

## Concessionary Travel Service Appeals Policy.

This policy covers the process and arrangements that are needed to enable service users to appeal against rejections of either applications for Freedom Passes, Taxicards and Blue Badges or against previous appeals.

The policy follows the Department of Transport guidance and provides a two stage process as follows after the receipt of the letter from the council that sets down the reasons and the legal basis for the refusal that may change from time to time:

### **1 First Stage.**

Service users have the right to appeal within the time limit of 28 days against applications that have been turned down. This should be in writing or some cases verbally if there are problems of literacy/ language/ physical limitations.

The letter should set out why the application should be allowed and what in the appellants' view the council has not taken into account and/or any added information that didn't accompany the original decision. The main categories are

- a. Medical evidence not considered in full
- b. Process errors or omissions
- c. Discriminatory application of the Transport for Transport or other guidance.

This appeal is considered by the senior manager / officer in the travel service team and should not be the officer who dealt with the original application. The senior manager or officer will consider information that relates to the issue of how any health condition or other information impacts on the persons ability or their eligibility to receive the concession. The reviewing officer can seek further advice from colleagues within and without the council.

Their decision will be sent out in writing to the appellants' home address though copies can be sent electronically in addition to the original letter. In normal circumstances we would respond within 28 working days of any appeal being heard.

If the reviewing officer' decision is that the application and appeal don't meet the relevant criteria they will be advised

that they can make the final appeal to a panel of senior managers usually the Head of Service responsible for accessible transport policy and the head of customer service or similar. The appeal will be in writing unless there are extenuating circumstances for it to be taken verbally. This letter can be forwarded electronically though any reply will be to the persons home address as well as by e.mail. In normal circumstances the appellant has 28 working days from the receipt of the letter to appeal. If the appellant appeals beyond that date they have to establish significant reasons why they didn't meet the deadline and be prepared to offer evidence to support the reasons.

## **2. Second Stage.**

The senior managers panel will have access to the relevant papers involved in the case and they can call on advice and information from other colleagues inside and outside the council. This includes the NHS and other statutory organisations.

The panel can only make one of three decisions.

- a. Uphold the appeal and issue/ reissue the relevant concessionary card/ badge.
- b. Not uphold the appeal and prepare letter(s) to confirm the reasons why the appeal was not allowed.
- c. Pend a decision while awaiting further information from the appellant or someone working on their behalf or from others who may be able to advise on the implications for not issuing the concession.

This stage is the final level within the Department of Transport guidance and any letter henceforward will inform the person what action they are able to take.

However, any appellant will be encouraged to re-apply if their circumstances and/or condition changes and any application will be considered on its merits at that time.

## **3. Local Government Ombudsman**

If you consider that the council has not applied its policy in a correct manner, then you can refer your case to the Local Government Ombudsman and ask that they review how the council has managed your appeal. Please note that the Ombudsman would not normally review the council's decision

making but the manner in which the decision was made. The Ombudsman's contact details are as follows:

The Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

0300 061 0614 (telephone<sup>1</sup>)

07624 804 299 (text)

024 7682 0001 (fax)

[advice@lgo.org.uk](mailto:advice@lgo.org.uk) (email)

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<sup>1</sup> Calls to 03 numbers will cost no more than calls to national geographic numbers (starting 01 or 02) from both mobiles and landlines, and will be included as part of any inclusive call minutes or discount schemes in the same way as geographic calls