

Thurrock Council
Special Educational Needs and
Disabilities (SEND)
Home to School Travel and Transport Policy
2024-2025
for statutory school age pupils aged 5 to 16

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Author	Head of Education Support Service
Contact email	childrenstransport@thurrock.gov.uk
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1. Introduction

This is the SEND home to school travel and transport policy for Thurrock Council. It applies to pupils who are between 5 and 16 years-old who live in Thurrock. It includes information for parents of children with special educational needs, disabilities, or mobility problems.

See our Post-16 Travel and Transport Statement, published annually on 31 May, for older pupils.

This policy refers to children, whether in mainstream or special provision, with special education needs, a disability or mobility problems, who have an Education, Health and Care (EHC) plan. Further information can be found at www.thurrock.gov.uk/school-travel

Thurrock Council has a statutory duty to make arrangements to provide free home to school travel arrangements for eligible children of compulsory school age and discretion whether to provide travel arrangements for others.

We must make free home to school travel arrangements as we consider necessary to facilitate the attendance at school of eligible children resident in their area. The Department for Education defines the term "eligible child". We use that definition in this policy.

2. General

Parents have a legal duty and a responsibility to ensure that their statutory aged children attend school regularly and to make any necessary arrangements to ensure that they attend school.

Travel arrangements mean getting a child to school for the beginning of the school day and returning a child to their home at the end of the school day. We do not make arrangements for travel between institutions during the school day, or to enable children to attend extra-curricular activities and other commitments outside school hours.

We support schools and families by encouraging sustainable travel to and from school.

We hope that most children and young people can travel by foot, bicycle or on public transport. These methods improve health and well-being and the environment.

More information about school travel schemes is at www.thurrock.gov.uk/school-travel

We produce a Sustainable Modes of Travel Strategy, which can also be found on our website at www.thurrock.gov.uk/safe-journeys-to-school/sustainable-modes-of-transport

Definitions can be found in Appendix 1 and are marked with an asterisk*.

We aim to provide clear and accurate information. In writing our policy, we have referred to the current Department for Education Statutory Guidance published in January 2024.

Department for Education Statutory guidance for local authorities –
www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance

3. Eligibility

3.1. Eligibility criteria for free travel arrangements for pupils with special educational needs

A child is eligible to free travel arrangements if they are:

- of compulsory school age (5-16 years) and **attend their nearest** suitable school
- live within the **statutory walking distance** from that school
- they could not reasonably be expected to walk to that school in reasonable safety, because of their **special educational needs, disability or mobility problems** even if they were accompanied by their parent even if the child lives within the statutory walking distance of the home address

A child **will not** be eligible for free travel solely because of their parent's work commitments or caring responsibilities.

Not every child with an EHC plan or who attends a special school will be eligible for free travel to school.

A child does not need to have an EHC plan to be eligible for travel arrangements. Each case will be assessed on an individual basis. We will consider information provided by parent, school and any professionals involved that explains why the child may not be able to walk.

Children may be eligible under the 'Extended Rights' criteria. Please see section 6.1 for further information.

3.2. Nearest suitable school

We use the term 'suitable school' in this policy to mean a qualifying school (see paragraphs below for the definition of a qualifying school) that is suitable for the child's age, ability and aptitude or special educational needs.

Parents should consider how their child will get to school at the time they are choosing which schools they would like named in the EHC plan.

The law says parent/carers must be given the opportunity to express a preference for the school they wish their child to attend. They may name any schools but, to be eligible for free travel arrangements, in almost all cases they must attend the nearest suitable school with a place available that can meet the child's needs.

Where a child has an EHC plan, the school named in the plan will normally be considered to be their nearest suitable school that can meet the child's needs not the school that best meets the child's needs.

3.3. Qualifying schools

To be eligible for free home to school travel, a child must attend a qualifying school.

Qualifying schools are:

- community schools
- foundation schools or voluntary aided and voluntary controlled schools

- academies or alternative provision academies
- community or foundation special schools
- non-maintained special schools
- pupil referral units
- maintained nursery schools (where attended by a child of compulsory school age)
- city technology colleges
- city colleges for the technology of the arts

Additionally, for children with special educational needs, an independent school is a qualifying school if it is named in their EHC plan.

3.4. Statutory walking distance

Thurrock Council, in accordance with its statutory duty, will provide free home to school travel arrangements for children of compulsory school age to the nearest suitable school to their home address who meet the 'statutory walking distance' criteria which are:

- 2 miles or more for children below the age of eight.
- 3 miles or more for children aged eight and above.

In addition to the above, where a child's SEN or mobility difficulties mean he or she cannot reasonably be expected to walk to the nearest suitable school even when accompanied by a parent, travel arrangements can be provided even if the distance criteria is not met.

3.5. Unsafe walking route

A child is eligible for free home to school travel arrangements if:

- they attend their nearest suitable school
- their school is within the statutory walking distance of their home
- they cannot reasonably be expected to walk there because the nature of the route means it would be unsafe for them to do so
- there is no reasonable alternative route within the statutory walking distance that would be safe for them to walk

When assessing whether a route can be walked in reasonable safety, the council will consider the whole of the route. This will include, for example, any sections that use footpaths or bridleways, as well as sections that use roads. They should consider a range of risks such as canals, rivers, ditches, speed of traffic and fields of vision for the pedestrian and motorist.

3.6. Eligibility for extended rights

A child is eligible for free travel to school if they are entitled to free school meals or a parent with whom they live with that receives maximum Working Tax Credit subject to annual parliamentary change and they are:

- aged 8 or over but under 11, attend their nearest suitable school and it is more than 2 miles from their home
- aged 11 to 16 years and attend one of their three nearest suitable schools provided it is more than 2 miles but not more than 6 miles from their home

- aged 11 to 16 years, attend a school that is more than 2 but not more than 15 miles from their home that their parents have chosen on the grounds of their religion or belief if, having regard to that religion or belief, there is no suitable school nearer to their home

If a child is no longer eligible for free school meals or if the parent stops receiving working tax credit, free travel arrangements will continue to be provided until the last day of the summer term.

3.7. Children registered at more than one qualifying school

Provided the eligibility criteria is met, we will arrange transport to both schools where a child is registered at two qualifying schools. We will arrange travel free of charge to whichever of the schools the child is attending on any school day.

Where a child is of no fixed abode and is registered at one, two or more qualifying schools, we may provide free home to school travel to the nearest qualifying school at which they are registered on the days that they attend that school, provided all the other criteria set out in the 'Eligibility' section.

4. Children with an EHC plan

4.1. Naming schools

We may decide to name the parents preferred school even though it is further away from the child's home than the nearest school that can meet the child's special educational needs. In such cases, we may decide that the parent will fund some or all of the transport to the school if we feel this would be incompatible with the efficient use of resources.

Where the council names the parents preferred school on the condition that the parent arranges or pays for travel, the council will set this out in section I of the EHC plan. In this case, the council will name two schools in section I set out as follows:

School A: local authority school

School B: parents' preferred school on the basis that the parent pays the cost of travel to the preferred school.

Should the parents at any point no longer be in a position to arrange or pay for the transport the council will review the EHC plan and may revert to the local authority named school if it is determined that the cost of transport to the parents' preferred school is incompatible with the efficient use of resources.

We may also name the preferred school where we decide that it would be compatible with the efficient use of resources to provide free home to school travel to the parent/carers' preferred school.

4.2. Children with an EHC plan that does not name a school, or there is no EHC plan

The child must attend the nearest suitable school with a place available in order to qualify as an eligible child.

5. How we assess eligibility

We assess eligibility for children with SEND on a case-by-case basis, the Entitlement Officer for Children's Travel Arrangements, looks carefully at each case and may ask for relevant information to help conduct a thorough assessment. This can include the following evidence from the parent or other professionals involved with the family:

- EHC plan
- medical documents
- proof of disability allowance
- individual health care plan
- letters from schools/other professionals about the child's needs

5.1. Measurement of distance to nearest school

For free travel arrangements, we assess distance between a child's home and their nearest school by measuring the shortest route along which a child, accompanied as necessary, may walk safely. This is not necessarily the shortest distance by road.

The route may also include footpaths, bridleways and other pathways.

We measure distance between home and school using a specialist computer program called 'Datamap'. This gives accurate shortest walking distances from the gate of the parent/carer's home to the main gate of parent/carer child's school.

Parents/carers can use Datamap to measure the shortest safe walking distance in miles from the parents'/carers' home to schools within Thurrock, by going to www.thurrock.gov.uk/datamap

**** The measurements produced by DataMap are the definitive distance calculations that the council will use to determine transport eligibility.*

5.2. Unsafe walking route and assessing route safety

Using the Road Safety GB 'Guidelines on Assessment of Walked Routes to School' we consider a range of risks such as paths, canals, rivers, ditches, speed of traffic and fields of vision for the pedestrian and motorist. We will consider whether the pupil could reasonably be expected to walk if accompanied by a responsible person, such as a parent or other adult.

When assessing the shortest walking route and that route or part of a route is considered to be unsafe to walk and where there is no alternative available walking route that can be used that is less than the qualifying distance criteria free travel arrangements will be provided.

Where a route previously considered to be unsafe, becomes safe – for example, through the provision of a new footpath – transport will no longer be provided to any new applicants for transport assistance. Those applicants who have been entitled to transport due to an unsafe route will be provided with transport until the end of the current school term before transport will be withdrawn.

5.3. Parents/carers accompanying their children

Where a child does need to be accompanied, the general expectation is that they will be accompanied by a parent/carer unless there is a good reason why it would not be reasonable to

expect a parent to do so. For example, a parent's disability may prevent them from accompanying their child along a walking route.

If a parent/carer is unable to accompany their child, due to being disabled or has a medical condition that prevents them from accompanying their child. We will ask parent/carers for proof of their medical condition and we may use our discretion to provide travel arrangements.

5.4. Situations where we do not make travel arrangements

Situations where we do not make travel arrangements include:

- travel to and from school extra-curricular activities or childminders address for example, taking place before or after the school day
- Year 6 induction, transition days other induction days
- travel for pupils who are currently in the borough on an exchange programme
- travel to and from different sites of the same mainstream, alternative or specialist provision
- travel to support part-time timetables – where evidence of exceptional circumstances shows that the child is unable to take part in a full day's schooling, however, the council may consider short-term transport if a reintegration plan can be provided outlining the child's return to full-time education
- travel to and from work placements
- travel to and from school where the parent/carer is unable to take their child to school due to work commitments
- travel to and from school where a parent/carer has children in more than one school.
- travel to and from parental preference schools

6. Suitability of travel arrangements

We aim to comply with Department for Education (DfE) guidance that states travel arrangements should be suitable, safe, and reasonably stress-free, so that children arrive at school ready for a day of study.

We will assess each application on an individual basis to ensure the travel arrangements meet the child's needs.

As a general guide, the maximum journey time should be 45 minutes each way for a child of primary school age, and 75 minutes each way for a child of secondary school age, including any time taken to walk to a pickup point, bus stop or train station. It is, however, recognised this may not always be possible.

Journeys for children attending a special school outside of Thurrock may take longer than the recommended journey due to the distance between the home and school address.

Travel arrangements will only be provided at the start and end of the school day.

7. Types of travel arrangements offered to an eligible child

Where a child is eligible for transport under this policy, the council will provide suitable free travel arrangements and seek to ensure this is cost effective as well as considering sustainable modes of travel. The assistance offered will be one of the following options:

- pass for public transport (bus/train)

- travel assistance budget
- fuel allowance
- personal walking assistant
- introduction to a 'walking bus' arrangement
- taxi/minibus/coach (contracted vehicle)

7.1. Travel assistance budget

Where a child is eligible for free travel arrangements and parents/carers would like a travel assistance budget, the council will consider whether it is cost effective.

The travel assistance budget is paid in advance on a termly basis. Attendance records are checked prior to the next terms payment being made and non-attendance days will be deducted. The funding is provided to help the parent/carer get their child to school. It allows the parent/carer to make flexible travel arrangements.

The travel assistance budget can be used in the following ways:

- facilitate costs of running the family car
- arrange for family or friends to assist with the home to school travel
- facilitate childcare payments for other siblings during transport period

The council would pay parents/carers two return journeys per day at 45p per mile.

For example, Child A attends a primary school 6 miles from the home address. The travel assistance budget is calculated as follows:

- 6 miles x 4 journeys = 24 miles x 45p = £10.80 per day
- a typical term would be 65 school days = £10.80 x 65 = £702.00 per term

7.2. Fuel allowance

Where a child is eligible for free travel arrangements, the council can provide a fuel allowance for parents to take their children to and from school, where the parent/carer would like this option and it is more cost effective than providing a seat on a contracted vehicle or public transport.

The council would pay parents two return journeys per day at 45p per mile. This is calculated the same as a travel budget but is paid in arrears on receipt of a completed 'student travel expenses/attendance form' signed by the school. Attendance records will then be checked before payment is made.

8. Health and safety, safeguarding, and operational issues

Where travel arrangements are made in the form of a seat on a bus, taxi, etc., parent/carers are given information relating to health and safety, safeguarding, behaviour, and operational issues as part of the offer. Our code of good practice can be found at www.thurrock.gov.uk/school-and-college-transport-advice

8.1. Safeguarding

We ensure by our procurement processes that the required safeguarding and suitability checks on the drivers of vehicles providing dedicated home to school transport, and any passenger

assistants involved in providing home to school transport, have been undertaken in line with statutory guidance.

We consider Department for Transport (DfT) guidance for taxi and private hire vehicle-licensing authorities on how to use their licensing powers to protect children and vulnerable adults.

Further information about Thurrock taxi driver licencing requirements can be found at www.thurrock.gov.uk/hackney-carriage-or-private-hire-driver-licence

8.2. Student behaviour

Pupils may experience difficulty regulating their emotions when travelling, Thurrock Council takes challenging behaviour in transport seriously. We will work with schools, parents/carers, and transport operators to minimise potential issues. However, when the behaviour affects the safety of or causes injury, to anyone within the vehicle surrounding area, including staff, the offer may be withdrawn, and alternative arrangements considered.

Unacceptable behaviour may include, but is not limited to:

- being rude
- pushing and kicking
- bullying
- distracting the driver
- refusing to wear a seatbelt
- refusing to remain seated

It may endanger the safety and wellbeing of other people and therefore transport services will be temporarily withdrawn. Parents/carers will be responsible for ensuring the child/young person attends school or college during the exclusion period. The council will not be failing in its statutory duty to provide transport if as a result of behaviour issues, it has no choice but to suspend or remove the transport provision.

The council will also take unacceptable behaviour of parent/carers seriously and may take the decision to temporarily withdraw travel arrangements until an investigation has been completed.

If transport is withdrawn permanently, parents/ carers will be offered a Travel Assistance Budget to help cover the cost of transporting their child to and from school independently.

8.3. Child failing to travel to school

When a child fails to utilise travel arrangements without justification for three consecutive days travel arrangements may be suspended pending investigation as to the cause by the council. This will only be reinstated where the child and their family assure the council that the child will use the travel provision in place in the future.

If the child then fails to use the travel arrangements again a decision may be made to suspend that provision for the remainder of that term in consultation with a senior officer. Where this suspension is confirmed, it will be the parent's responsibility to transport the child to their educational placement.

9. Children Looked After

9.1. Children who are Looked After by Thurrock Council

It is the responsibility of the foster carer or residential care provider to ensure that Looked After Children placed with them attend school.

Looked After Children may be eligible for free travel arrangements if they qualify under the eligibility criteria. If an arrangement has been made for the child to be taken to and from school and the cost of this has been agreed and is expressly included in the placement fee no other free travel arrangement will be provided because suitable arrangements already exist.

9.2. Children looked after by other local authorities, placed within Thurrock

Section 508B of the Education Act 1996 requires local authorities to make travel arrangements for 'an eligible child in the authority's area'. This means that, in all circumstances, the local authority in whose area an eligible child lives is responsible for their home to school travel – including the cost of the travel.

9.3. Child moving into Thurrock

If a child moves into the borough, parents should apply for free travel arrangements as soon as they have been accepted by a Thurrock school. They should bear in mind the information about choice of school given earlier in this policy.

9.4. Internal moves – child moving within Thurrock

Parent/carers whose child was previously benefiting from free travel arrangements should inform us of the change in circumstances and the eligibility will be reassessed. A child may become eligible following a move, in which case a new application should be made.

In all cases, parent/carers should bear in mind advice given in this policy on choice of school and the requirement to attend the nearest suitable school with a place available.

10. Discretionary travel arrangements

There may be cases where a child does not meet the eligibility criteria for travel arrangements. Thurrock can use their discretionary powers to offer assistance, only when it is necessary to make such arrangements for children who are not eligible for travel arrangements.

Applications should be made as soon as possible, using the form within the link at www.thurrock.gov.uk/home-to-school-travel-support/discretionary-transport-award

An award made as a Discretionary Award cannot be backdated.

Applicants must provide all evidence listed or requested by us. Where a form is incomplete and/or evidence is not provided as requested, within any given time limit, no decision can be made.

Where a discretionary award is made parent/carers may be asked to make a financial contribution to the cost. By law, we can charge for discretionary arrangements and have a duty to protect our resources.

Information about Discretionary Awards and how to apply may be found at www.thurrock.gov.uk/home-to-school-travel-support/discretionary-transport-award

10.1. Temporary medical condition/mobility problems affecting child and or parent/carer

We can use our discretionary powers to make temporary travel arrangements in circumstances such as illness of the person who usually takes the child to school, or a child suffering from a temporary medical condition – for example: a broken leg which means the child cannot walk to school for a temporary period. Parents should apply using the Discretionary Awards process and provide as much information as possible including medical evidence. These arrangements will end when the temporary condition no longer exists.

The medical assessment form is at www.thurrock.gov.uk/home-to-school-travel-support/medical-evidence

10.2. Families in temporary accommodation including refuges and asylum seekers

Sometimes we must temporarily rehouse a family while permanent housing is found, and the journey to the children's school from the temporary accommodation is longer than it is reasonable to expect a child to take. The child will no longer be attending their nearest suitable school. Sometimes the family remains in temporary accommodation longer than was originally planned.

In these circumstances the family may apply to transfer to their nearest suitable school or a nearer suitable school.

Consideration will be given to make travel arrangements on a discretionary basis to the child's original school whilst they are waiting for permanent housing providing the distance criteria is met.

If the temporary accommodation is out of the borough, the family must apply to the local authority they are residing in for travel arrangements.

A discretionary award of transport in these circumstances will be considered and reviewed regularly. The review is carried out to support families to find alternative accommodation or make their own transport arrangements to the original school.

Parent/carers need to provide evidence from the council or housing association stating that the family has been made unintentionally homeless and are subsequently in temporary accommodation awaiting permanent housing.

The letter would also need to confirm the temporary address and an estimate of the timeframe within which permanent housing is likely to be provided. Any travel arrangements provided will be for one term at a time.

Where a family is considered to be intentionally homeless, they will not benefit from a discretionary award of home to school travel arrangements.

11. Applying for transport

Once a parent has received an offer of a school place, if they believe their child is eligible for transport, the relevant application form is available on the website.

11.1. Applications, awards, and assessment reviews

How to apply

The application form for travel arrangements is available online at www.thurrock.gov.uk/home-to-school-travel-support/apply-for-support

Requests for a paper form can be emailed to the Home to School Travel Team at htstapplications@thurrock.gov.uk

The 2 periods for new transport application assessments are:

- between 1 April and 30 September
- between 1 October and 31 January

Applications received after the closing date of 30 September, will be considered for January onwards.

Parents/carers only need to apply once for the academic year. The assessment will cover the remaining academic year if the eligibility criteria is met.

Travel arrangements will be backdated to the day the parent/carer's application is assessed as eligible where a fuel or travel assistance budget is provided.

Renewal applications

Parents/carers only need to reapply for travel arrangements at the following transition points as set out below:

- Year 3 to Year 4
- Year 6 to Year 7
- Post-16

Parents/carers may need to reapply if there has been a change in circumstances, further information can be found on our website at

www.thurrock.gov.uk/home-to-school-or-college-travel-support/if-your-circumstances-change

11.2. Travel arrangements decision outcome

We will aim to inform the parent/carer within 15 working days; however, this may take a little longer. once we receive a completed application form with all the information asked for, including any supporting documents.

Travel arrangements will begin as soon as possible. In some cases it may take longer.

When the arrangement ends it is the responsibility of the parent to make a further application from 1 April but no later than by 31 May for the new academic year starting in September.

Your decision letter will tell you the date parents/carers need to review the assistance we provide. Parents/carers must apply again if travel arrangements are required after this review date. We may ask you to apply each academic year.

11.3. Reviews

Reviews for travel arrangements may be required if circumstances change from the date of your original application.

Reasons for a more frequent review are:

- change of school or home address
- change in the health or SEND or associated needs of the child/parent or other member of the family that affects the child getting to school

11.4. Eligibility checks

A child **is assessed as being currently eligible** for free travel to school if they are entitled to free school meals or a parent with whom they live with that receives maximum Working Tax Credit, subject to annual parliamentary change subject to certain conditions set out above under 8.1 above.

Thurrock Council has a duty to ensure that public funds are protected. We will undertake checks with the Department for Work and Pensions as part of the eligibility assessment.

11.5. Awards made in error

Where a decision to make free travel arrangements has been made in error, we have the right to withdraw this after first considering the circumstances of each case to determine whether there are exceptional reasons for provision to continue. Where it is decided to withdraw transport, up to one term's notice will be given. If the error was discovered before the commencement of the academic year, the arrangements will be withdrawn immediately.

12. Appeals procedure

The Children's Transport team will provide in writing the reasons for the refusal of an application at the point of assessment.

Appeals against a refusal of assistance or the suitability of the transport provided should be made by completing the online appeal form which can be found on our website using the following link www.thurrock.gov.uk/hometoschoolappeal

Each appeal is considered on an individual basis and does not set a standard practice for future cases. The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.

Appeals will be considered in a 2-part process:

- **Stage 1** – consideration will be made by an officer more senior than the previous decision-maker
- **Stage 2** – a full and final decision will be made by an independent appeal panel that were not part of any previous decisions made, and the parent/carer will be invited to a meeting to explain their case, which will be held in person at the Civic Offices in Grays

If parents/carers feel we have failed to comply with the procedural rules or if there are any other irregularities in the way an appeal was handled, parents/carers have the right to refer the matter to the Local Government and Social Care Ombudsman, or to request a judicial review if parents/carers believe the decision to refuse travel is flawed on public law grounds.

The flowchart within this policy, 'appendix 2' provides further information on the process and timelines.

More information on appeals is at

www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance

13. Complaints

Complaints about the service provided by us relating to Home to School Travel Arrangements can be made by using our complaints procedure. This is available at www.thurrock.gov.uk/complaints

Our complaints process has 2 stages. Parents/carers can make a complaint by email or in writing:

- email – complaints@thurrock.gov.uk
- post – Complaints, Thurrock Council, Civic Offices, New Road, Grays, RM17 6SL

14. Appendix 1 – glossary

Legal references and definitions

Words used in this policy are taken from the Education Act 1996 which defines them as follows.

Section 444(5) of the Act defines the statutory walking distances.

Schedule 35B of the Act defines:

- 'Eligible children'– paragraphs 2-7 and 9-13
- 'Qualifying school'– paragraph 15
- 'Disabled child'– paragraph 15(4)
- 'Religion and belief'– paragraph 15(6) and 509AD of the Act
- 'Low-income family'– paragraphs 9-14

Section 579 of the Act defines 'child'.

Section 509AC of the Act defines 'compulsory school age'.

The Equality Act 2010 defines 'religion or belief' for the purposes of this Act.

The Children's and Families Act section 10 defines 'SEN'.

Additional definitions

Term	Definition
Compulsory school age	Between the ages of 5 and 16 years old "beginning at the start of the term following a child's fifth birthday" and "ending the last Friday in June of the school year in which they are 16".
Home	A child's home is the place where they are habitually and normally resident. Where a child lives between the homes of two parents, we take the address of the parent who receives child benefit. If there is doubt about the address where the child lives, we will decide.
Philosophical belief	We adopt the interpretation of the Department for Education. For a philosophical "belief" to be worthy of protection, it must attain a certain level of cogency, seriousness, cohesion, and importance; be worthy of respect in a democratic society; and not be incompatible with human dignity or the fundamental rights of the child. Examples of beliefs are humanism and atheism.
Road routes	Reference to road route should be taken to mean a route passable by a motor vehicle and could include distance covered on additional transport – for example, via ferry.

15. Appendix 2 – the appeals process

The flowchart below sets out the full review and appeals process.

