



Appeal Procedure for Disabled Persons' Freedom Pass Applications

1. Transport Inclusion Unit

- 1.1. Any Disabled Persons' Freedom Pass Applicant (whether for a new Pass or a re-issue) will be contacted in writing or by telephone if there is any discrepancy in material supplied or apparently supplied, provided there is a reasonable possibility of resolving the discrepancy, in an attempt to obtain the information necessary to enable the Transport Inclusion Officer to make a decision on the application.
- 1.2. If the Applicant contacts the Transport Inclusion Unit and states that he/she has difficulty understanding or completing the application form, the Applicant will be invited to contact the Unit to receive guidance and assistance in completing the form.
- 1.3. Qualification for a Disabled Persons' Freedom Pass is determined by directly applying the relevant legislation and statutory guidelines to the documentation supplied by the Applicant. This means that all officers involved in the original decision, the First Stage Review and the Freedom Pass Appeal stages are strictly applying the rules as determined by law. Decision-making is not a discretionary process.
- 1.4. On receipt of an application refusal from the Transport Inclusion Officer, the Applicant is able to apply in writing to the Transport Inclusion Unit, for a First Stage Review of the decision.
- 1.5. The First Stage Review request letter should set out clearly why the decision is disputed and include any new supporting medical evidence and/or outstanding documentation.

2. First Stage Review

- 2.1. The Transport Inclusion Unit will pass the application to a Review Officer who will be a more senior officer in the Parking Services Department. The Review Officer may choose to consult the Transport Inclusion Officer for further information but their decision will be independent.
- 2.2. The Review Officer will recheck the Applicant's entitlement by considering the material supplied to support his/her application against the criteria set out in the current legislation and guidance. They will also consider any further information provided by the Applicant in their request for review.
- 2.3. The Review Officer will then make a decision and advise the Applicant in writing, within ten working days wherever possible.

- 2.4. If the decision is to refuse the application, the Review Officer will advise the Applicant that they have the opportunity to appeal to the Freedom Pass Appeals Panel.

3. Appeal to Freedom Pass Appeals Panel

- 3.1. Any Disabled Persons' Freedom Pass Applicant, who is refused a Permit at the initial allocation and at the First Stage Review, may appeal in writing, to the Transport Inclusion Officer, who will arrange for the application to be considered by the Freedom Pass Appeals Panel. However, the appeal will only be placed before the Panel if, after discussions between the Head of Parking and the Processing Manager, it is agreed that there could be a different interpretation of the information supplied within the rules of the scheme, or if sufficient new medical evidence is received to support the appeal.
- 3.2. The mandate of this Panel is to review the original refusal by the Transport Inclusion Team and the subsequent refusal by the First Stage Review Officer.
- 3.3. The Appellant will have the opportunity to demonstrate that the original refusals were wrong and that the Appellant does in fact meet the criteria for a Disabled Persons' Freedom Pass.
- 3.4. The Panel will be convened at the earliest possible opportunity after receiving a completed appeal request form from the Appellant.

4. Membership of the Panel

- 4.1. The Panel will generally include the Head of Parking Services, a member of the Equalities and Diversity Department and/or a representative from the Legal Services Department.
- 4.2. The Chair of the Panel shall by default be the Head of Service. Otherwise the Panel shall appoint a chair at the start of the proceedings.
- 4.3. Membership of the Panel may change from time to time, provided that the Panel is always chaired by the Head of Parking Services or a Panel appointed Chair.

5. Scheduling the Appeal

- 5.1. The Appellant will be advised at least 7 days before the appeal of the exact date, time and venue.

6. Attendance at the Appeal

- 6.1. The members of the Panel will be present.
- 6.2. The Appellant does not have to attend the hearing. The Panel can consider an appeal on the basis of the written information. However every encouragement and assistance will be given to the Appellant to attend the hearing as it is recognised that this will give him or her the best opportunity to put his or her case to the Panel. A representative of the Transport Inclusion Unit will have the right to attend and present their case to the Panel whether or not the Appellant is present.
- 6.3. A representative of the Transport Inclusion Unit must always attend if the Appellant is presenting their appeal in person.
- 6.4. The Appellant may be accompanied by one other person. This could be a friend, family member or possibly someone from a local voluntary group or association who can provide them with support and/or assistance. This person may stay with the Appellant throughout the hearing.

7. Order of Business

- 7.1. The proceedings will be kept as informal as possible but it is necessary to maintain a logical approach and the procedure adopted at the hearing will normally be as follows:
 - 7.1.1. Opening remarks by the Chair
 - 7.1.2. The presentation of the Transport Inclusion Unit's case. The Team's representative will outline their response to the appeal.
 - 7.1.3. The presentation of the Appellant's case. The Appellant (or their representative) will have an opportunity to outline their case.
 - 7.1.4. Summing up by the Unit.
 - 7.1.5. Summing up by the Appellant.
- 7.2. Members of the Panel can ask questions at any time during the proceedings.
- 7.3. If the Chairman thinks that it is helpful, he/she might choose to vary the procedure but will always keep in mind fairness and natural justice.
- 7.4. At the close of the proceedings the Appellant and their representative and the Unit's representative(s), will be asked to withdraw. The Panel will then meet in private to consider the appeal on the basis of the written information that they have received and in the light of what they have heard from the Appellant and the Unit.

- 7.5. The appeal will normally be scheduled for 45 minutes to 1 hour but may run longer in exceptional circumstances.
- 7.6. The Panel can:
 - 7.6.1. **Dismiss the appeal** - in which case, no further action will be taken.
 - 7.6.2. **Uphold the appeal** - the Panel will decide what action is needed to put the matter right.
 - 7.6.3. **Adjourn the hearing to ask for further information** - the participants may be invited either to appear before the Panel again on another occasion, or to respond in writing to the Panel's questions without needing to appear again.
- 7.7. Written confirmation of the Panel's decision will be sent to the parties to, usually within five working days.