



Post-16 Transport Policy 2021/22

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Transport Coordination Service
Economic Growth and Development



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1 Scope of the Policy

Students Aged 16-19

- 1.1 Local Authorities do not have a legal duty to provide free or subsidised transport for young people aged 16-19. However, under Section 509AA of the Education Act 1996, Local Authorities do have a duty to prepare and publish an annual policy statement specifying the arrangements for the provision of travel or other support that it considers necessary in order to facilitate the attendance of all persons of sixth form age (16-19) receiving education or training.
- 1.2 In order to promote access to education and opportunities for all young people in Cornwall, the Council provides subsidised transport for students aged between 16 and 19 to access Post-16 education and training.

Learners Aged 19-25 with an Education, Health and Care Plan

- 1.3 Under Section 508F and Section 508G of the Education Act 1996, as inserted by Section 57 of Apprenticeships, Skills, Children and Learning Act 2009, Local Authorities have a legal duty to provide free transport which it considers necessary for eligible adult learners aged 19-25, and who have an Education, Health and Care Plan to attend qualifying establishments.

2 Eligibility

2.1 To qualify for subsidised transport, a student must:

- ✓ Live in Cornwall;
- ✓ Be 16 to 18 years of age on 31 August 2021 - or aged 19 if he/she started their course(s) before their 19th birthday.

OR

Be 19 to 25 years of age on 31 August 2021, and have an Education, Health and Care Plan.

- ✓ Attend one of the following types of establishment:
 - a) A school.
 - b) A further education institution.
 - c) A Council-maintained or assisted institution providing higher or further education.
 - d) An establishment funded by the Education Skills Funding Agency (ESFA).
 - e) A learning provider delivering accredited programmes of learning which lead to positive outcomes and which is funded by the Council – e.g. colleges, charities and private learning providers.
- ✓ Attend his/her nearest or designated learning/training establishment which offers their chosen course(s) – this includes establishments outside of the county. For students with Education, Health and Care Plans, the establishment's provision must be an essential requirement to fulfil the learning outcomes identified in the learner's Education, Health and Care Plan.
- ✓ Live at least three miles from the learning/training establishment using the shortest available walking route, unless:
 - a) He/she has a disability, medical or mobility difficulties, or individual needs which mean that he/she could not reasonably be expected to walk the distance required, even if accompanied. Requests under this category must be accompanied by written evidence from a medical

professional. The evidence should confirm the individual's medical condition(s) and explain how this prevents them walking the distance to and from the learning/training establishment. All requests will be considered on a case-by-case basis. Evidence of factors such as receipt of Higher-Level Disability Living Allowance (DLA) may also be considered to assess the level of need.

- b) The nature of the route is such that the student cannot be expected to walk in reasonable safety, even if accompanied. In order for a route to qualify in this category, it must have been assessed and classified as an unsuitable walking route by Cornwall Council. Details of the Council's assessment process can be found in the accompanying Pedestrian Route Assessment Policy, available via the link below.

www.cornwall.gov.uk/schools-and-education/schools-and-colleges/school-and-post-16-transport/unsuitable-walking-routes-to-school/

2.2 Where it is evidenced that a student is unable to attend their nearest or designated learning/training establishment, the expectation is that they attend their next nearest learning/training establishment. Such circumstances may include, but are not limited to, students who have been permanently excluded from their nearest school/college, students who would prefer to attend a specific institution based on their religion or belief or, more generally, where there is supporting evidence from relevant professionals to confirm that it would be in student's best interests for a student to attending a specific learning establishment.

2.3 The designated school is the school designated for the student's address by the Local Authority. This may be different from the designated area used by a school for admissions purposes. The designated area for all addresses in Cornwall can be viewed the link below.

www.cornwall.gov.uk/education-and-learning/schools-and-colleges/school-admissions/designated-areas/.

2.4 Students living in the designated area of the following schools have an additional entitlement to subsidised transport to the learning/training named in the table below.

| Additional Entitlements | |
|--------------------------------|--|
| Secondary School | Designated Post-16 Establishment(s) |
| Brannel School | Cornwall College St Austell |
| Cape Cornwall School | Penwith College |
| Fowey River Academy | Cornwall College St Austell |
| Hayle Academy | Camborne Science & International Academy Cornwall College Camborne Penwith College |
| Humphry Davy | Penwith College |
| Looe Community Academy | Liskeard School and Community College |
| Mounds Bay Academy | Penwith College |
| Mullion School | Helston Community College |
| Penair School | Truro College |
| Penrice Academy | Cornwall College St Austell |
| Penryn College | Falmouth School Truro College |
| Poltair School | Cornwall College St Austell |
| Pool Academy | Cornwall College Camborne |
| Richard Lander School | Truro College |
| Sir James Smith's School | Cornwall College St Austell |
| St Ives School | Cornwall College Camborne Penwith College |
| The Roseland Academy | Cornwall College St Austell Truro College |

Measurement of Distances

- 2.5 **Measurement of driving distances** in relation to transport eligibility are undertaken using Ordnance Survey (OS) Highways data. The following road classifications are excluded to ensure compliance:
- Restricted Local Access Roads - a road intended for the start or end of a journey, not intended for through traffic and will have a restriction on who can use it.
 - Secondary Access Roads - a road that provides alternate/secondary access to property or land not intended for through traffic.
 - Any isolated roads which do not join with the rest of the network have been removed.
- 2.6 **Measurement of walking distances** in relation to transport eligibility are undertaken using all of the above, plus passenger ferry crossings have been added to the data, along with Public Rights of Way (PROW). The PROW data has been extended by up to 10m in a straight line if doing so results in it reaching a road. As above, any isolated roads and PROWs which do not join with the rest of the network have been removed.
- 2.7 Measurements are taken from the main gate of a student's home address (this is where the property meets the maintained highway - private driveways and access lanes are excluded) to the main gate of the learning/training establishment. Distance measurements will be rounded to two decimal points.

Moving Home or Transferring to a New Establishment

- 2.8 If a student moves away from his or her nearest or designated learning/training establishment which offers their chosen course(s), and they have commenced said course(s), he/she will be eligible for transport if **all** of the following apply.
- a) The reason for leaving the previous address was involuntary and unforeseen.
 - b) The journey time to the school from the new address is less than 75 minutes in each direction.

- 2.9 Requests for transport under this category will require supporting written evidence (e.g. Section 21 Notice, Housing Association).

Apprenticeships and Traineeships

- 2.10 For students on apprenticeships or traineeships, transport will only be provided to/from the learning/training establishment. Transport will not be provided to/from the employer's establishment(s).

3 Provision of Subsidised Transport

- 3.1 Transport will be provided via the most cost-effective suitable method. The Council's default and preferred mode of transport is via public transport. Where public transport is unavailable or unsuitable, alternative modes of travel may include a seat on a bus, minibus, a taxi provided under closed contract to the Local Authority, or a mileage allowance.
- 3.2 As a guide, journey times will not normally exceed 75 minutes each way. However, where a student attends a training/learning establishment which is a considerable distance from their home address, journey durations in excess of this advised threshold may be unavoidable. Should you require any advice on journey times, we recommend that you contact the Transport Coordination Service prior to making an application.
- 3.3 Transport is provided from the home address at which the student is habitually and ordinarily resident. If there is shared residence of the student, or if there is a dispute and both parents are eligible for transport, it may be necessary to use the address of the person who is/was receiving Child Benefit. If transport is required from an additional address, you may wish to consider applying/paying for this via Concessionary Rider Scheme (see Section 7).
- 3.4 Transport is provided to the learning/training establishment at which the student is on roll only. Where the course the student is studying is on a split site or at different establishments (e.g. one day in the main campus and another at an alternative campus), transport will be provided to the main campus only.
- 3.5 Transport is provided during standard academic terms only and at the official beginning and end of the establishment day only. Transport is not provided to meet a student's individual timetable, including extra-curricular activities. Access to learning/training outside of these times should be discussed directly with the establishments attended; however, the Council will be unable to support or fund alternative or additional transport requirements.
- 3.6 Transport is not necessarily provided from door to door. Link transport to and from a transport route will only be provided where the student's home address is more than **five** miles from a pick-up / drop-off point. The distance between the home address and the pick-up / drop-off point will be calculated along the shortest available driving route.

Payment of Travel Expenses

- 3.7 On occasion, where no suitable transport provision is available, alternative arrangements may be considered to meet the Local Authority's duty to provide travel arrangements for an eligible student. This could include paying a mileage allowance where it is cost effective to the Local Authority, and where there is acceptance from the student or their parent/carer, to do so.
- 3.8 The payment of mileage allowances will be at the Local Authority's discretion. The Local Authority also reserves the right to withdraw the offer of a mileage allowance where alternative appropriate transport provision becomes available that will provide better value for money. In such circumstances, a minimum of seven days' notice will be given.
- 3.9 The offer of a mileage allowance will be at the rate of 25p per mile and can only be claimed with prior written agreement from the Local Authority. Payment is not backdated.
- 3.10 In exceptional circumstances, other expenses may also be paid in whole or in part where there is prior written agreement from the Local Authority.
- 3.11 Claims should be submitted in arrears once a month using the form provided by the Local Authority and are limited to the amount agreed in advance. The Local Authority will seek proof of attendance from the learning/training establishment.
- 3.12 Any additional expenditure for travel/attendance at times outside of the beginning and end of the training/establishment day will not be reimbursed by the Council.

Behaviour

- 3.13 Parents/carers, learning/training establishments, transport operators and the Local Authority all have an interest in behaviour on transport. Each year, all parties are issued with the Local Authority's 'Code of Good Practice for Pupils' guidance document.
- 3.14 The Education Act 2006 empowers headteachers and principals to act to address unacceptable behaviour even when this takes place outside the premises and when the child is not under the legal control of the learning/training establishments, but when it is reasonable to do so. In

the Department for Education's view, this does include behaviour on transport.

- 3.15 Where there are repeated instances of unacceptable behaviour, or a single incident of extreme unacceptable behaviour, which breach the 'Code of Good Practice for Pupils', the Local Authority reserves the right to temporarily or permanently withdraw transport. This will be determined in consultation with the learning/training establishment; however, the final decision rests with the Transport Coordination Service.
- 3.16 For children with Education, Health and Care Plans, discretion will naturally be given where unacceptable behaviour occurs as a result of the child's individual needs. However, where it is determined such behaviours are unresolvable and/or compromise the Local Authority's duty of care to other passengers, the driver and Passenger Assistant (where applicable), the Local Authority reserves the right to temporarily or permanently withdraw provided transport. In such circumstances, the Local Authority may only be able to offer a mileage allowance to the parent/carer. Such decisions will only be determined in consultation with the child's learning/training establishments, the Statutory SEN Service and the Transport Coordination Service.

Safeguarding

- 3.17 Only transport staff who have undergone an Enhanced Disclosure & Barring Service (DBS) check and been cleared by the Council, are authorised to undertake school transport duties. All drivers and passenger assistants must also attend the relevant safeguarding training arranged by the Council.

4 Arrangements for Students with EHC Plans

Eligibility

- 4.1 Students with an Education, Health and Care Plan (EHC Plan) have the same entitlement to subsidised transport as all other children.
- 4.2 However, where a child has an EHC Plan, the nearest learning/training establishment offering the chosen course(s) may well be different than for other students.
- 4.3 Where a school is named by the Local Authority on a child's EHC Plan, that school will be deemed to be the child's nearest qualifying school for the purposes of transport eligibility, unless named as a result of parental/individual preference and in the Local Authority's view the child's needs could be met at a nearer school. For some children, this may be a placement outside of Cornwall.

Travel Arrangements

- 4.4 The appropriate transport provision for a child with special educational needs will be determined by Transport Coordination Service based on the information and supporting evidence provided. Where necessary, the Transport Coordination Service may also liaise with the Statutory SEN, previous schools, as well as other relevant professionals.
- 4.5 Where an eligible child has an EHC Plan and their assessment identifies the need for a residential school placement, either in Cornwall or in an out of county resource, transport will be provided in accordance with the commissioned boarding arrangements. Transport will also be provided if the commissioned school is closed (either planned or unplanned). However, transport will not be provided for parental visits or meetings. The transport assistance normally provided for out of county placements is by way of reimbursement of mileage and/or expenses incurred.

Consistency of Transport Arrangements

- 4.6 It is acknowledged that some children with EHC Plans require consistency of travel arrangements due to their difficulties in responding to and

accepting change. Where such needs are identified, the Transport Coordination Service will request that the transport provider limits the number of different drivers and passenger assistants (if applicable).

- 4.7 The Local Authority is duty-bound to periodically review and retender its transport network and, as a contracting authority, must always consider the procurement rules to which it is subject in making any decision regarding the engagement of a transport provider. This means that changes to transport operators and arrangements may take place at any point in the school year.
- 4.8 Where this occurs, and it is identified that a child with an EHC Plan may have difficulties in responding to and accepting such changes, as much notice as possible will be given and further transition arrangements will be offered (e.g. an opportunity of a 'meet and greet' with the driver and passenger assistant prior to transport commencing). However, it is not be possible or permissible to stipulate that a particular transport provider must be engaged to meet a child's transport requirements, nor is it within the remit of a senior officer (Stage 1 Appeal) or the Appeals Committee (Stage 2 Appeal) to reach a decision which would counter these procurement rules.

Passenger Assistants

- 4.9 Passenger Assistants are not normally supplied on provided transport except in individual cases where they are, in the Local Authority's view, necessary to meet a child's individual needs. The role of a Passenger Assistant will be to provide general supervision and ensure a safe and comfortable journey to and from school.
- 4.10 Passenger Assistants will only be provided to meet more complex individual needs, such as medical or health requirements, where there is supporting evidence confirming that such support is necessary to ensure a child's safe journey to and from their learning/training establishment. A corresponding Care Plan will also need to be provided. Only Passenger Assistants who have received appropriate specific training with regard to the needs of an individual child will be employed to provide such support.
- 4.11 Submission of supporting evidence does not automatically guarantee entitlement to a Passenger Assistant or specific individual arrangements and the final decision rests with the Transport Coordination Service.

Wheelchairs

- 4.12 In determining the safest mode of travel for children and young people who use wheelchairs, the Local Authority has regard to International Best Practice Guidance (BPG1) issued in 2013. BPG1 recommends that where a child weighs less than 22kg, the safest method of travel is for the child to transfer to an appropriate Child Restraint System (a car seat). This is because it is considered to reduce the risk of injury in the event of an accident.
- 4.13 The Local Authority's expectation is therefore that children weighing less than 22kg will transfer to an appropriate car seat for travel. However, it is recognised that other factors may make transfer to a car seat inappropriate. Such decisions will be made by the relevant professionals (including clinicians) and the Transport Coordination Service. Parent/carer cooperation and consent will also be sought, which is essential for the safe carriage of the child.
- 4.14 Children who are transported seated in their wheelchair must have a valid Wheelchair Passport. The Passport is a tag attached to the chair after a travel assessment, normally at the time the chair is issued.

Specialist Car Seats

- 4.15 Where a relevant professional determines that a child must travel in a specialist car seat (i.e. not a standard booster seat), the expectation is that if parents/carers are in possession of such equipment, that they will ensure that it is available for use on school transport.

Independent Travel Training

- 4.16 The Transport Coordination Service is keen to speak with individual families about creative transport solutions with view to supporting a young person's independence and preparations for adulthood. Such examples could include providing an additional bus pass to enable an adult to travel with the young person, instead of them traveling via taxi – this is often referred to as 'independent travel training'.
- 4.17 Assistance under this category will only normally be agreed where it is cost effective to the Local Authority to do so. However, where costs are higher, consideration will be given to all such requests on a 'spend to save' basis.

5 Cost

Council Expenditure / Level of Subsidisation

- 5.1 In the 2020/21 academic year, Cornwall Council spent £3.06m on providing Post-16 Transport for 1,333 students. This equates to an average annual cost to the Local Authority of £1,874 per student – or 82% of the cost of providing subsidised transport for students aged 16-19.
- 5.2 £2.31m was spent specifically on providing transport for 464 students with an Education, Health and Care Plan. This equates to an average annual cost to the Local Authority of £4,673 per student – or 94% of the cost of providing subsidised transport for students aged 16-19.

Required Contribution for Students Aged 16-19

- 5.3 The required contribution for subsidised transport in the 2021/22 academic year is **£515** per student. This contribution is required for **all** students (including those with an Education, Health and Care Plan) and can be paid in full, or termly in advance – see breakdown below.
- Autumn Term | £195
 - Spring Term | £195
 - Summer Term | £125
- 5.4 As part of our commitment to ensuring that the required contribution of is affordable for all, Cornwall Council has taken the decision not to increase its charge from the 2020/21 academic year.
- 5.5 Cornwall Council maintains that the required contribution of £515 is affordable for all, particularly in comparison to many other local authorities. This is intentional to enable support to be offered to all students at the lowest possible cost, particularly for those students from low income families.

Other Financial Support

The 16-19 Bursary Fund

- 5.6 The 16-19 Bursary Fund is provided by Central Government to support students aged 16 to 19 with the cost of staying in education or training. National guidance advises that the money students (or their training/education provider) receive from the 16-19 Bursary Fund can be spent on the required contribution towards transport costs.
- 5.7 Applications for support through the 16-19 Bursary Fund should be made via the learning/training establishment. **This scheme is not managed by Cornwall Council.** For more information please contact your chosen establishment or college or visit www.gov.uk/1619-bursary-fund.

Young Parents / Care to Learn

- 5.8 For young parents under the age of 20, Care to Learn can help pay for childcare and related travel costs of up to £160 per child per week. For more information please visit <https://www.gov.uk/care-to-learn/how-to-claim>.

Access to Work

- 5.9 Young people who have a disability or health condition (physical or mental) that makes it hard to get to and from work (including apprenticeships and traineeships) may also be eligible for support through Access to Work. Further information can be found via www.gov.uk/access-to-work.

5.10 Other

The vast majority of students will be eligible for at least some support from the 16-19 Bursary Fund (see Section 5.7). However, if you are not eligible for support and are unable to pay the required contribution, please contact the Transport Coordination Service. Alternative targeted support may be available for low income families. If you require any further information on this support, or the criteria used to determine who is eligible for it, please contact the Transport Coordination Service

Refunds

- 5.11 Should transport assistance no longer be required part-way through a term, the Local Authority will be unable to issue a pro-rata refund. This should be taken into consideration before making the required contribution.

Learners Aged 19-25 with an Education, Health and Care Plan

- 5.12 Transport for adult learners aged 19-25 who have an Education, Health and Care Plan are eligible for **free** transport.

Lost Bus Passes

- 5.13 Should a student lose or misplace their bus pass, a replacement will be issued at a cost of £10.

6 Applying for Transport

- 6.1 Applications for transport assistance in the 2021/22 academic year can be made from **1 June 2021** via www.cornwall.gov.uk/post16transport. We strongly advise you to apply as early as possible after this date.
- 6.2 **Applications must be made by Sunday 25 July 2021** in order for students to receive their travel pass/arrangements for the start of the Autumn Term - i.e. September 2021. Please note that travel passes/arrangements will not be issued until at least the first term's payment is received.
- 6.3 **Applications received after the 25 July 2021 deadline** will be processed as quickly as possible. However, we cannot guarantee that transport will be in place for the start of the Autumn Term. If transport is not in place, students will need to make their own travel arrangements to and from the learning/training establishment in the meantime.

7 Concessionary Riders

- 7.1 Where spare seats are available on vehicles contracted by the Local Authority to provide transport to learning/training establishments, these may be allocated to students not entitled to subsidised transport – such students are referred to as Concessionary Riders. Concessionary Rider seats will only be made available where there are genuine spare seats available - i.e. fully available and not where absenteeism falsely indicates availability.
- 7.2 The charge for a Concessionary Rider seat in the 2021/22 academic year is £515.
- 7.3 Concessionary Rider seats are allocated on a first-come-first-served basis. However, requests for returning students will be prioritised. Seats are valid for a maximum duration of one academic year only. From the start of each academic year (i.e. September) fresh applications must be made for all Concessionary Rider seats.
- 7.4 Any offer of a Concessionary Rider place will be made for the whole of the academic year, but on the understanding that any seat allocated will have to be relinquished with a minimum of seven days' notice if, at a later date, the seat is required for a student who is entitled to subsidised transport, or the service is withdrawn when the transport requirements in the area are reviewed. In such circumstances, a pro-rata refund will be paid.

8 Appeals

8.1 Where an application for subsidised transport has been declined by the Local Authority, or if it is felt that the travel arrangements are unsuitable, there is a right of appeal against the decision on the following grounds:

- Eligibility;
- Distance measurements;
- The safety of the route;
- The transport arrangements offered;

8.2 While there is a right of appeal against the suitability of transport arrangements offered, it is not within the remit of a senior officer (Stage 1 Appeal) or the Appeals Committee (Stage 2 Appeal) to reach a decision which would counter procurement legislation. For example, it is not possible or permissible to stipulate that a particular transport provider must be engaged to meet a child's transport requirements.

Stage 1 Appeal

8.3 The parent/carer has 20 working days from receipt of the Local Authority's decision to submit a Stage 1 Appeal.

8.4 Within 20 working days of receipt of Stage 1 Appeal, a Senior Officer within the Transport Coordination Service will review the original decision and respond with a detailed written outcome setting out:

- The nature of the decision reached;
- How the review was conducted (including the standard followed);
- Information about other departments and/or agencies that were consulted as part of the process;
- What factors were considered;
- The rationale for the decision reached;
- Information about escalation to stage two (if appropriate).

Stage 2 Appeal

- 8.5 The parent/carer has 20 working days from receipt of the Local Authority's Stage One Appeal decision to submit a Stage 2 Appeal.
- 8.6 Within 40 working days an independent appeal panel will consider written and verbal representations from the parent and officers and give a detailed written outcome (within 5 working days) setting out:
- The nature of the decision reached;
 - How the review was conducted (including the standard followed);
 - Information about other departments and/or agencies that were consulted as part of the process;
 - What factors were considered;
 - The rationale for the decision reached;
 - Information about escalation to the Local Government Ombudsman (see below).
- 8.7 Appeals under Stage 2 will be heard by the Local Authority's Transport Appeals Committee, made up of Elected Councillors who are independent of any previous decisions which have been made regarding the transport application.
- 8.8 While waiting for an appeal to be heard, the responsibility for attendance and safe travel to and from the learning/training provider remains with the student and/or their parent/carer.

Local Government and Social Care Ombudsman

- 8.9 The Committee's decision is final and there is no further right of appeal. However, there is a right of complaint to the Local Government and Social Care Ombudsman if the complainant considers that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal was handled.
- 8.10 If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may apply for judicial review.

Complaints to the Secretary of State for Education

- 8.11 To complain to the Secretary of State, young people or their families should use the contact form on gov.uk - www.education.gov.uk. Any complaint should outline the case, set out the decision taken by the local authority and include any other relevant documentation, for example any advice or decisions from the Local Government and Social Care Ombudsman where appropriate.
- 8.12 If the complainant is dissatisfied with the way in which the Secretary of State for Education has handled their case, they can log a service complaint. Further information on the department's complaints process can be found on www.gov.uk. A service complaint will prompt consideration of how the case has been managed but there will not be a review of the substance of the decision made. The substance of the decision would only be considered if the complainant provided additional information relevant to the decision not to intervene.
- 8.12 If the complainant remains dissatisfied, they can ask their local MP to refer their case to the Parliamentary and Health Service Ombudsman (PHSO). If the PHSO accept a complaint for further consideration, they could normally look at the department's handling of the case. The PHSO's role is not to reverse decision-making, but where it upholds a complaint, it can make recommendations to the department to put things right. Information on the PHSO can be found online at www.ombudsman.org.uk.

Prepared by:

Melanie Watson

Transport Coordination Service

Economic Growth and Development

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If you would like this information
in another format, please contact:

Cornwall Council, County Hall

Treyew Road, Truro TR1 3AY

Email: equality@cornwall.gov.uk

Telephone: **0300 1234 100**

www.cornwall.gov.uk