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School Transport Appeals

Guidance for Students, Parents and Carers



Introduction

The County Council's Education & Skills Service administers [home-to-school and college transport policies](#) and determines eligibility for assistance in line with these policies and statutory duties.

This guidance explains:

- Your right to appeal a decision refusing transport assistance;
- The two-stage appeal process;
- What evidence you should provide; and
- What to expect at a Stage 2 appeal hearing.

Legal frameworks for transport provision

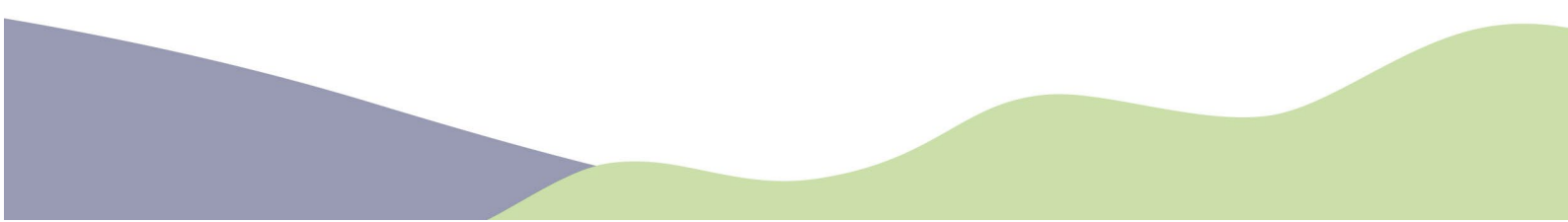
The County Council's duties and discretionary powers vary depending on the age and circumstances of the student:

- **Compulsory school age (5–16):**
Under Sections 508B and 508C of the Education Act 1996, the Council has a duty to provide free home-to-school transport for eligible children. This includes children who:
 - Live beyond the statutory walking distance (over 2 miles for primary-aged pupils and over 3 miles for secondary-aged pupils);
 - Cannot reasonably be expected to walk because of their special educational needs, disability, or mobility issues; or
 - Qualify under the extended rights criteria (e.g., for children from low-income families).
- **Post-16 students (sixth-form age):**
Under Section 509AA of the Education Act 1996, the Council must publish an annual Post-16 Transport Policy Statement setting out the transport arrangements and financial support available to young people of sixth-form age (16–19). The duty is one of facilitation, not entitlement — there is no automatic right to free transport. Decisions take into account accessibility, cost, and the efficient use of public funds.
- **Post-19 students with Education, Health and Care Plans (EHCPs):**
Under Section 508F of the Education Act 1996, the Council must consider whether it is necessary for the local authority to make travel arrangements for adult learners with EHCPs to access education or training. Any assistance is discretionary and assessed on a case-by-case basis, considering factors such as independence, progression, and the efficient use of resources.

These differences are important when preparing your appeal, as the legal tests and considerations vary between age groups.

Can I appeal?

You may request a review of the decision within 20 working days of receiving the Council's written refusal.



Please note: You cannot appeal simply because you disagree with the Council's policy (for example, you cannot appeal because you disagree with the three-mile statutory walking distance). However, you may appeal if you believe:

- The policy has been applied incorrectly (e.g., the distance has been measured inaccurately);
- There are exceptional family, social, or medical circumstances; or
- For Post-16/Post-19 appeals, the decision fails to properly consider your financial hardship, independence needs, or progression in education.

For Post-16 students, if your appeal relates to financial hardship, you must also apply to your school or college for help from the 16–19 Bursary Fund before the Council can consider an appeal on these grounds.

Stage 1 Appeal – Officer Review

The first stage of appeal is to the Principal School Transport Officer, who will review your case to ensure that the policy has been applied correctly and to consider whether any discretion can be exercised in light of exceptional circumstances.

You are encouraged to discuss the case with the team who made the original decision before appealing to ensure all facts are correct.

Within 20 working days of your request, a senior officer will review the decision and send you a detailed written outcome.

A stage one appeal form needs to be completed to make an appeal. Contact school.transport@westsussex.gov.uk to declare your interest in submitting a stage one appeal.

Stage 2 Appeal – Independent Panel

If your stage one appeal has been unsuccessful, you have 20 working days from receipt of the outcome letter to submit your stage two appeal. A stage two appeal form needs to be completed to make an appeal.

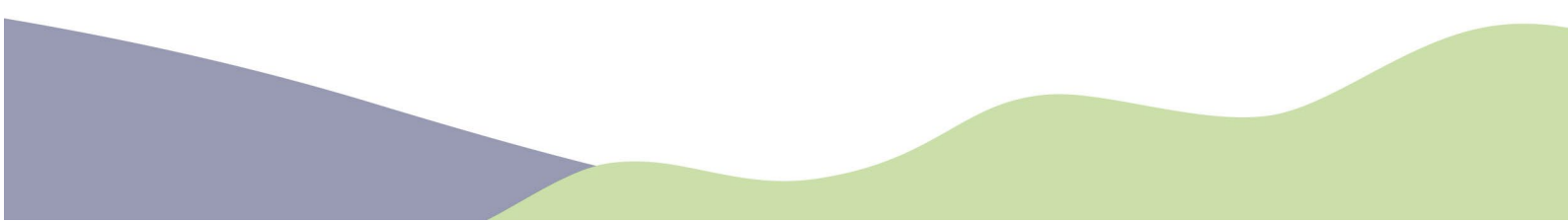
A Stage 2 appeal hearing will be scheduled within 40 working days of receipt of your application.

You will be given at least 10 working days' written notice of the confirmed hearing date. The Panel will consider your case based on all written evidence and any verbal representations you choose to make. You may:

- Provide verbal representation by participating in the hearing in person or virtually,
- have the case considered on written evidence only.

A representative of the School Transport Team will also attend.

As of 18 July 2025, following a decision by the WSCC Governance Committee, Stage 2 transport appeals will now be heard by senior officers independent of the Stage 1 process. This change ensures compliance with the statutory 40-day timescales set by the Department for Education and will remain in place until a review in November 2025.



These arrangements apply to appeals relating to compulsory school age, Post-16, and Post-19 transport.

Any evidence submitted at Stage 1 will automatically be included in your Stage 2 appeal file.

What information should I provide?

You should carefully set out the reasons why transport assistance should be provided in your case. Examples include:

- The policy was applied incorrectly (e.g., distance miscalculation, misinterpretation of policy criteria);
- Exceptional social, family, or medical circumstances;
- For Post-16/Post-19: that costs are unaffordable, or no suitable transport is available, or that assistance is necessary for you to access and progress in education (particularly if you have an EHCP).

If you are relying on medical evidence, this must be:

- In writing and dated within the last three months;
- From a relevant professional (e.g. consultant).

If the cost of transport places a significant burden on your household finances, you should complete the financial statement provided. If this was done at Stage 1, it will be carried forward to Stage 2.

Please also indicate the type of assistance you are requesting (e.g., bus pass, Personal Transport Budget, taxi).

Submitting your appeal

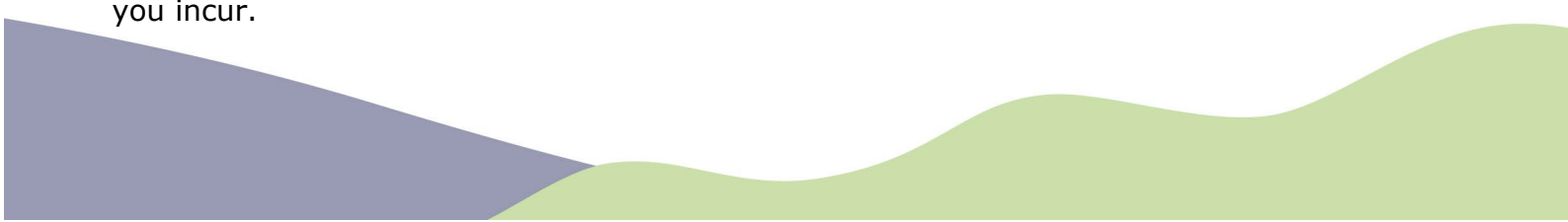
Please send completed forms and any supporting evidence to Lauren.sexton@westsussex.gov.uk or posted to:

Lauren Sexton
Room 116
1st Floor
County Hall
West Street
Chichester
PO19 1RQ

Preparing for the hearing

- Read through all documents sent to you.
- Review the evidence you have already submitted and consider any additional information.
- Submit further written evidence as early as possible (you may submit up to the date of the hearing).
- Inform Education & Skills if you will be accompanied or represented at the hearing.

Representation by a solicitor is seldom necessary, and the Council cannot pay any costs you incur.



At the hearing

- The Chair will welcome you and introduce the Panel members, the School Transport representative, and the clerk.
- The Council's representative will present the case for refusing transport. You and the Panel may ask questions.
- You will then present your case. The Panel and the Council's representative may ask you questions.
- Both parties will have the opportunity to summarise their case.

The Panel will then deliberate in private and decide whether to uphold or overturn the previous decision.

When will I be informed of the outcome?

You will normally receive the Panel's decision in writing within **five working days** of the hearing.

If your appeal is upheld, the School Transport Team will contact you to arrange transport assistance.

Can I appeal further?

There is no further right of appeal within the Council. The Panel's decision is final. However, if you believe the appeal process was handled incorrectly, you may complain to the Local Government Ombudsman or seek a judicial review (you should obtain legal advice for judicial review).

Local Government Ombudsman
PO Box 4771, Coventry CV4 0EH
Tel: 0300 061 0614
Email: advice@lgo.org.uk

