

**APPEALING FOR TRANSPORT ASSISTANCE ON THE  
GROUNDS OF HAVING EXCEPTIONAL CIRCUMSTANCES  
MAY 2021**

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

Please contact [Exceptional.Circumstances-Transport@eani.org.uk](mailto:Exceptional.Circumstances-Transport@eani.org.uk)

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## 1.0 PURPOSE

This policy outlines the process of and grounds for making an appeal for transport assistance on the grounds of exceptional circumstances.

## 2.0 COMPLIANCE WITH RELATED LEGISLATION, POLICIES AND GUIDANCE

It is the legal responsibility of every parent<sup>1</sup> of a child of compulsory school age to ensure their child receives a full time education by means of regular attendance at school or otherwise. For children who are enrolled at a school, it is the responsibility of a parent<sup>1</sup> to ensure their child attends the school at which they are enrolled and if necessary that the child is accompanied to school. In the event that the parents<sup>1</sup> 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.

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**.

## 3.0 KEY PRINCIPLES

Applications for transport assistance are assessed on the grounds outlined in the above DE Circular. Parents may though appeal a decision to reject their application on the grounds of exceptional circumstances. Where an appeal 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. This additional information must be submitted within an 8 week time frame.

## 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.

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<sup>1</sup> 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.

## 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.
- Parent<sup>1</sup> unavailable/unable to escort their child to and from school; or to and from designated bus stop due to their own or another member of their household's needs 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 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, dependent 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 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 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 incomplete, the application may be refused. Alternatively the Education Authority may write to you with an indication of the deficiencies in the supporting evidence and invite you to submit the required evidence within 8 weeks of the date of the email

If further evidence or communication is not received within the 8 week timeframe we will then assume you do not wish to progress with the appeal and it will be considered closed.

### 5.3 Application Process: Online Appeal Application

To submit an appeal you must first have formally applied for transport assistance and had your application rejected.

Appeals must be submitted online at [www.eani.org.uk/financial-help/school-transport/appeals-and-complaints](http://www.eani.org.uk/financial-help/school-transport/appeals-and-complaints). All appeals must include supporting evidence to demonstrate the exceptional circumstances which exist. Typical examples of required evidence are detailed in Appendix A.

A process map of the appeals process is detailed in Appendix B.

#### 5.3.1 Stage One of the Appeal Process: Pre-Panel

All Appeals will be reviewed by a Pre-Panel to determine whether it meets the definition for and criteria for an appeal on the grounds of Exceptional Circumstances.

The Pre-Panel will comprise of Officers from within the Education Authority who have not previously dealt with your application for transport assistance. 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 and normally within 10 days.

The Pre-Panel will consist of:

- Two panel members.

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. In a case where it has been identified there is a deficiency in the evidence submitted with the appeal, we will write to you and request further evidence is submitted within an 8 week timeframe.

Until a formal decision on the outcome of your appeal has been communicated, it remains a 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 of:

- 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.

The outcome, following careful consideration at this panel, will normally be emailed 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 formal decision on the outcome of your appeal has been communicated it remains a 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<sup>1</sup> 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<sup>1</sup>) 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 a parental payment.

It is a matter of parental<sup>1</sup> choice whether to accept the transport assistance which the Authority is willing to provide.

Where transport assistance has been accepted by the parent<sup>1</sup>, 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 online 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](mailto:Exceptional.Circumstances-Transport@eani.org.uk)

If you feel that the **appeals procedure** has not been administered correctly you can contact us through the comments/complaints process at - <https://www.eani.org.uk/contact/comments-suggestions-and-complaints>

## **6.0 ROLES AND 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 the Directorate for collating information relating to this policy and should include details of the levels of approval, the final date of approval and review date.

### **Heads of Service**

Have the responsibility for ensuring that this policy is adhered to by those developing or reviewing policies, procedures, guidelines, and protocols. They must also ensure there is awareness of and adherence to the contents of this policy.

### **Managers**

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

## **Panel Members**

Will consider all appeals individually in the context of this policy and will take full account of all information submitted and the Department of Education's Circular on School Transport.

### **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.

Exceptional Circumstances Appeal Flowchart

**Examples of possible Exceptional Circumstances**

Circumstance	Typical Evidence Required
<p>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.</p> <p><u>A case will not be considered as Exceptional in nature in which there exists only a perceived risk of walking through an area which is perceived as hostile.</u></p>	<p>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:</p> <ul style="list-style-type: none"> <li>• Health &amp; Social Services Trust</li> <li>• PSNI</li> <li>• Education Welfare Service</li> <li>• CAMHS</li> </ul>
<p>Enforced Relocation.</p>	<p>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:</p> <ul style="list-style-type: none"> <li>• PSNI</li> <li>• The Housing Executive or other Housing Authority</li> <li>• Court Service</li> <li>• Health &amp; Social Services Trust</li> <li>• Education Welfare</li> </ul>
<p>Serious mental health concern for the child.</p>	<p>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:</p> <ul style="list-style-type: none"> <li>• Consultant Paediatrician</li> <li>• Community Consultant Paediatrician</li> <li>• Child Psychiatrist</li> <li>• Clinical Psychologist</li> <li>• CAMHS</li> </ul>
<p>Change of school placement as a result of extreme and persistent bullying.</p>	<p>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.</p> <p>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.</p>

## **Exceptional Circumstances Appeal Flowchart**

Parent<sup>1</sup> lodges an online appeal on the grounds that there are exceptional circumstances which should be considered such as:-

- Enforced relocation;
- Severe mental health concerns;
- Persistent/serious bullying;
- Or in a case in which 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.

**Supporting evidence will be required, please refer to Appendix A**

**Until a formal decision has been communicated it remains a parental responsibility to make alternative arrangements for your child(s) transport to and from school.**



### **Stage 1 – Pre Panel**

The Pre-Panel will consist of two panel members.

Each appeal will be considered on its own merits and the decision will take full account of all information submitted as well as 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. Or in a case where it has been identified there is a deficiency in the evidence submitted with the appeal we will write to you and request for further evidence to be submitted within an 8 week timeframe.



Progress to Stage 2  
Exceptional  
Circumstances Panel



Referred to  
Regional Transport  
Office/Special  
Education Service



Unsuccessful  
at pre-panel



Request  
further  
evidence



### **Stage 2 – Exceptional Circumstances Panel**

The Exceptional Circumstances Panel consists of a panel Chair and three panel members.

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 formal outcome will normally be emailed to you within 10 working days of the Exceptional Circumstances panel.

A formal outcome will normally be emailed to you within 10 working days of the Pre-Panel.

**Until a formal decision has been communicated it remains a parental responsibility to make alternative arrangements for your child(s) transport to and from school.**



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