

## **Lancashire County Council**

### **Student Support Appeals Committee**

#### **Minutes of the Meeting held on Tuesday, 1st September, 2020 at 11.00 am in County Hall, Preston**

#### **Present:**

County Councillor Anne Cheetham (Chair)

#### **County Councillors**

J Cooney  
Y Motala

D Stansfield

#### **1. Apologies**

None

#### **2. Disclosure of Pecuniary and Non-Pecuniary Interests**

4842 - CC Y. Motala not present for this case due to conflict of interest.

#### **3. Minutes of the meeting heard on the 13th July 2020**

Resolved: That; the Minutes of the meeting held on the 13<sup>th</sup> July 2020 were confirmed as an accurate record and was signed by the Chair.

#### **4. Urgent Business**

None

#### **5. Date of the Next Meeting**

The next scheduled meeting of the Committee will be held at 10.00am on the 12<sup>th</sup> October at County Hall, Preston (subject to change due to Covid – 19).

#### **6. Exclusion of the Press and Public**

The Committee is asked to consider whether, under Section 100A(4) of the Local Government Act 1972, it considers that the public should be excluded from the meeting during consideration of the following item of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 12A to the Local Government Act, 1972 as indicated against the heading of the item and that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

#### **7. Student Support Appeals**

**4822**

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 0.97 miles and within the statutory walking distance to the home address, and instead would attend school which was 2.53 miles from the home address. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law.

The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the appellant's summary which stated the family was appealing on:

**Financial grounds:** Appellant stated monthly cost of school bus. The appellant worked part time and stated the monthly income they got together with Universal Credit. The appellant was the sole adult in the family home.

**Medical grounds:** The younger pupil was diagnosed with health issue and this caused difficulties with behaviour and school work. The pupil was able to catch a bus in the morning which took them directly into the school grounds. The appellant stated the cost of the bus fare impacted greatly on the family's budget but the younger pupil's safety was paramount which is why things were sacrificed for them to travel on the bus. The younger pupil was vulnerable and occasionally did not know what they were doing.

It was noted by the Committee, the appellant stated the school attended by the pupils was the nearest faith school to the family home. The pupils formerly attended a faith school.

The appellant stated as noted by the Committee, there were no means to transport the pupils at home. Transport was required as soon as possible and would be needed until 2024.

The Officer's comments and review information, as noted by the Committee, stated

The Department for Education statutory guidance requires the County Council to assess transport eligibility by considering whether a place could have been allocated in the normal admissions round if the parent had included the school as a preference. It is parental preferences for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. The Committee noted the pupils were not attending their nearest suitable school at 0.97 miles but were attending a school at 2.53 miles from home.

Assessing a pupil's eligibility to receive transport assistance is a two part process. Firstly, a pupil's nearest school, for transport assessment purposes, is

determined. This is the school that is closest to the pupil's home, measured by the shortest walking or road route, as accepted by the County Council. The safety of the route between home and school is only considered if a pupil is attending their nearest establishment. Both pupils are attending school at 2.5 miles and not the nearest suitable school at 0.97 miles from home.

The Department for Education guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

The statutory guidance from the Department for Education states that schools can be considered when undertaking assessments to receive transport assistance if they have places available and "provide education appropriate to the age, ability and aptitude of the child, and any SEN that child may have." The County Council delegates a significant amount of funding to all mainstream high schools to provide the learning support for pupils with additional needs. All schools are expected to provide the necessary 1:1 support to enable a pupil to fully access the curriculum. No information was submitted to state the younger pupil had any SEN issues or was under EHC Plan.

There is an additional entitlement to transport assistance for low income families. If parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit free travel is provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home. There is no active claim for Free School Meals. No evidence had been supplied by the appellant to state they were on low income.

The County Council's Home to School Transport policy contains a discretionary award for pupils with long term medical needs. Where it is apparent that a pupil is physically unable to walk to school, transport provision may be considered where a pupil attends their nearest suitable school. The children are not attending their nearest suitable school.

The Committee noted the supplementary evidence supplied by the appellant in support of their appeal.

The Committee also noted that the appellant had signed the application form, for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupils would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4822 be refused** on the grounds that

the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2019/20.

#### **4835**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 0.66 miles and within the statutory walking distance to the home address, and instead would attend school which was 6.13 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the family moved to their present address this year. The appellant advised that they were the only adult in the household but under Section D the appellant had stated that they and their partner worked full time and had a younger child to get to and from school. It was not known whether the partner lived in the family home.

It was noted by the Committee the appellant was not appealing on financial grounds or educational continuity grounds but was appealing on medical grounds as the pupil suffered from health issues and evidence had been provided to support this diagnosis. The appellant advised that the pupil did not have any concept of their surroundings. The pupil couldn't cross a road safely and had on many occasions had to be pulled out of the way of moving vehicles. The pupil would not be able to navigate fully to the local bus stop, let alone the nearest school. There were no resources provided to the family to assist with this medical condition and there was no help available from extended family/friends/neighbours to support the pupil to get to school. No agencies were offering support to the family.

The Committee noted under Section D, the appellant advised that the pupil would need a door to door taxi/minibus to transport them to and from school. The pupil's mental age was below their actual age and they would not be able to cope with the hustle and bustle of a regular school bus nor would they be able to walk to the bus stop unaccompanied and to cross roads due to their road safety problems. The appellant and their partner worked full time and they had a younger sibling to take to and from school therefore they would be unable to take the pupil to and from the bus stop.

The appellant stated, as noted by the Committee, they and their partner visited schools closer to home than the one the pupil attended and they chose the school attended by the pupil presently, because it was the most equipped school to meet the pupil's needs. The pupil was happiest at the school attended and was upset when the appellant and their partner told them they needed to consider other options in case they didn't get a place at the school.

It was noted by the Committee the appellant and their partner had been in contact several times with SEN staff at the school attended by the pupil and as a result, they felt that they have made the best choice for the pupil.

The Committee noted since choosing the school attended by the pupil, the family had moved house which had put them further away from the school, but they ensured that they were still in the catchment area for the school.

The appellant and their partner hoped, as noted by the Committee, that the SSAC would allow their appeal for home to school transport so that the pupil could travel to school safely. The pupil was presently being assessed for an EHCP. Transport would be required from the start of the autumn term for a minimum of 1 academic year.

The Officer's comments and review information stated as noted by the Committee other nearer suitable schools at which a place could have been offered to the pupil were at 1.34 miles and 2.34 miles and both within statutory walking distance.

There was an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. The pupil would have an entitlement to transport assistance under the 'low income' criteria of the transport policy but no information was provided to indicate that the appellant and their partner satisfied the eligibility criteria.

It is parental preferences for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

Parents have the primary responsibility for ensuring their child's safe arrival at school. In all cases, when assessing the suitability of routes, the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably clad.

Assessing a pupil's eligibility to receive transport assistance is a two part process. Firstly, a pupil's nearest school, for transport assessment purposes, is determined. This is the school that is closest to the pupil's home, measured by the shortest walking or road route, as accepted by the County Council. The

safety of the route between home and school is only considered if a pupil is attending their nearest establishment.

The Committee noted the supplementary evidence supplied by the appellant in support of their appeal.

The Committee also noted that the appellant had signed the application form, for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4835 be refused** on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2019/20.

#### **4837**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 4.04 miles, and instead would attend school which was 5.25 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the appellant was not appealing on financial, medical or educational continuity grounds but was appealing as they had been refused assistance with transport because the Council advised there were nearer suitable schools with places available when they were seeking a place for the pupil, the nearest being the schools at 4.07 miles and 4.11 miles respectively. Please note that for new children starting school from September 2018, the Authority no longer offers partially subsidised transport assistance for children attending their nearest faith school which is not their nearest school.

It was noted by the Committee the appellant was advised to purchase a school bus season ticket and was quoted the cost for the coming academic year.

The appellant strongly believed, as noted by the Committee, that the Council's new policy from 2018 penalised families who wished their children to attend their nearest faith schools. It was of extreme importance that their children attended a faith school (the faith school at 5.4 miles approximately, being the closest to their

home address). The family were active members of their local place of faith. The appellant was a member of the place of faith and was a Sunday School teacher there and their children regularly attended Sunday School. The family have three other younger children and the appellant intended for all of their four children to attend the school at 5.4 miles based on 'religious reasons'. The appellant strongly disagreed that they should be penalised for not being eligible for assistance with school transport fees due to the fact that their children did not attend the closest school, which was a non-faith school.

The Committee noted another reason why the appellants chose the faith school at 5.4 miles was due to the unique bus service it offered. The family lived in a rural location and the appellant was aware that there was a minibus service which was operated by the Council. The appellant had contacted the coach company directly and they had confirmed the pupil would be picked up from the driveway of the home.

It was noted by the Committee, the appellant stated there were no footpaths and very limited street lighting down the country lane in which the family lived. The nearest bus stop from the home address was approximately 0.7 miles away in the area or a similar distance to the bus stop in nearby area. During the winter months, the pupil would be walking alone in the dark down a very remote country lane to the nearest bus stop if they had chosen the nearest suitable school at 4.04 miles or another school at 4.11 miles respectively. Due to safety reason, they didn't want the pupil to make this journey twice a day. Other schools did not offer pick up service for pupils who lived in remote locations and this was one of the exceptional reasons why the appellants selected the faith school at 5.25 miles which the pupil attended presently.

It was made aware by the Committee, there was transport in the home but it was not possible for the appellants to take the pupil to and from school as they worked full time. They also had to take their three younger children to school at the same time and to a different location. The pupil had no alternative option but to travel by bus to the school attend as the appellants were physically unable to be in two places at once.

The appellant stated, as noted by the Committee, transport would be required from August until the pupil left school or the family's circumstance changed.

The Officer's comments and review information stated, as noted by the Committee, there were other nearer suitable schools at which a place could have been offered to the pupil, the nearest being at 4.11 miles away and 4.18 miles away from home.

The Department for Education statutory guidance requires the County Council to assess transport eligibility by considering whether a place could have been allocated in the normal admissions round if the parent had included the school as a preference. The Committee noted the appellants had put the school attended as their first preference at 5.4 miles.

It is parental preferences for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

There is additional transport assistance available to low income families but only if parents are in receipt of one of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. There was no evidence of eligibility for Free School Meals or of the family being in receipt of the maximum amount of working tax credit.

Assessing a pupil's eligibility to receive transport assistance is a two part process. Firstly, a pupil's nearest school, for transport assessment purposes, is determined. This is the school that is closest to the pupil's home, measured by the shortest walking or road route, as accepted by the County Council. The safety of the route between home and school is only considered if a pupil is attending their nearest establishment.

The Department for Education guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

When assessing home to school transport entitlement, it is not possible for there to be consideration of how the pupil might undertake the journey to school. The availability and capacity of bus services can change depending on demand and revenue from bus fares.

The Committee noted there was no evidence of eligibility for Free School Meals or of the family being in receipt of the maximum amount of working tax credit. The Committee noted the supplementary evidence supplied by the appellant in support of their appeal.

The Committee also noted that the appellant had acknowledged receipt of the information and had also noted out they did not agree to information contained in the schedule.

The Committee had acknowledged supplementary evidence supplied by the appellant.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4837 be refused** on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2019/20.

#### **4838**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 4.06



miles, and instead would attend school which was 4.19 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the appellants was not appealing on financial, medical or educational continuity grounds but was appealing under Section D: Other Exceptional Reasons. The appellant was informed that the pupil would not get free transport to school attended because there was another school nearer to their home, than the one attended. However the nearer school was a school of a different faith to the faith the family believed in.

It was noted by the Committee the appellant was appealing on two grounds: one of religion as the pupil was baptised and confirmed to the faith of which the appellant was too (proof was attached); the second was in respect of distance (documents attached). If the family lived at the address that the Local Authority originally incorrectly input for them, the pupil would have received transport to the school attended. According to the email sent to the family from the Local Authority, the house was only 0.185 miles nearer to the school attended than the house they lived in. The appellant stated any child living at the incorrect home address would have to walk past the appellants' house to get to their nearest school and the family's nearest bust stop to catch the bus at the junction.

The Committee noted transport was required from start of new school year until the pupil left school or the family moved house.

Officer's comments and review information stated, as noted by the Committee, it was acknowledged on checking the distance for this schedule the original distances provided to the parent in earlier correspondence were slightly incorrect. The correct distance were stated. This still did not entitle the family to assistance with home to school transport.

There is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. The pupil would have an entitlement to transport assistance under the 'low income' criteria of the transport policy but not information was provided to indicate that the appellants satisfied the eligibility criteria.

The Department for Education statutory guidance requires the County Council to assess transport eligibility by considering whether a place could have been allocated in the normal admissions round if the appellants had included the school as a preference.

It is parental preferences for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

The statutory guidance from the Department for Education states that schools can be considered when undertaking assessments to receive transport assistance if they have places available and "provide education appropriate to the

age, ability and aptitude of the child, and any SEN that child may have." This is the DfE definition of a suitable school.

The Committee noted the supplementary evidence supplied by the appellant in support of their appeal.

The Committee also noted that the appellant had signed the application form, for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4838 be refused** on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2019/20.

#### **4841**

It was reported that a request for transport assistance had initially been refused as

the pupil would not be attending their nearest suitable school, which was 3.11 miles, and instead would attend a school which was 3.54 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the appellants were not appealing on financial, medical or educational continuity grounds.

It was noted by the Committee, last year the pupil's sibling received assistance with home to school transport because their nearest school was oversubscribed and unable to offer a place. The sibling was admitted to the school currently attended by the pupil, being the next nearest to the home address, and a taxi was provided to take the sibling to and from school in accordance with the Council's transport policy. The appellant applied for the pupil to attend the same school but transport was refused as, the family's nearest school, was not over-subscribed and able to offer a place.

The appellant didn't believe that another Local Authority's schools should be taken into consideration, as the other Local Authority would have to provide the same service, as the nearest school was also over 3 miles from the family home. It was noted by the Committee, the appellant found it inconceivable that the council would expect them to:

- ❖ Send the pupil to a different school to their sibling
- ❖ Expect 2 different taxis to take their pupil to 2 different schools.
- ❖ Not approve the pupil sharing the taxi service with their sibling to the same school, as they didn't feel that this would incur any additional costs.

The Committee noted there was not access to suitable transport in the home and transport would be required from beginning of new school term until the pupil left school or the family's circumstances change.

Officer's comments and review information stated as noted by the Committee, there is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. The pupil would have an entitlement to transport assistance under the 'low income' criteria of the transport policy but no information was provide to indicate that the appellant satisfied the eligibility criteria.

The Department for Education statutory guidance requires the County Council to assess transport eligibility by considering whether a place could have been allocated in the normal admissions round if the appellant had included the school a preference.

It is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

The Department for Education issues statutory guidance that requires changes in the County Council's Home to School Transport Policy to be phased – in so that children who start under one set of transport arrangements continue to benefit from them until they either conclude their education at that school or choose to move to another school. The phasing in of policy changes allows situations to arise where an older sibling is receiving transport assistance but the younger pupil is not entitled.

Assessing a pupil's eligibility to receive transport assistance is a two part process. Firstly, a pupil's nearest school, for transport assessment purposes, is determined. This is the school that is closes to the pupil's home, measured by the shortest walking or road route, as accepted by the County Council. The safety of the route between home and school is only considered if a pupil is attending their nearest establishment.

The Committee noted the County Council was sympathetic to the family. The County Council provided the pupil's sibling with transport assistance in the form of a taxi to which the pupil was not entitled due to the unusual circumstance of there being a place at the nearest suitable school which was normally oversubscribed.

The Committee have noted the information provided by the appellant stating their reason for appeal.

The Committee also noted that the appellant had signed the application form, for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4841 be refused** on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2019/20.

#### **4842**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 1.06 miles and within the statutory walking distance to the home address, and instead would attend school which was 2.78 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the appellant was appealing on:

Financial Grounds – The appellant doesn't have a partner was presently on furlough from their job. Their net monthly income was stated along with Universal Credit although no evidence had been provided to support this.

Medical Grounds – The pupil had a history of health issues. Before starting school, the pupil was referred to CAMHS for sessions in their previous school to help them with their health issues, although no evidence had been provided to support this.

Educational Continuity Grounds – Due to the pupil's health issues, the pupil did not take well to change changes in circumstances. It had taken a few years for the pupil to be settled and happy at school. They will be going into Y10 in September and due to COVID, Y9 pupils had already a term studying for their GCSEs ie a term earlier than they would normally have done. When the family applied for the school attended by the pupil, they were living at a different home address, closer to the school attended by the pupil. Since their change of address, their nearest local high school was now a faith school which is not of the faith the pupil follows and the pupil was practising their faith. The appellant didn't wish for the pupil to suffer a massive change in their life with their schooling due to the huge change in their financial situation as a result of the COVID pandemic. The pupil was at a very important stage in their education. Continuity with school, their peers, teachers and setting was crucial for the pupil to prosper in the next 2 years of their schooling and any drastic change would adversely affect him.

It was noted by the Committee there was no help available from extended family, friends or neighbours to support the pupil to get to and from school. The question "Is there access to suitable transport in the home" had not been answered.

The Committee noted transport would be required until the pupil left the school or until the family circumstances changed.

Officer's comments and review information stated as noted by the Committee, although the pupil was eligible to receive free school meals they were not entitled to assistance with transport under the 'low income' criteria as the school attended by the pupil was not one of the three nearest schools to the pupil's home address. Other nearer schools included at 1.73 miles and within statutory walking distance, and second one at 2.56 miles.

The Committee noted parents have the primary responsibility for ensuring their child's safe arrival at school. In all cases, when assessing the suitability of routes, the County Council would assume that the child was accompanied, where necessary, by a parent or other responsible adult and was suitably clad.

It was brought to the Committee's attention, transport appeals were evidence based. The notes of guidance provided with the appeal form do state that if a parent was making a case on financial grounds then it was essential that the fullest detailed documentation was provided as this would evidence that a parent couldn't fund the transport themselves. The notes stated that any information received would be dealt with in strict confidence and referred to bank statements, benefit statements etc.

It is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

The Committee noted no supplementary evidence was supplied by the appellant in support of their appeal.

The Committee also noted that the appellant had signed the application form, for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

**Deferred** : The Committee felt that the appeal needed to be properly assessed and would like to give the appellant the opportunity to fully submit the relevant evidence in order for fully informed and proper assessment is made by the Committee in relation to the family's transport needs.

The Committee would like the following evidence submitted no later than the 17<sup>th</sup> September 2020 in order for the appeal to be heard by the Committee on the 12<sup>th</sup> October 2020.

- Current and up to date benefit statements relating to the families award, including the DLA allowance allocated.
- Up to date Medical evidence of the pupil stating their current medical status and future prognosis including medical evidence from a GP or other medical professional.

#### 4843

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 2.65 miles and within the statutory walking distance to the home address, and instead would attend school which was 2.87 miles from the home address. The shortest suitable walking distance to this school was 3.68 miles. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The appellant, as noted by the Committee, was not appealing on medical or educational continuity grounds but was appealing on:

- Financial Grounds: The appellant worked full time and earned a net amount per month which was stated on the form. Their partner worked part-time and was presently furloughed. The amount received by partner per month was stated on the form. Their total household monthly income was stated too, although no evidence had been received to support this.
- Under Section D: Other Exceptional Reasons. The appellant advised the walking route to the school attended by the pupil was unsafe. The pupil would have to walk along busy main roads and have to cross 4 slip roads with no crossing facilities. This was the shortest route at 2.8 miles. When choosing their preferences for a local school, the family took into consideration safe walking routes, distance and dropping off and picking up points to fit in with their employment requirements.

The Committee noted, the family did not get any of their preferences. All the school were faith schools with a good, safe transport route and the family would have received support from family/friends to help them with the school run. The appellant advised, as noted by the Committee, that Council did not have any regard to the choice of many people in the pupil's previous school and they were also allocated the school attended by the pupil. Other parents were distraught at been allocated the nearest suitable school which had an Ofsted rating of "inadequate". The MP had supported the injustice the pupils in the area had been subjected to.

It was noted by the Committee, the appellant stated, in summary the pupil had been allocated a place at a school they did not choose and had been told they would not be entitled to support with transport despite the unsafe walking route. A number of accidents had occurred at the roundabout and at the ends of the 4 slip roads to and from the road where two roads cross.

The Committee noted the appellant stated there was no suitable transport in the home and transport would be required from the beginning of the new school term until the pupil left school or the family's circumstances changed.

The Officer's comments and review information stated, as noted by the Committee, there was an additional entitlement to transport assistance for low income families if parents were in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. The pupil would have an entitlement to transport assistance under the 'low income' criteria of the transport policy but no information was submitted by the appellant to indicate that the appellant would satisfy the eligibility criteria.

It is parental preferences for schools and academies and the application of admission arrangement linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

The Committee have noted the pupil was not attending their nearest suitable school at 2.65 miles and within statutory walking distance.

It was noted by the Committee, parents have the primary responsibility for ensuring their child's safe arrival at school. In all cases, when assessing the suitability of routes, the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably clad.

Assessing a pupil's eligibility to receive transport assistance is a two part process. Firstly, a pupil's nearest school, for transport assessment purpose, is determined. This is the school that is closest to the pupil's home, measured by the shortest walking or road route, as accepted by the County Council. The safety of the route between home and school is only considered if a pupil is attending their nearest establishment.

The Committee noted no supplementary evidence was supplied by the appellant in support of their appeal.

The Committee also noted that the appellant had signed the application form, for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4843 be refused** on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2019/20.

#### **4845**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 3.42 miles to the home address, and instead would attend school which was 3.44 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the pupil lived in the family home with the appellant and their partner. It was intended to transport the pupil to school by bus.

It was noted by the Committee the appellant was not appealing on financial grounds, medical grounds or educational continuity grounds but wishing to appeal under 'Other Exceptional Reasons' for the Committee to consider:-

- The appellant wished to inform the Committee that the school attended by the pupil was the closest school to the family home and it was over three miles in distance.
- The family were astonished to learn that nearest suitable school was closer, particularly as it was located in another town; which made it difficult to accept that this ruling precludes the pupil from qualifying for free travel. The family's calculations differ from the Local Authority 's demonstrating that the school attended by the pupil was 3.5 miles whilst the nearest suitable school was 3.6 miles from the family home.
- Neighbours qualified for free travel, and the pupil did not; on the face of it, their circumstances appeared to be similar.
- For the pupil to attend the nearest suitable school, they would have to walk almost one mile further to the bus stop.

The Committee noted the Area Education Office confirmed that the nearest suitable school was 27.35 m closer.

The Officer's comments and review information stated as noted by the Committee, transport had not been approved because there was a nearer suitable school with places available, the nearest suitable school at 3.42 miles.

A summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in the booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a secondary school application. Additionally, members of the Pupil Access Team are in attendance at nearly all of



the secondary school open evenings to give advice about admissions and transport entitlement.

The County Council has two bespoke packages of mapping software specifically purchased for the accuracy of measurements undertaken for both admissions and transport purposes. Both have a proven history of accuracy.

It was noted by the Committee the appellant had provided details of their neighbours' children that had been issued with a bus pass to the Pupil Access Team. Their circumstances had been looked into and the Pupil Access Team had determined that these children were entitled to transport assistance in accordance with the Council's Home to School Transport Policy.

There is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Free travel is provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home.

The Committee noted the pupil was not in receipt of Free School Meals. However, if the appellant did meet the low income criteria the pupil would have been entitled to assistance as the school attended was the second nearest school between 2 and 6 miles from home.

When assessing home to school transport entitlement, it was not possible for there to be consideration of how the pupil might undertake the journey to school. The availability and capacity of bus services can change depending on demand and revenue from bus fares.

There was a bus service that served the school attended by the pupil with the stop from home a few minutes' walk away. Parents were able to contact the operator to enquire about purchasing a pass on this service.

The Committee were reminded that it is parental responsibility for ensuring their child's safe arrival at school. In all cases, when assessing the suitability of routes, the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably clad.

The Committee noted the supplementary evidence supplied by the appellant in support of their appeal.

The Committee also noted that the appellant had signed the application form, for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupil would attend

was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4845 be refused** on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2019/20.

#### **4849**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 5.28 miles to the home address, and instead would attend school which was 11.23 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the appellant was not appealing on medical or educational continuity grounds but was appealing on financial grounds. The appellant didn't work, didn't have a partner. The appellant had stated their total household monthly income and evidence of their Universal Credit entitlement had been provided.

It was noted by the Committee the three closest high schools in order of distance to the family home were the school attended by the pupil at 5.28 miles, the second one was the school that was stated as 2<sup>nd</sup> choice by the appellant at the time of application for school places and the third school was the one at 11.2 miles from home. During the school selection process the appellant stated they worked full-time. Alongside clashes with school trips during pre-planned open evenings, the family were unable to attend those organised for the nearest suitable school and the school attended by the pupil. As such, appointments were made to view the respective schools at another time. Unfortunately, the nearest suitable school had made a mistake with their appointment and refused to accommodate them any further prior to the application deadline. Therefore, the appellant was unable to make an informed decision about the suitability of the nearest school for the pupil.

After viewing both schools which were allocated as parental preference by the appellant, it was clear to the appellant the school of parental choice was best aligned with their philosophical beliefs (Philosophy was taught in place of Religious Studies at the school attended by the pupil) and did not push religion on the children, something that the appellant was strongly against as an atheist. Until the Coronavirus pandemic, the appellant was a full-time postgraduate at University. As a student, they had access to loans, grants and work throughout the academic year. They also had other work with private companies. The appellant was fully aware of the costs of travel to school and could have afforded to pay prior to Covid. As a result of the lockdown and the nature of their research, they became unable to continue their degree and therefore was

intercalated for a 12month period (appellant had attached intercalation form). At this point their loan was suspended, grants were no longer available and all planned work was cancelled. The appellant was now unemployed and was in receipt of Universal Credit and had no, or was not expecting, any additional income for the foreseeable future (UC payment statement was attached). This was through no fault of the appellant and the pupil should not be penalised for these exceptional circumstances. The appellant was hopeful that they would be able to fully support the pupil's journey to school in the following academic year. There was no suitable transport in the home.

The Committee noted transport would be required from the beginning of the new school year for the full academic year.

The Officer's comments and review information stated as noted by the Committee, transport assistance had not been approved because the pupil was not attending their nearest suitable school at 5.28 miles from home.

A summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in the booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a secondary school application.

The statutory guidance from the Department for Education states that schools can be considered when undertaking assessments to receive transport assistance if they have places available and "provide education appropriate to the age, ability and aptitude of the child, and any SEN that child may have."

The Committee noted the pupil was not in receipt of Free School Meals. From the information provided on the Universal Credit screenshots there was a possibility that the pupil might be entitled. The appellant could contact the Pupil Access Team for an eligibility assessment.

There is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Free travel is provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home.

However, the school attended by the pupil was over the distance requirement so even if the pupil did meet the low income criteria, transport could still not be approved.

The Committee noted the supplementary evidence supplied by the appellant in support of their appeal.

The Committee also noted that the appellant had signed the application form, for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4849 be refused** on the grounds that

the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2019/20.

#### **4858**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 1.85 miles and within statutory walking distance to the home address, and instead would attend school which was 2.47 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The appellant was not appealing on medical grounds but was appealing on:

- Financial Grounds – the appellant didn't work, didn't have a partner and was in receipt of Child Tax Credit and ESA for which the amount had been stated, although no evidence had been received to support this. The total household monthly income box had been left blank.
  
- Under Section C: Education Continuity – the appellant had written "separate letter attached." – In the supporting documents, there were only two documents that referred to the pupil's home to school transport appeal and they were:
  1. Letter about refusal of bus pass
  2. Copy of letter to the Prime Minister relating to the appellant's children.

The Committee noted under Section E: Additional Information, the appellant advice that they didn't understand the question – "Is there access to suitable transport in the home?"

It was noted by the Committee, the appellant was requesting transport from beginning of new school term until the pupil left school or the family's circumstances changed.

The Officer's comments and review information stated as noted by the Committee, transport had not been approved because the pupil was not attending their nearest school at which a place could have been offered which was at 1.85miles.

The Department for Education statutory guidance requires the County Council to assess transport eligibility by considering whether a place could have been allocated in the normal admissions round if the parent had included the school as a preference.

The Committee were informed in some years, including the year in which the pupil's sibling started school, the nearest suitable school was oversubscribed. Therefore, for many children the school could be discounted as a suitable school for transport purposes if they would not have ranked highly enough to be offered a place at the school if it had been expressed as a preference.

This year the nearest suitable school had fewer applicants. All children with an on time application for this school could be offered a place leaving a few places free that were used for reallocation purposes. This meant that for the children starting Year 7 in September 2020 the school could be considered as a suitable school for transport assessments as places could have been offered if the school had been included as a preference.

When applying for a school place parents have the right to say if they would prefer their child to go to a particular school. If their child had an older sibling at the school this would often be considered in the allocation of places. However, this was not taken into account when the Council assessed whether the child was entitled to free transport.

The Department for Education guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

Additionally, schools can be considered when undertaking assessments to receive transport assistance if they had places available and "provide education appropriate to the age, ability and aptitude of the child, and any SEN that child may have."

The County Council's Home to Mainstream School Transport Policy also considered schools in neighbouring districts and local authorities.

The Committee noted the pupil was in receipt of Free School Meals.

It was noted by the Committee there was an additional entitlement to transport assistance for low income families if parents were in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Free travel was provided if the pupil was attending one of their three nearest schools and the school was situated between 2 and 6 miles from the home. However, there were three schools to the home address at which a place could have been offered: schools at 1.85 miles, 2.10 miles and 2.27 miles respectively. Therefore the pupil did not qualify for transport assistance on low income grounds.

The Committee noted the supplementary evidence supplied by the appellant in support of their appeal.

The Committee were very sympathetic with the appellant in relation to all the issues the pupil had faced at their previous school-

The Committee also noted that the appellant had signed the application form, for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and

supplementary evidence the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal . (

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4858 be refused** on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2019/20.

#### **4859**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 0.80 miles and within statutory walking distance to the home address, and instead would attend school which was 10.47 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the appellant was appealing on:

- Financial Grounds – The appellant advised that they and their partner didn't work and received Universal Credit and ESA. Amount was stated. The appellant also stated their total household monthly income although no evidence had been provided to support this. The pupil was in receipt of DLA for their disabilities but no evidence had been received to support this.
- Medical Grounds – The appellant was appealing on medical grounds for them, their partner and the pupil:

1. The pupil suffered from health issues as stated on the form and was under the Young Carers Service in a different County as they were a carer for the appellant and their partner. The pupil's sibling was also under the Young Carers Service
2. The appellant had health issues all stated on the form.
3. The appellant's partner also had health issues too and was stated on the form.

The Committee noted no evidence had been provided in support of the above medical conditions.

- Educational Continuity Grounds – The pupil had health issues.

The Committee noted there was no help available from extended family/friends/neighbours to support the family to get the pupil to school. It was noted by the Committee, under Section E – Additional Information, the question "Is there access to suitable transport in the home?" had not been answered.

The appellant stated, as noted by the Committee, transport would be required from the beginning of new school term until the pupil left school or the family's circumstances changed.

The Officer's comments and review information stated, as noted by the Committee, transport assistance had not been approved because the pupil was not attending their nearest suitable school at which a place could have been offered at 0.80 miles from home.

A Summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in the booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a school application. Additionally, members of the Pupil Access Team are in attendance at nearly all of the school open evenings to give advice about admissions and transport entitlement.

The statutory guidance from the Department for Education states that schools can be considered when undertaking assessments to receive transport assistance if they have places available and "provide education appropriate to the age, ability and aptitude of the child, and any SEN that child may have".

The County Council delegates a significant amount of funding to all mainstream high schools to provide the learning support for pupils with additional needs. All schools are expected to provide the necessary support to enable a pupil to fully access the curriculum.

The Committee noted no evidence had been provided to indicate the school attended by the pupil was the only one that could meet the pupil's needs.

There is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Free travel is provided if a pupil is attending one of their three nearest schools and the school was situated between 2 and 6 miles from home.

It was brought to the Committee's attention the pupil was not in receipt of Free School Meals.

The Committee were informed as there was not one working in the household then the appellant may wish to contact the Pupil Access Team for an eligibility assessment.

However, even if the pupil was entitled to Free School Meals they would still not be entitled to transport assistance because the school attended was not one of their nearest schools within the distance requirement.

It was brought to the Committee's attention, transport appeals are evidence based. The notes of guidance provided with the appeal form do state if a parent is making a case on financial grounds then it is essential that the fullest details documentation is provided as this will evidence that a parent cannot fund the transport themselves. The notes stated that any information received would be dealt with in strict confidence and referred to bank statements, benefit statements etc.

The Committee have noted all the supplementary evidence submitted by the appellant.

When assessing home to school transport entitlement, it is not possible for there to be consideration of how the pupil might undertake the journey to school. The availability and capacity of bus services can change depending on demand and revenue from bus fares.

The Committee were informed there was school bus service that served the school attended by the pupil with the stop from home a few minutes' walk away. Parents are able to contact the relevant travel operator to enquire about purchasing a pass on this service.

The Committee also noted that the appellant had signed the application form, for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

**Deferred :** The Committee felt that the appeal needed to be properly assessed and would like to give the appellant the opportunity to fully submit the relevant evidence in order for fully informed and proper assessment is made by the Committee in relation to the family's transport needs.

The Committee would like further evidence submitted no later than the 17<sup>th</sup> September 2020 in order for the appeal to be heard by the Committee on the 12<sup>th</sup> October 2020.

- Current and up to date benefit statements relating to the families award, including the DLA allowance allocated.
- Any other information from the appellant to support their appeal.

### **1316231-SEN**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest appropriate school to the home address, which was 6.23 miles, and instead would attend school which was 7.95 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The Committee noted the reasons for refusal for transport assistance was:

- The pupil would not be attending their nearest suitable school which was 6.23 miles from home and instead would be attending school at 7.95 miles away from home.
- Free home to school transport assistance would be provided to children of compulsory school aged if they attended the nearest suitable school and they lived more than 3 miles from school for a child aged 8 or over.
- Transport assistance would be provided to compulsory age children to the designated or nearest appropriate school mentioned in the statement of special educational need if the child lived further than the statutory walking



distance from the school. Parents are advised to think carefully about how their child was going to get to school if they had school or their preference, unless it was the designated or nearest school.

- It was important to bear in mind that the decision to provide transport was based on the pupil's needs. This meant that the Council was not able to take following into account when considering home to school transport entitlement; -if a parent chooses to send their child to a school that was not the nearest appropriate to the home address.

The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the appellant's summary which stated the pupil was a Looked After Child with special educational needs. They had a diagnosis of health issues and a letter was attached from CAMHS. This caused the pupil to suffer. The pupil had health issues which caused them to be uncoordinated. During busy times and lots of hustle and bustle, it could increase their anxiety, confusion and fear of falling.

It was noted by the Committee, the pupil had been offered school which they presently attended, at 7.95 miles. The pupil had visited and had a tour of the school. The school had an excellent record of delivering both pastoral and special needs education which was why the family chose the school. The school offered incredible drama opportunities which the pupil had demonstrated an interest and ability in.

The Committee noted, according to the appellant the school attended by the pupil was 8.3 miles/15 minutes (google map) away from home and it was hoped that eventually as the pupil gained in confidence, they could use the school bus which would pick them up near to the end of their road and drip them off outside the school. A faith school was 9 miles away from home. The bus would drop the pupil off at the bus station. The appellant found it difficult to believe even in the future that the pupil would be able to travel independently and be able to navigate their way to school from the bus station. The nearest appropriate school was at 6.3 miles. Travel times had been found in the evening and would vary during school start and finish times.

It was noted the majority of children from the area appeared to go to the school attended by the pupil. The pupil was a bit of a loner enjoying the company of adults but the appellant hope the pupil would be able to make some friends near to where they lived.

The appellant stated, as noted by the Committee, the pupil had no religious convictions and saw no reason to attend a faith school.

The Committee were made aware by the appellant's statement that during the period of COVID, they appellant felt they had made some progress into establishing an introduction and transition to school. It would be very disappointing not being able to do this again.

The Officer's comments stated as noted by the Committee, the pupil's EHC Plan under the category of social, emotional and mental health and moderate learning difficulty was finalised this year.

The Committee were made aware Section I of the plan stated: The nearest suitable school in the opinion of the Local Authority was a school at 9 miles. The appellants, Foster Carers and Children's Society Care had expressed a preference for the school attended by the pupil which had been agreed by the Authority as being suitable to meet the pupil's needs. However in accordance with the Local Authority's Transport Policy, the appellants or Social Care would be responsible for all travelling expenses in respect of the pupil's attendance at the school attended.

It was addressed by the Committee in July 2020 the Local Authority had issued a notice of amend to the pupil's social worker advising of the intention to amend section I to the following:

- ❖ The nearest suitable school in the opinion of the Local Authority was school at 6.23 miles. The appellants, Foster Carers and Children's Social Care had expressed a preference for School attended by the pupil at 7.95 miles which had been agreed by the Authority as being suitable to meet the pupil's needs. However in accordance with the Local Authority's Transport Policy, the appellants or Social Care would be responsible for all travelling expenses in respect of the pupil's attendance at the school attended.

The Committee noted transport request from the appellants was received but was not granted transport assistance.

It was noted by the Committee the pupil was offered the school attended in line with parental preference. The current transport policy in place for children with special educational needs is clear that transport provision will be provided to children of compulsory school age where they attend the nearest appropriate school. In this instance the pupil's nearest school was at 6.23 miles away from home.

It was noted by the Committee, the nearest school at 6.23 miles offered drama within their curriculum and this had been identified as an area of interest for the pupil. The curriculum also offered Post 16 progression routes where Higher Level BTEC and A level courses could be taken in Performance Arts and Theatre Studies which could lead on to degree courses and vocational courses.

The Committee noted the provision of extra support at the nearest appropriate school was overseen by the SEN Department and Pastoral Team who were committed to narrowing the attainment gap between SEND and non-SEND students. This might include after school interventions and some off-site provision, additional support in the classroom or other learning interventions developed on an individual needs basis. Opportunities to develop independent working, greater confidence and raised self-esteem are central to the provision of extra support.

The Committee noted the nearest appropriate school at 6.23 miles had a good transition plan in place for students joining them:

School is actively involved in areas of transition across phases of education, ensuring that the transition from Primary to Secondary School is a positive and smooth process.

During Year 6 in Primary school, the SENCO and a Learning Assistant will visit your feeder Primary schools a number of times to meet with staff and Students with SEN. During Years 5 and 6, Primary schools can request the presence of the SENCO at meetings with the teachers and parents of students who have a Statement of SEN or an Educational Health Care Plan, or who are on the school's SEN register at SEN Support level. These meetings are designed to plan the transition support around individual needs. Communication and planning between those involved in the education, health and well-being of students assists in making the transition a positive experience, and helps to reduce any anxiety and apprehension that might otherwise remain.

Extra visits to school can be arranged for both parents and students. These can be done during and after the school day to allow the student to see the school at quieter and busier times. An enhanced SEN programme is held in the Summer Term to allow more vulnerable students to meet key staff and spend time in the areas where additional support is provided. Students are accompanied by a TA from their Primary School for this visit which helps to allay any anxieties and allows us to gather some additional information about the type of support the students might need.

If you would like to arrange a further tour of the school or visit for you and your child please contact school. Due to the COVID situation they also provided virtual transition sessions.

The Committee noted all the supplementary evidence supplied by the appellants. The Committee also noted that the appellant had signed the application form, for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **1316231 be refused** on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2019/20.

L Sales  
Director of Corporate Services

County Hall  
Preston