



BEDFORD
BOROUGH COUNCIL

**Bedford Borough Council 'SEND Post Statutory
School Age' Transport Policy Statement**
2023/24

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Bedford Borough Council Special Educational Needs and Disability (SEND) 'Post Statutory School Age' Transport 2023/24

This transport policy statement is for young people aged 16-18 in further education, continuing learners aged 19 and those young people aged 19 – 24 (inclusive) with an Education Health and Care Plan ("EHCP") formerly called a Statement of Special Educational Needs ("Statement").

Introduction

The support for young people aged 16- 25 is very different to that for 5-16 year olds. This is because the legal duty to provide transport assistance for these age groups is not the same.

Many young people with SEND aged 16 to 25 in education can access free or affordable transport through:

- Concessionary Disabled Persons Bus Pass Scheme
- The 16-19 Bursary Fund (Bursary for students in Vulnerable Groups and Discretionary Bursary)

Bedford Borough Council expects that families will make use of these sources of support before approaching the local authority for support.

Section 1 – Legal duty to provide SEND Post Statutory School Age Transport

- 1.1 Local Authorities (LA) have a duty to prepare and publish an annual Post 16 transport policy statement. The statement must specify the arrangements for the provision of transport or other support that the LA considers necessary to facilitate the attendance of young persons of sixth form age receiving education or training.
- 1.2 Local Authorities do not have to provide free or subsidised post 16 travel support, if they do not consider it necessary.
- 1.3 Local Authority statements must include the details of the transport arrangements and the details of the financial support in respect of reasonable travelling expenses that the LA considers it necessary to make to facilitate access to education or training for learners of sixth form age for the following academic year. These arrangements could include but are not limited to:
 - The availability of a concessionary fares scheme
 - A bus pass or cash equivalent of a bus pass
 - A bus pass or cash equivalent plus a companion pass or cash equivalent
 - Independent travel training
 - A fixed mileage allowance or personal travel budget
 - Provision of commissioned transport
- 1.4 The sixth form age duty applies to young people of sixth form age and young people with EHC plans up to age 25 where they are continuing on a course started before their 19th birthday.
- 1.5 Local Authorities also have a duty under sections 508F and 508G of the Education Act 1996, as inserted by section 57 of the Apprenticeships, Skills, Children and Learning Act 2009. Under section 508F, the LA is required to make such arrangements for the provision of transport as they consider necessary in respect of:
 - (a) adults (i.e. those who are aged 19 or over) for the purpose of facilitating their attendance at an LA maintained or assisted further or higher education institutions or institutions within the further education sector; and
 - (b) relevant young adults with an EHCP (which can only be maintained up until the age of 25) for the purpose of facilitating their attendance at institutions where they are receiving education or training outside the further and higher education sectors. For those young adults, the LA's duty

Bedford Borough Council Special Educational Needs and Disability (SEND) 'Post Statutory School Age' Transport 2023/24

only applies where the LA has secured the provision of education or training at that institution and the provision of boarding accommodation in connection with that education or training.

- 1.6 The adult duty applies only to young people who are attending a course that they started after their 19th birthday, including those with EHCPs.
- 1.7 Where the LA deems it necessary to make arrangements under the adult duty, any transport will be free of charge.
- 1.8 All young people carrying on their education post 16 must reapply for travel support. 'Sixth form age' refers to those young people who are over 16 years of age but under 19 or continuing learners who started their programme of learning before their 19th birthday (years 12,13,14).
- 1.9 Local Authorities have a duty to encourage, enable and assist young people with Special Educational Needs & Disabilities (SEND) to participate in education and training, up to the age of 25.
- 1.10 Section 508A of the Education Act places a general duty on local authorities to promote the use of sustainable travel and transport. The duty applies to young people of sixth form age who travel to receive education or training in a LA's area. The duty relates to journeys to and from institutions where education or training is received
- 1.11 This policy uses the term 'Post 16' to include both learners of sixth form age and those up to the age of 25 with SEND.
- 1.12 This policy document specifies the support available through external partners and that Bedford Borough Council (the Council) considers necessary to facilitate the attendance of Post 16 SEND learners receiving education or training.
- 1.13 Education or training refers to Bedford Borough placements for learning or training at a school, further education institution, a Council maintained or assisted institution providing higher or further education, an establishment funded directly by the Education Skills Funding Agency, learning providers delivering accredited programmes of learning which lead to positive outcomes and are funded by the Council, for example, colleges, charities and private learning providers.

Bedford Borough Council Special Educational Needs and Disability (SEND) 'Post Statutory School Age' Transport 2023/24

Section 2 – Travel Assistance available through other Partners & Organisations

This Section describes the support that is available to young people with SEND aged between 16 and 24 with regard to travel arrangements to and from schools or colleges offering Post 16 education

2.1 16-19 Bursary Fund

Young people could get a bursary to help with education-related costs if they are aged 16 to 19 and studying at a publicly funded school or college in England - not a university (a publicly funded school is one that does not charge you for attending it), on a training course, including unpaid work experience.

If a young person is aged 19 and over, they could get a bursary if they either:

- Are continuing on a course they started aged 16 to 18 (known as being a '19+ continuer')
- Have an Education, Health and Care Plan (EHCP)

What a bursary is for?

A bursary is money that a young person, or their education or training provider, can use to pay for items such as clothing, books and other equipment for their course, transport and lunch on days they study or train.

The 16 to 19 Bursary Fund provides financial support to help young people overcome specific barriers to participation so they can remain in education.

There are 2 types of 16 to 19 bursary:

- **Bursary for students in vulnerable groups**
Young people could get a bursary worth up to £1,200, depending on their circumstances and benefits.
- **Discretionary bursary**
Young people could get a discretionary bursary if they need financial help but do not qualify for a bursary for students in vulnerable groups. The education or training provider decides how much a young person will get and what it is used for.

For further information on bursaries and how to apply through an education provider, please go to <https://www.gov.uk/1619-bursary-fund>

2.2 Concessionary Disabled Persons Bus Pass Scheme

Some people with a disability are entitled to a concessionary bus pass. Anyone applying for a pass due to a disability will need to prove that they have a disability which is permanent, or which has lasted or is likely to last for at least 12 months or more.

There are seven types of disability that can entitle a person to concessionary travel, these are someone who:

- is blind or partially sighted
- is profoundly or severely deaf
- is without speech
- has a disability, or suffered an injury, which has a substantial and long-term adverse effect on their ability to walk
- does not have arms or has long-term loss of use of both arms

Bedford Borough Council Special Educational Needs and Disability (SEND) 'Post Statutory School Age' Transport 2023/24

- has a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning
- would have an application for a driving license refused because of their physical fitness (other than due to misuse of drugs or alcohol). Examples of the types of medical conditions include;
- some people with mental health issues
- people with impaired vision
- people with a diagnosis of epilepsy whose condition has not been completely controlled by medication for a year or more

A person is automatically entitled to a pass if they have receive any of the following benefits for at least 12 months or expect to receive them for at least 12 months:

- Higher Rate Mobility Component of the Disability Living Allowance
- Personal Independence Payment (PIP) of 8 points or more for "Moving Around" or "Communicating

More information on Concessionary bus pass scheme and how to apply can be found here

<https://www.bedford.gov.uk/parking-roads-and-travel/public-transport/bus-pass/>

Section 3 – Eligibility under Bedford Borough Council SEND Post Statutory School Age transport policy

3.1 Eligibility

To be considered for travel assistance under Bedford Borough Council SEND Post Statutory School Age transport policy, the young person must:

- a) Be between 16 and 24 years of age on the 1st September of the academic year for which they wish to apply. Young people who are 24 years of age at the start of the academic year, will be provided with transport until the end of the academic year in which they turn 25.
- b) Live within the boundaries of the area covered by Bedford Borough Council for the duration of the course
- c) Hold a continuing Education, Health & Care Plan (EHCP)
- d) Be attending a placement funded by Bedford Borough Council at the education establishment that Bedford Borough SEND Team identify as being the nearest suitable establishment that is able to meet the young person's needs.
- e) They are enrolled and attend a full-time course, funded by the LA, up to and including level 3 (This means courses up to and including A Level).
- f) Live more than 3 miles from their nearest suitable establishment and/or not be able to walk those distances, accompanied by an adult as necessary (as supported by appropriate medical evidence).
- g) Be unable to access support via other means (evidence may be required)

Bedford Borough Council Special Educational Needs and Disability (SEND) 'Post Statutory School Age' Transport 2023/24

3.2 Charges

- a) Travel assistance, when arranged by Bedford Borough Council, for Post statutory school age SEND young people will usually incur a charge
- b) Once the application has been assessed, notification of the decision and any charge will be confirmed.
- c) Young Persons may be entitled to a discount of the costs of subsidised transport if they or their Parent(s)/Carer(s) are in receipt of one of the following qualifying benefits:
 - **Income Support**
 - **Income-based Jobseekers Allowance**
 - **Income-related Employment and Support Allowance**
 - **Support under Part VI of the Immigration and Asylum Act 1999**
 - **The guaranteed element of State Pension Credit**
 - **Child Tax Credit** (as long as you're not also entitled to Working Tax Credit and you don't get more than **£16,190** a year)
 - **Working Tax Credit run-on** (paid for 4 weeks after you stop qualifying for Working Tax Credit)
 - **Universal Credit** (with annual earned income of no more than **£7,400** after tax and not including any benefits you get).
- d) Charges are reviewed and set annually through the LA Fees & Charges
- e) The subsidised fee is offered at a fixed rate and no further reductions are available for part time travel or where transport is provided after the start of term
- f) Charges will not be incurred where a Personal Travel Budget is awarded

3.3 When to apply

- a) The Council will publish the post statutory school age transport policy by 31st May each year. Therefore, students will be able apply for transport after this date.
- b) Application forms will be available from Bedford Borough Council. It is the responsibility of the Parent(s)/Carer(s) and student to obtain an application form and apply for transport within the published deadline.
- c) Deadlines for applying for post 16 transport are published each year. Application forms received after the published deadlines are not guaranteed to be processed for the start of the term but will be processed as soon as possible.
- d) The Council does not offer reimbursements for travel costs where the application has not been submitted in accordance with these timescales.
- e) The Council reserves the right to change the post 16 travel arrangements policy, subject to relevant consultation on 31st May each year. There should be no expectation that travel arrangements will continue, other than those arrangements which must be provided because there is a statutory duty to do so.

Bedford Borough Council Special Educational Needs and Disability (SEND) 'Post Statutory School Age' Transport 2023/24

Section 4 – Transport assistance available to those deemed eligible through Bedford Borough Council

The Council reserves the right to offer travel assistance in line with the most efficient use of its resources. Where travel assistance is approved, you will be notified of what support is available.

The majority of applicants should expect to be supported with a Personal Travel Budget or, if a young person is attending a local Special School or Provision, a seat on existing shared transport services may be offered.

4.1 Independent Travel Training

Bedford Borough Council are developing a scheme to support young people with SEND to increase their independence skills. **Further details on the program will be available ahead of new policy implementation*

The program will be aimed at supporting young people to be better equipped to become independent travellers, access public transport and make their own travel arrangements.

If an application for transport is received, and the Council feels that independent travel training could be considered as an appropriate means of travel support, the applicant will be referred to the assessment team.

The Council expects that young people and their families will participate in the ITT assessment process. If it is determined, through assessment, that ITT is unsuitable the Council will review what other appropriate means of travel support can be offered.

4.2 Personal Travel Budget (PTB)

Young people deemed eligible for Post 16 transport will be considered for a Personal Travel Budget. A PTB is awarded at the discretion of the Council and is a sum of money to support the young person to travel from home to their school, college or educational setting.

A PTB is paid on the assumption that a young person over 16 years old, attends a full-time programme of learning that is at least 540 guided learning (planned and funded) hours per year.

4.2.1 What is a Personal Travel Budget?

A PTB allows families to have the freedom and flexibility to make their own travel arrangements rather than travelling on a vehicle contracted by the Council. A PTB is awarded on an annual basis and is not a short-term alternative while a transport application is being processed.

4.2.2 The Council will award a PTB where an eligible young person:

- Has a placement that is outside of the Local Authority area
- Would require a single occupancy route due to the young person's needs or behaviour
- There is no existing transport shared route available, resulting in the young person being single occupancy
- Is working with the school to join up transport options with other parents (e.g. car share), encouraging a sense of community.

4.2.3 A Personal Travel Budget could be used in many ways, including:

- Towards fuel costs and wear and tear on a vehicle used to transport a young person to Post 16 education
- Lease a vehicle, if you don't have one
- Paying for a shared taxi with other children

Bedford Borough Council Special Educational Needs and Disability (SEND) 'Post Statutory School Age' Transport 2023/24

- Paying for another person to take other children to school to allow a Parent/Carer to transport the young person with SEND
- Paying for childcare for another child to allow a Parent/Carer to take the young person with SEND to school/educational setting;
- Buying travel passes for other children so they can travel to and from school, enabling a Parent/Carer to transport the young person with SEND

4.2.4 Conditions of use for Personal Travel Budgets

Where a PTB is awarded, parents must agree to abide by the terms and conditions. These will be issued at the point of award and set out specifics of how the PTB can be used, how it will be paid and include the PTB amount awarded.

4.2.5 Personal Travel Budgets cannot be used in the following circumstances:

- For any purpose that does not enable the young person to travel to/from the school/educational setting;
- For any activity that is illegal, unlawful or unsafe;
- For other purposes that may bring the Council into disrepute.

4.2.6 A Personal Travel Budget maybe withdrawn in some circumstances, including if:

- A young person's attendance falls below a satisfactory level
- A young person regularly arrives late at school/college in the mornings or in an unfit state to learn
- It is determined that the PTB is being misused
- There is a change to national legislation and/or the Council's policies.

4.2.7 Agreeing the amount of Personal Travel Budgets

The Council is proposing the introduction of banded payments; a fixed amount awarded based on the main residence proximity to the establishment attended. The amount awarded bears no relationship to the cost of a taxi or private hire vehicle.

The bandings listed are not yet confirmed; they are proposed based on benchmarking against other Local Authorities offering similar schemes.

The Council would carry out a distance measurement using our own measuring software to determine the shortest route by road and apply the banding as follows:

- Band 1: less than 5 miles, £1,500
- Band 2: between 5 to 9 miles, £3,000
- Band 3: between 10 to 19 miles, £5,000
- Band 4: over 20 miles, £8,000

Payments defined above are made on the basis that the young person is attending school/college full time. If a young person attends school less than 190 school days per school year, payment will be made on a pro-rata basis. This means the recipient will receive less than the total amount outlined above.

Where a PTB is awarded, the Council proposes not to deduct the subsidised charge from the banded payment

4.3 Commissioned Transport Services

Where there is an existing commissioned shared service in operation, the Council may determine this as the most appropriate and efficient means of travel assistance. In this instance, a PTB would not be awarded.

This is likely to apply to those Post 16 learners attending a local Special School or Provision that also serves children of statutory school age

Bedford Borough Council Special Educational Needs and Disability (SEND) 'Post Statutory School Age' Transport 2023/24

Only in very exceptional circumstances, where there is evidence to support need, will the Council consider an application for commission individual, door-to-door transport services.

Where the Council commissions transport services, a subsidised fee will usually be charged.

Section 5 - General Post 16 SEND Policy Principles

The Council supports independent travel for young people with SEND

Where a subsidised payment is due, the Council do not guarantee that this scheme is the cheapest method of transport and Parent(s)/Carer(s) are advised to make their own investigations prior to applying for transport.

The Council will consider what is the most suitable and cost effective means in providing Post 16 travel arrangements based on the evidence available; where commissioned shared transport is not available or the placement is out-of-borough, the Council will award support by means of a PTB.

Commissioned shared travel arrangements will apply to one return journey per day, at the normal start and end of the full school or college day. Travel arrangements are not normally provided to meet a student's individual timetable

Travel arrangements for exam timetables are not supported; where commissioned shared transport is arranged a young person will be expected to make use of transport at the usual times of day

Commissioned shared transport will only be provided to the main establishment where the student is studying. Transport will not be provided for transition timetables, induction days, work experience, commercial experience, placements, extra curricular activities or travel to alternative sites during the day. In such cases, the Parent(s)/Carer(s)/student will be responsible for making alternative arrangements

Section 6 - Transport Operations Policy

6.1 Sustainable School Travel Strategy

The Local Authority has a sustainable school travel strategy, which is available at www.bedford.gov.uk/schooltransport

6.2 Risk Assessments

Where the Council is responsible for commissioning travel arrangements, it may be necessary to carry out a risk assessment in advance of allowing the young person to travel.

The risk assessment will identify how a young person can be supported with safe and appropriate travel arrangements.

The Council expects that Parent(s)/Carer(s) will support this process and identify any needs pertaining to the young person's SEND that may affect their ability to travel.

Bedford Borough Council Special Educational Needs and Disability (SEND) 'Post Statutory School Age' Transport 2023/24

6.3 Passenger Assistants

The Council will consider providing a passenger assistant based on a risk assessment. This will have regard for a number of factors, which may include the child or young person's age, any additional needs they may have, the length of the journey or the size of the vehicle.

6.4 Provision of Commissioned Travel Arrangements

Where commissioned transport is provided, once approved, transport may take up to 10 working days to arrange. This timescale may be exceeded where it is necessary to carry out a specialist risk assessment.

Should transport be required before a start date is agreed, it is the responsibility of the Parent(s)/Carer(s) to arrange and pay for the transport until the Council has agreed a start date.

The Council will endeavour to transport young people in the shortest possible time and will investigate all possible alternatives taking into account the needs of the individual.

The Council believes that, where possible, the maximum 1-way journey time of 75 minutes for children and young people aged 8 years and over should not be exceeded. This may not be reasonably practicable where a young person's placement is outside of the Local Authority area

Where a young person is eligible for transport this means two journeys per day – one at the commencement of the school or college day and one at the end.

Usually this will be from 'home' but one or both journeys may be to and/or from a respite placement if appropriate.

Bedford Borough Council Special Educational Needs and Disability (SEND) 'Post Statutory School Age' Transport 2023/24

Section 7 – Appeal and Complaints Procedure

7.1 If you feel aggrieved by a decision taken:

All Parent(s)/Carer(s) have the right to appeal if they are refused free or subsidised transport to school or college. Bedford Borough Council offer a two stage appeal process as detailed below.

Parent(s)/Carer(s) may also wish to consider the Council's formal complaints procedure, which is available at www.bedford.gov.uk/beheard Please note where an appeals process exists, this should always be exhausted before making a complaint. Once these procedures are concluded then it may be possible to use the complaints procedure to investigate the issues, however in most cases this is unlikely to reverse any decisions made as part of these separate processes.

7.2 The Appeal Process

Parent(s)/Carer(s) have 20 working days from receipt of the local authority's home to school transport decision to make a written request asking for a review of the decision.

The Appeal form is available on line at www.bedford.gov.uk/schooltransport or by calling Member Services on (01234)228905.

The Appellant needs to fully complete the appeal form. If the Appellant would like to submit any supporting evidence they must collect this themselves. The Clerk to the Appeal Panel will not contact anyone on the Appellant's behalf and will not accept evidence direct from any third party. The Appellant needs to collect the evidence and then send it to the Office of the Clerk to the Appeal Panel as soon as possible. For example the Appellant might want to submit letters from a doctor if the appeal is on medical grounds.

If the Appellant is submitting an appeal based on financial hardship, they are advised to complete the income and expenditure form and provide evidence of income. The income and expenditure form is available at www.bedford.gov.uk/schooltransport or by contacting Member Services on (01234) 228905.

We will acknowledge an appeal within one week of receiving it. Appellants can call (01234) 228905 if they have not received an acknowledgement within 2 weeks of posting their appeal.

Within 20 working days of receipt of the appeal, a Senior Officer (Team Leader School Organisation) will review the original decision made and send the Appellant a detailed written notification of the outcome of their review and information about how the parent can escalate their case to stage two (if appropriate).

The Appellant has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two, which is a review by an independent appeal panel.

If the Appellant would like a friend, adviser, interpreter or signer to come to the appeal with them for support, they are welcome to attend. If the Appellant does not speak or understand English they can ask a friend or relative to help explain their case at the hearing, or we can be asked to arrange for an interpreter to attend the appeal. If the Appellant needs us to book an interpreter, please tell us this on the appeal form. If the Appellant has any access requirements or disabilities we should be aware of please tell us in the access or language requirements box of the appeal form.

The Appellant should normally submit evidence with their original appeal form, however if they have additional evidence, it must be submitted by a deadline which will be included in the letter advising the Appellant of the date of their appeal hearing. If evidence is received after the specified deadline, then the Appeals Panel will need to decide whether this information can be considered, taking into account its significance and the effect of a possible need to adjourn the hearing. Evidence cannot be submitted after the appeal hearing. Seven working days before the appeal the Clerk will collect all of the evidence received from the Appellant and from the Transport Officer. This will be compiled and distributed to the Appellant, the Transport Officer and the Panel members.

Bedford Borough Council Special Educational Needs and Disability (SEND) 'Post Statutory School Age' Transport 2023/24

Stage two Appeals will be heard in person at Borough Hall, Bedford or can take place virtually. The Clerk will write to the Appellant at least ten school days before their appeal to advise of the time, date and location of the hearing. The Appellant should attend the appeal hearing if they can as it is the only chance to explain their case to the Panel. If for an exceptional reason the Appellant cannot attend the appeal on the date given, they should call the Office of the Clerk to the Appeal Panel on (01234) 228905. If the appeal cannot be re-arranged and the Appellant does not attend, the Panel will hear the appeal in their absence using the information submitted. Alternatively, the Appellant may ask a friend or relative to attend the hearing on their behalf.

Stage two appeals will be decided by a Transport Appeals Panel of three Councillors. All will be impartial and have no member interests/roles in Transport, Education or Social Services. Appellants will be advised of the names of the Councillors who will decide their appeal. If the Appellant thinks they know one of the Panel Members hearing their case, please call the Office of the Clerk on (01234) 228905 immediately.

The Transport Appeal Panel will follow a set procedure, which is summarised in paragraph 7.3 below. A copy of the full procedure will be provided to appellants before the meeting. The Panel will listen to both cases and are likely to ask questions. The Clerk is independent of the School Transport Entitlement Team but is appointed by the Borough Council. The Clerk is responsible for making sure that the correct procedures are followed and that the appeal hearing is fair but does not take part in the decision making process. The Transport Officer will explain their decision and answer any questions the Appellant or the Panel have, following which the Appellant will be invited to state their case and may be asked questions by the Panel. The Appellant may be accompanied by a friend or relative to support them or they can ask someone to go to the appeal on their behalf. If the Appellant does not attend or send someone to the appeal the Panel will make their decision based on the written evidence the Appellant has sent in and information given (in writing and at the hearing) by the presenting officer. Legal representation is rarely needed; if the Appellant would like to bring a legal representative please let the Office of the Clerk know immediately. Please do not bring any children to the appeal.

Sometimes people observe appeals as part of their training as Clerks, Panel Members or Presenting Officers; if the Appellant does not want them to observe the appeal hearing they should tell the Clerk on the day. Appeals are normally heard in private.

7.3 Appeal Procedure

The Panel will consider all appeals on their individual merits. The procedure will normally be as follows:

- a) The Transport Officer will be invited to explain their case (that is, why free or subsidised transport has been refused).
- b) The Appellant and the Panel can ask questions about the Transport Officer's case.
- c) The Appellant will be invited to explain their case.
- d) The Transport Officer and Panel will ask the Appellant questions about their case.
- e) The Transport Officer will sum up their case (they cannot mention any new evidence or points).
- f) The Appellant will sum up their case (they cannot mention any new evidence or points).
- g) The Panel will try to keep the appeal hearing as informal as possible but needs to ensure that both parties have a fair chance to explain their case and that the hearing is fair. Due to time constraints there is no facility for Appellants to make a Power Point presentation or show videos/DVDs during their hearing.

7.4 The Appeal Decision

The Panel will make their decisions after they have heard all of the appeals they are dealing with on that occasion. No Appellants will be present and the Transport Officer will not be present when they make their decision. The Clerk will be present to record the decision and provide legal/procedural advice. The Panel will either uphold the appeal or they will dismiss the appeal.

The Clerk will aim to write a letter to the Appellant within 5 working days after the decision is made explaining the result and how the Panel reached their decisions. The Clerk will not tell the Appellant the result over the telephone, in person, by fax or email. If the Appellant has not received a letter two weeks after the appeal hearing please call the Office of the Clerk on (01234) 228905.

Bedford Borough Council Special Educational Needs and Disability (SEND) 'Post Statutory School Age' Transport 2023/24

The Appeal Panel's decision is final and binding, they cannot review their decision. However, an appellant may make a complaint to the Local Government Ombudsman if they feel there has been any administrative fault in the way the Panel has reached its decision.

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