalities considerations and the impact of this decision for our children and young people

11.1 This is addressed within the management case and appendices.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/ External Consultation undertaken:

13.1 None.

Report to:	APPEALS COMMITTEE
Relevant Officer:	Neil Jack, Chief Executive
Date of Meeting:	30 October 2023

GRIEVANCE REVIEW

1.0 Purpose of the report:

1.1 To consider and determine a request for a review of the decision of the Council not to uphold a Grievance submitted by an employee.

2.0 Recommendation(s):

2.1 The Committee will be asked to determine the request for a review.

3.0 Reasons for recommendation(s):

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

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

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

4.0 Other alternative options to be considered:

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

5.0 Council Priority:

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

6.0 Background Information

6.1 A request for a review has been received from an employee in respect of a Staff Grievance.

6.2 Details of the Employee's appeal case and the Management's statement of case are attached as appendices to the report (not for publication).

- 6.3 The employee has been invited to attend the meeting and an officer of the Council will be in attendance to present the case on behalf of the Management.
- 6.4 Does the information submitted include any exempt information? Yes
- 6.5 **List of Appendices:**
As detailed within the management cases for each item.
- 7.0 **Financial Considerations:**
- 7.1 None.
- 8.0 **Legal considerations:**
- 8.1 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.
- 8.2 The Chief Executive 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.
- 9.0 **Risk management considerations:**
- 9.1 None.
- 10.0 **Equalities considerations and the impact of this decision for our children and young people**
- 10.1 None.
- 11.0 **Sustainability, climate change and environmental considerations:**
- 11.1 None.
- 12.0 **Internal/ External Consultation undertaken:**
- 12.1 None.
- 13.0 **Background papers:**
Exempt