

Lancashire County Council

Student Support Appeals Committee

Minutes of the Meeting held on Monday, 20th January, 2020 at 10.00 am in County Hall, Preston

Present:

County Councillor Anne Cheetham (Chair)

County Councillors

D Stansfield

J Mein

1. Apologies

CC Y Motala

2. Disclosure of Pecuniary and Non-Pecuniary Interests

Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.

3. Minutes of the meeting held on 2nd December 2019

Resolved: That; the Minutes of the meeting held on the 2nd December 2019 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 16th March 2020 at County Hall, Preston.

6. Exclusion of the Press and Public

Resolved: That the press and public be excluded from the meeting under Section 100A (4) of the Local Government Act, 1972, during consideration of the following item of business as 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.

7. Student Support Appeals

(Note: Reason for exclusion – exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information).

For each appeal the Committee was presented with a Schedule detailing the grounds for appeal with a response from Officers which had been shared with the relevant appellant.

In considering each appeal the Committee examined all of the information presented and also had regard to the relevant policies, including the Home to Mainstream School Transport Policy for 2018/19, and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

Appeal 4699

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 10.25 miles from the home address, and over the statutory walking distance of over 3 miles and instead would attend a school which was 10.37 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. The appellant states that the school attended by the pupil is the closest school by foot/walking distance. The appellant states as noted by the committee that all the route is on rural roads and unsuitable for walking as the roads are not in a good state of repair and have no street lighting. The appellant states that the journey by bus would be the best option for the pupil as the bus stops outside their property, the appellant states that it seems silly not to allow the pupil a pass on this school bus. The appellant states that they are currently driving the pupil to school and that transport assistance will be required for the pupil to travel with a bus pass from September 2019 till the pupil leaves the school attended or the family circumstances change. The pupil is currently a year 9 pupil.

It was explained to the Committee, assessing a pupil's eligibility to receive transport assistance was 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 routes, 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 school.

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.

The committee note that the school attended by the pupil was not the nearest school to the home address identified by using the authorities mapping system and that therefore assessing the suitability of the route to school of the chosen school will not be considered under the home to school transport policy.

The committee also note that the only school listed as an option for parental preference is the school the pupil is attending and that no other preferences were listed at the time of applying for a place on the admissions form.

The committee also note that a previous appeal for transport assistance had been submitted and heard in September 2017 and that the appeal was unsuccessful. The committee note that the appellant has not stated any change in circumstances from the previous appeal in September 2017 and also note that no evidence had been submitted by the appellant. The committee noted that there had been no significant change in the transport policy from 2017 to date that would entitle the pupil to transport assistance.

It was noted by the Committee that 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 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 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 4699 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.

Appeal 4732

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 2.28 miles from the home address and instead would attend a school which was 2.56 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 was not appealing on financial, medical or educational continuity grounds. The appellant states that both parents work full time and transporting the pupils to and from school can be extremely difficult if not impossible. The appellant states that there is a private mini bus to the school attended but the taxi firm do not provide season tickets for the pupils to use this facility.

The committee were advised that the appellant had appealed previously for transport assistance for both pupils on the 5th November 2018 and that it had been noted that the appellant had wrongly been advised of their nearest school to the home address for the pupils because the school had moved location and the authorities mapping system had not been updated with the new location of the school and that due to this error transport assistance was temporarily awarded to both pupils up to the end of the summer term 2019. The committee noted that this issue had now been addressed in line with the authority's policy and that a full explanation of this had been given in the letters dated 16th November 2018 advising the appellants of the outcome in the previous appeal.

It was noted by the committee that the families circumstances had not changed and the reasons put forward by the appellant did not differ from the previous appeal. The committee therefore concluded that the issue of the mistake of the authority had fully been addressed and communicated at that time to the appellant.

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 were reminded that 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 to 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 appellant had not supplied any supplementary evidence to support their appeal other than the statements made by the appellant on the appeal application form.

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 4732 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.

Appeal 4734

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 5.26 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 note that the appellant is appealing on Medical, Financial and Educational continuity grounds. The committee were advised that the pupil had been awarded as a result of a previous appeal held on the 5th November 2018 a temporary award of a travel pass up to the end of July Term 2019.

The committee note that the appellant is again appealing under the same grounds as previous and has included the following evidence to support their case for travel assistance for the pupil who is now in year 8 at the preferred school of choice.

- Benefit award letter, pages 3 and 4 only supplied – giving details of the award up to the end of March 2020.
- E-mail from Key Worker dated 2nd December 2019.
- Letter from appellant asking for another appeal.

- Virgin Care letter dated November 2019 – detailing appointment for Pupil.
- NHS Letter – detailing appointment for the pupil dated November 2019
- NHS Letter – detailing appointment for the appellant dated November 2019.

The committee noted that the school awarded was the 1st preference of school when applying for a year 7 place and that the pupil had been awarded 1st choice of school.

It was 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 was not attending one of their 3 nearest schools between 2 and 6 miles. The committee note that the pupil attends the 4th closest school to the home address and as thus does not qualify under this extended low income element of the transport policy.

It was explained to the Committee, assessing a pupil's eligibility to receive transport assistance was 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 routes, 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.

It was noted by the Committee, 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 Committee were informed 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 admission round if the parent had included the school as a preference. The committee note from the officers notes that at the time of application places would have been available at closer schools and that at the time of the schedule being drawn up these places still remained available to the pupil.

The appellant states that they have no support from family/friends or neighbours to support with assisting the pupil to and from home to school, the committee note that the father lives close to the family at under 3 miles. The committee note that the father lives close to the family but the appellant has not stated if the father helps out in any way.

The committee note that the family moved into the area and initially stayed within a refuge before moving to the current property in October 2017, the committee note that the family have now been at the current address for over 2 years.

It was also noted by the Committee 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 note that the pupil is unknown to the SEN Service and has no Education and Health care plan stating that the school currently attending is the only school that can offer support to the pupil. The committee were also made aware that the place was not won on appeal but offered from the waiting list and accepted on the 13th June 2018 for a place starting year 7 in September 2018. The committee also note that the appellant has stated also that they are appealing on Educational Continuity grounds. The committee were reminded that this only applies to year 6, year 10 and year 11 pupils and that the pupil is currently in year 8.

The committee note that the appellant has not supplied any information advising if any improvement in health or the family circumstances had been made since the last appeal was heard, the committee note that circumstances reported by the appellant are the same as previously stated for the previous transport appeal. It was brought to the Committee's attention that the County Council's Home to School Transport Policy does include some discretionary provision for pupil where there is satisfactory medical evidence of parental incapacity. This assistance is however only available where a pupil attends their nearest school and the family meets the low income criteria.

It was noted by the Committee, 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 committee have therefore decided that in order to give the appeal proper and due consideration that the appellant be given the opportunity to submit the following evidence or additional evidence that they consider will support their appeal.

- Up to date, full and current full benefits awarded to the family. (Supplied details for 2018 only).
- Current and up to date Key worker reports relating to the pupil. (Letter supplied no details given of the reason why the pupil requires a bus pass).
- Current and up to date Health Visitor reports relating to the pupil and the appellant.

- Current and up to date prescription details (2018 supplied) of the appellant.
- Detailed evidence/report of the support received from Home start
- Details of the long term prognosis of the appellant from a qualified health practitioner.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4734 be deferred.**

The Committee require the appellant to supply the above documentation in full no later than the 21st February in order for the appeal to be heard in full at the next Committee meeting on the 16th March 2020.

If no Evidence is forthcoming by the 21st February 2020 the appeal will not be heard until the requested evidence is submitted by the appellant.

Appeal 4758

It was reported that a request for transport assistance had initially been refused as the pupil would be attending their nearest suitable school, which was 2.84 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law as the school is under 3 miles from the home address and under the statutory walking distance for a child over the age of 8.

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 were reminded that 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 to 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 note that the pupil was allocated their 1st preference of school at the time of application for school places in year 7.

The Committee were advised that assessing a pupil's eligibility to receive transport assistance was a two part process. Firstly, a pupil's nearest school, for transport assessment purposes, was 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 committee note that the schedule outlining the officer's comments states that the authority have detailed a safe walking route from the home address to school and this is assessed assuming that the pupil is accompanied by a responsible adult.

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 County Council's Unsuitable Routes Policy considers routes to be safe if there is a footway, verge, walkable roadside strips or footpath.

The Department for Education's statutory guidance states that local authorities are required to: "make transport arrangements for all children who cannot reasonably be expected to walk to their nearest suitable school because the nature of the route is deemed unsafe to walk".

The Committee were reminded and noted that the authority will not take into account the working arrangements of parents or other commitments like taking other children to and from school when assessing transport entitlement.

The committee considered the appellants statement relating to the medical concerns of the family in relation to the pupil. The committee note that the pupil is not known to the Inclusion SEN team of the authority but note that the appellant has stated that the pupil is receiving support from Burnley ASD centre and that the appellant has supplied a report from East Lancashire NHS in relation to the pupil.

However the committee note that the appointment date is January 2019 and that the report did not give any conclusive diagnosis of the child's medical condition or needs. The report also states that a review will take place in 9 months' time and the committee would have expected to see the new current report evidencing the current assessment of the pupil relating to an appointment around October or November 2019. The committee also note the officer's comments that state that the report provided does not demonstrate that the pupil cannot travel independently to and from home to school and that the appellant is requiring a bus pass.

The committee also note that the appellant would like taken into consideration an exceptional reason that the pupil is the only child from primary not to have a place on the local bus service and that this fact will hinder the pupil's progress. The committee note that the appellant has been informed that capacity on one of the bus services has been increased and that this information and a quote has been sent to the appellant.

The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee exercising its discretion and award transport that was not in accordance with the Council's policy or the law. The committee note that the appellant is specifically appealing on medical grounds of the pupil.

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 4758 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.

Appeal 4767

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law as the school is under 2 miles from the home address and under the statutory walking distance for a child under the age of 8.

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 were advised that the family moved to the area for a new start and that since the move there was an incident with the appellant's then current partner in August 2019. The appellant now finds themselves without any support. It was noted by the committee that the application for transport assistance had been made in the appellants name by the headteacher of the school that both pupils attend.

The committee note that the appellant is not appealing under financial grounds, medical grounds or educational continuity grounds.

The committee noted that at the time of the move the school attended by the elder pupil was the only school in the area with places available in the appropriate year group. When it was time for the younger pupil to attend school there was places available at a closer schools but it is assumed that the appellant wished for both pupils to attend the same school as the appellant accepted a place for the younger pupil from the waiting list. The committee note that the school attended is under the statutory walking distance for both the Childrens ages.

The committee note that both pupils are currently on child protection plans but also note that no evidence of this has been submitted either by the appellant or the Headteacher of the school attended.

The committee note that the headteacher states that the pupils need to be in school as both the pupils are delayed in learning and social skills, it is then stated by the headteacher that the attendance for the elder pupil at the previous school was noted as very good. The appellant or headteacher however have not stated that there is a problem with current attendance for either of the pupils. The committee also note that no medical evidence was evidenced to state that either the pupils or the appellant were unable to walk to and from school.

Allowed – For the temporary Period Only to the end of the current school academic year July 2020 Only to assist the family at this unsettling time.

If the appellant wishes to appeal after this period then the committee would expect to see substantial evidence supplied by the appellant for both themselves and that of the pupils that is current and up to date giving full details of the appellant current medical condition and any future detailed prognosis from a GP or Medical Professional and the updated pupils Child Protection Plans that are in place and valid at that period of time.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4767 be temporary awarded on the grounds that the reasons put forward in support of the appeal did merit the Committee exercising its discretion to make an exception and award temporary transport assistance only that is not in accordance with the Home to Mainstream School Transport Policy for 2019/20.

Appeal 4769

The Committee were informed a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school which was 6.83 miles from the mothers home address and 4.12 from the fathers 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 grounds.

The committee note that the appellant is the father and that there is a shared custody arrangement in place for the pupil. The committee note that the school attended was 1st preference during the admissions application process and that the school attended by the pupil was made from the mothers address. However,

the committee were advised that the allocation of the school attended was through the independent appeals procedure and that this also was made and awarded from the mothers address.

The committee were reminded that the county councils home to school transport policy states that if a child lives in two different homes, (there is a shared parenting arrangement in place) then transport assistance will only be provided from one address. The policy goes on to state that parents cannot use one address to apply for a school place and another to have transport entitlement assessed from. The secondary school application for the pupil was made from the mothers address. The committee note that the distance measured from the mothers address is further than that of the appellant s (Fathers) address.

The committee note that the place at the school attended was awarded through the appeal process and that this was made from the mothers address, unfortunately the successful award of a place through an appeal does not come with the award of transport assistance.

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 were reminded and noted that the authority will not take into account the working arrangements of parents or other commitments like taking other children to and from school when assessing transport entitlement.

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 4769 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

Appeal 4770

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 3.29 miles from the home and over the statutory walking distance, and instead would attend the 3rd nearest school which was 5.71 miles away and was also not within the statutory walking distance.

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

The appellant is appealing on both Financial and Medical grounds relating to the pupil. The committee note that the appellant has submitted medical evidence listed below all of which has been considered by the committee:- , however the committee note that the appellant has not submitted any financial evidence to substantiate the claim:-

- Letter from Burnley General Hospital dated 15th May 2019 Dr MJ Horsfield.
- Letter from Leeds General Hospital dated 9th August 2019 Dr PK Bala
- Privacy Notice from Lancs Children & Family wellbeing Service
- Letter from Leeds General Hospital dated 24th May 2019
- Letter from Leeds Paediatric clinic dated 18th April 2019
- Letter from M wing at Leeds General Infirmary dated 5th March 2019
- Additional e-mail from appellant dated 6th January 2020

The committee note that the appellant has not submitted any financial evidence to substantiate the claim relating to not being able to afford a bus pass. The committee however note that certain benefits relating to the medical difficulties of the pupil have been mentioned by the appellant in their application form that stated that the appellant is in receipt of benefits under DLA. The committee noted that the appellant stated that they are in receipt for the pupil the lower rate of mobility allowance and that this is currently 23.20 per a week and that this element of award relates to the pupil mobility and includes everyday expenses such as travelling to and from school.

The Committee noted the pupil did not have an Education, Health and Care Plan. No evidence had been provide to suggest that the school attended by the pupil was the only school that would be able to meet the pupil's needs. The committee note the reasons stated by the appellant why the school attended was chosen by the appellant for the pupil to attend, however it was noted that all mainstream secondary schools receive significant funding and all schools should be able to support all a child's education needs including any SEN that they may have. The committee were advised that the school attended and the school identified as the nearer school belong to the same Multi-Agency Trust.

The committee noted that the appellant states that they do not receive any assistance or support from family or friends and that they are totally on their own.

The Committee were reminded that it is parental responsibility for ensuring their child's safe arrival at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to and from school, the committee note

that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safely at school and at home at the end of the school day.

The committee were sympathetic of the pupil's additional needs and that of the family's circumstances.

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 4770 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

Appeal 4777

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 1.01 miles from the home address, and within the statutory walking distance of under 3 miles and instead would attend a school which was 1.4 miles away and the 3rd nearest school to 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.

It was noted by the Committee, the appellant was not appealing on financial, medical grounds or educational continuity grounds according to the form filled out by the appellant but it is obvious to the committee that the appellant is appealing on medical & financial grounds relating to both the appellant and the pupil.

The appellant as noted by the committee had submitted the evidence listed below which was fully considered by the committee.

- Medical GP Record for the pupil
- PIP Decision for the appellant
- Tax Credit – Annual Award – up to the period of April 2019

The committee note that the appellant has submitted a medical record card relating to the pupil's medical history, however this does not give any indication of the walking capacity of the pupil currently or in the future.

The committee noted and considered the PIP Decision letter dated 2016 and also the breakdown of the PIP allocated to the appellant dated February 2019.

The committee noted that the appellant had submitted Benefit statements up to the period of April 2019. Unfortunately no up to date evidence was submitted in respect of the family claim of financial assistance.

The committee were sympathetic of the pupil's medical needs and that of the family's circumstances and fully considered all the additional evidence submitted

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 4770 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

Appeal 4780

The Committee were informed that the pupil is attending a school within half a mile of the home address and under the statutory walking distance.

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 or Educational Continuity grounds. The appellant is appealing to the committee on medical grounds relating to the appellant.

The committee were advised that currently the pupil is receiving discretionary transport in the afternoon and that a teacher or the pupils farther is currently taking the child to school in the morning. The committee were advised that the authority can only provide discretionary transport for a maximum of 12 weeks.

The committee reviewed the medical evidence provided and a supporting letter from the headteacher from the school. The committee considered the medical evidence provided by the appellant but noted that this is only a general medical history card provided by the GP. The committee did sympathise with the appellant but could not get a clear understanding of the full medical issues of the appellant. The committee also reviewed the letter and e-mail supplied by the headteacher to substantiate the appellants claim.

RESOLVED – Temporary Transport to be awarded only up to the end of the Summer Term July 2020 to take the pupil to and from school.

If the appellant wishes to appeal again then the committee request sight of a full and up to date medical report from a GP or Medical professional giving the current medical status of the appellant and the future diagnoses relating to overall capacity of the appellant.

Appeal 4782

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 4.59 miles from the home address and instead would attend a school which was 5.42 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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 were reminded that 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 to 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 note that the pupil was allocated their 1st preference of school at the time of application for school places in year 7.

The appellant as noted by the committee is not appealing on Financial, Medical but are appealing on Educational continuity grounds. The committee note however that the appellant is also appealing on the unsuitability of the walking route of the alternative transport provision offered to the family.

The committee note that the pupil while in year 7 was allowed to travel at a cost to the family in a taxi provided for eligible pupils that had a spare seat that

academic year. This taxi has now ceased as the eligible children have left school and so the authority have offered an alternative to travel to and from school on a local school bus service. The committee note that this is not a door to door service as previously received and requires the pupil to be at a designated bus stop to be picked up. The committee noted that all the information in relation to the alternative option available to the family had been shared with them by the Public and Integrated transport Team.

It was explained to the Committee, assessing a pupil's eligibility to receive transport assistance was 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 routes, 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 educational establishment.

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 County Council's Unsuitable Routes Policy considers routes to be safe if there is a footway, verge, walkable roadside strips or footpath.

The Committee were reminded and noted that the authority will not take into account the working arrangements of parents or other commitments like taking other children to and from school when assessing transport entitlement.

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 4782 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.

Appeal 4785

It was reported that a request for transport assistance had initially been refused as the elder pupil would be attending his nearest suitable school which was 2.48 miles from the home address and under the statutory walking distance of 3 miles

for a child aged over 8 years of age. The younger pupil does not attend the nearest school and attends a school which is 3.96 miles from the home address and is over the statutory walking distance of 3 miles.

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 note that the appellant is appealing on financial grounds. It was noted by the committee that the appellant is not appealing Medical or Educational continuity grounds.

It was acknowledged by the Committee that there was 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.

It was noted by the Committee there was no active claim for Free School Meals nor evidence that the family were in receipt of the highest level of Working Tax Credit. Therefore the family are not entitled to extended entitlement as they do not meet the low income criteria.

The Committee were reminded that 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 to transport policy. As the elder pupil attends their nearest school but this is under the statutory walking distance and the younger pupil does not attend the nearest school assistance with transport both pupils were therefore refused.

The committee note that if the appellant had applied for a place for the younger pupil as a preference then the pupil may have been offered a place at the nearer school and that if the appellant had listed as a preference other schools closer to the home address then one of these schools would have been allocated to the younger pupil.

It was noted by the committee that the school attended by the younger pupil was offered a place from the waiting list and that none of the preferences listed were allocated to the pupil within the usual admissions round for secondary places for September 2019.

The Committee were reminded that it is the parents' primary responsibility for ensuring their child's safe arrival at school and 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 have noted that the appellant is appealing on financial grounds and felt that there was no indication why the appellant was not able to pay for the bus fares. The committee note that the appellant is not classed as a low income family.

The committee note the comments from the Schools Transport team that the school bus to St Michaels is fully subscribed and a season ticket cannot be offered to the elder pupil at this time.

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 4785 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.

Appeal 4786

It was reported that a request for transport assistance had initially been refused as the pupil would be attending their nearest suitable school, which was 1.72 miles from the home address, and within the statutory walking distance of under 3 miles. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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 note that the pupil was allocated their 1st preference of school at the time of application for school places in year 7. The committee note that the appellant is appealing on Financial, Medical and Educational Grounds.

The committee note that the appellant has submitted a universal credit statement for the period of 9th November to the 8th December 2019. However this submission is not a full breakdown of the benefits allocated to the family as it finished mid breakdown of the amounts. The committee note that the pupil does

qualify for free school meals and therefore the family is classed as on a low income and extended transport assistance does apply to the pupil.

It was noted by the committee that the appellant states that the pupil has to catch 2 buses in each direction to attend school which results in a daily round trip of 6.6 miles per day. It was also noted by the committee that although the family are recognised as on a low income that the distance from and to school is only 1.72 miles and classed as under the acceptable walking distance of 2 miles for a pupil from a low income household and further note that the appellant does not state that they cannot afford the bus fares.

It was noted that the appellant has been advised in the summary statement that an alternative bus service was highlighted to the appellant that does not involve a bus change and the stop is only 700 meters from the home address which may be more convenient for the pupil to travel to and from school each day.

The committee also note a PIP assessment is awaited but the appeal application from does not state if the PIP assessment is for the appellant or the pupil. It was noted that the appellant states that they themselves suffers from Cerebral palsy, depression and peripheral vision and that the pupil suffers from ADHD and ASD. No evidence has been submitted by the appellant to substantiate the medical issues of the appellant or pupil. . The committee also note that there is no reason stated why the pupil is unable to walk to and from school or any medical evidence to substantiate why this is not an option for the pupil.

The committee were reminded that the 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 appellant note that as no evidence has been submitted by the appellant the authority are unable to consider entitlement under this element of the policy. The committee also note that the appellant has stated also that they are appealing on Educational Continuity grounds. The committee were reminded that this only applies to year 6, year 10 and year 11 pupils and that the pupil is currently in year 7.

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 4786 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.

Appeal 4787

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 2.74 miles from the home address, and within the statutory walking distance of under 3 miles and instead attends the 2nd nearest school at 4.56 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 note that the pupil was allocated the school attended as the result of a successful admissions appeal. The appellant states that the school offered (the closest school) was unable to accommodate the needs of the pupil. The committee were reminded that 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 note that unfortunately the successful award of a place through an appeal does not come with the award of transport assistance and that the closest school is considered as suitable for the pupil to attend.

The committee note that the appellant is not appealing on financial or educational continuity grounds and although the appellant has not stated on the form that they are appealing under medical grounds this has clearly been stated on the supplementary letter from the appellant.

The committee also note a letter of support from the school attended and a student passport dated September 2019 detailing assistance put in place for the pupil at the school attended. The committee also note that the appellant states that they cannot afford the current taxi they have in place to take the pupil to and from school. The committee note however that the appellant has not supplied any evidence to the committee to confirm this.

The committee were advised that the home to school transport policy has a discretionally element for pupils with long term medical needs where the pupil cannot physically walk to school, however this element only applies to pupils who attend their nearest school, the pupil does not qualify as the pupil does not attend their nearest school.

The Committee also noted that the appellant had signed the application from 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", and offered a further opportunity to supply additional evidence to the committee.

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 4787 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.

Appeal 4788

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 0.23 miles from the home address, and within the statutory walking distance of under 3 miles and instead attends a school at 3.36 miles from the home address and over the statutory walking distance from home.

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 note that the appellant is appealing on financial & medical of the elder pupil and Educational continuity grounds for both pupils. The appellant has not submitted any evidence relating to financial or medical grounds and only made a statement on the appellants form the reasons for wishing the pupils to remain at the school attended.

In considering the appeal the committee note that the appellant states that they cannot take the pupils to school as they work 12 hour shifts. The committee note that the appellant states that the appellant's partner does not drive and does not work.

The committee also note that the appellant states that for the elder pupil they are in receipt of DLA but do not confirm what rate of allowance this is. The committee would like to remind the appellant that DLA element under mobility awarded covers extra expenses relating to the mobility of the pupil and would facilitate extra expenses incurred such as journeys to and from school. The committee note that the appellant has not listed this under their financial breakdown on the form and no benefit or bank statements had been submitted. The Schedule sent to the appellant also mentioned this and reassurance was given that any information is treated in the strictest confidence prior to the appeal hearing to give the appellant the opportunity to submit any such evidence. The committee sympathised and acknowledged that the house move was out of the control of the family and that they did not have an option but to move from the previous address.

The committee note that there is a discretionally element of the policy that does facilitate transport if the pupil has long term medical needs and is physically unable to walk to school but this only applies when a pupil attends their nearest school, as no medical evidence has been submitted any assessment under this criteria cannot be assessed.

There is a further discretionary element to the transport policy where a child moves home in year 6 had previously attended their nearest school and meets the low income criteria. It was noted again that as no evidence has been submitted by the appellant, no assessment under this criteria can be assessed by the authority due to lack of evidence.

The Committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at 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."

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 21st February 2020 in order for the appeal to be heard by the Committee on the 16th March 2020.

- Current and up to date benefit statements relating to the families award, including the DLA allowance allocated.
- Evidence of why the family are unable to pay for bus fares for the children on the days where the pupils are unable to be taken to school by the appellant.
- Up to date Medical evidence of the pupil stating their current medical status and future prognosis including medical evidence that the pupil is unable to go outside from a GP or other medical professional.

Appeal 4791

It was reported that a request for transport assistance had initially been refused as the elder pupil would not be attending their nearest suitable school, which was 1.49 miles from the home address and 2.47 miles from the home address for the younger pupils and instead both pupils attend a further school at 3.93 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 note that the appellant is appealing on Financial and educational continuity grounds and not medical grounds.

The appellant states that they now do not work due to now having a long-term illness and they are unable to work. The appellant does have a partner but they do not work. The family therefore rely on benefits and cannot now afford the cost of bus fares for the pupils to and from school and are seeking financial assistance.

The appellant states that when the family moved to the area the with a place available was the school attended by the elder pupil and that naturally when it was time for the younger pupil to start the family wished for the pupils to attend the same school.

The appellant states that both pupils are now currently in year 10 and 11 and both are undertaking GCSE courses and it is felt by the appellant that it would not be appropriate to move the pupils at this time.

The family are classed as a low income family and as such are entitled to extended transport entitlement, however the committee note that this only apply where a pupil attends one of their three nearest schools to the home address and that unfortunately this does not apply to the pupils.

The committee were reminded that there is a discretionary element for pupils in year 10 and 11 where pupils move home once they have started their GCSE courses. This element of discretion is only offered to families from a low income and unfortunately this element of the policy cannot be applied to the pupils as they moved prior to the pupils starting in the above year groups.

The Committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at 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 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 4791 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.

Appeal 4792

It was reported that a request for transport assistance had initially been refused as the pupil would be attending their nearest suitable school, which was 0.18 miles from the home address and under the statutory walking distance of under 3 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 committee note that the appellant is not appealing on Financial or educational continuity grounds but is appealing on medical grounds of the pupil. The committee note that previously the pupil was entitled to transport assistance as the family previously lived at a property where the route to and from school was deemed as unsuitable. The committee note that the pupil is in foster care and that the foster carer is also in receipt of DLA allowance for the pupil and that this is the lower rate for mobility for individuals who can walk with but need help and or supervision when outdoors.

The committee note that the following evidence has been submitted by the appellant and has been considered fully by the committee:-

- Letter for from Dr Haque dated 1st August 2019.
- DWP notification of allowance for the pupil 4th December 2019
- Letter from optician date 23rd April 2019
- Appointment letter for pupil to attend Manchester's Childrens hospital dated 2nd July 2019
- DWP letter dated 18th July 2019 – notification of allowance

The committee noted that the medical evidence does not state that the pupil is unable to walk to and from school.

The committee also were advised that the fostering allowance paid to carers does include an element for transport to and from school and that also the DWP allowance made to the pupil is expected to cover extra expenses incurred because of disability incurred as a result of daily living such as travelling to and from school.

The Committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these

instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at 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".

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 4792 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.

Appeal 4793

The Committee was informed that the pupil is not attend their nearest school. It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable schools at 7.50 miles and instead would attend a school which was 8.33 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 note that the appellant is appealing on financial grounds and not appealing on medical or educational continuity grounds.

In considering the appeal further the Committee noted that the appellant was not appealing under medical reasons relating to the pupil. However the committee note that the appellant has another child that attends a special school who is transported to and from special school and that the appellant has to be available at home for when the sibling is dropped off and picked up. The committee noted that the appellant was unable to transport the pupil to and from school because of this.

It was noted that the school attended was the only preference expressed at the time of applying for a year 7 place at school and that the place had been awarded although this was not deemed as the closest school to the home address.

The appellant then goes onto explain that they are a single parent, a carer for the sibling, suffers from depression and anxiety as a result of domestic violence that took place in 2017, it was also noted that the appellant states that they are paying off significant debts.

The committee noted that the appellant states that the pupil attends the most suitable school but gives no reason or evidence to support this claim.

The committee note that the appellant is seeking financial assistance with bus fares for the pupil to attend the school of choice. Unfortunately the appellant has not submitted any evidence to substantiate that they are unable to afford the bus fare to and from school, it is however accepted that the family are in receipt of income support and that the pupil does receive free school meals. The appellant did not supply any financial information to substantiate their household benefits/income or give any indication of monthly outgoings.

The committee note that as the pupil is on free school meals and as such is entitled to extended transport provision awarded to families from a low income. The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to one of their three nearest schools. For your child to receive free transport, the school must be between 2 and 6 miles away from your home address. The committee noted that the school the pupil attended was 8.33 miles from the home address and over the stipulated distance to receive assistance.

The committee were reminded that in 2015 the authority removed its discretionary element of entitlement to a bus pass from the Transport Policy. All students from 2015 now only receive transport assistance if they are attending their nearest school and live more than the statutory 3 mile walking distance. The committee were reminded that when assessing the closest school to the home address the policy included schools in other Local Authority's and no longer took into account any GPA's previously relating to schools. The committee were reminded that the pupil does not attend the nearest school to the home address and therefore 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 that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school who are unable to transport or escort children to school. The committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

**Resolved: Temporary Awarded to the end of July Term 2020 Only.
The committee would like to suggest to the appellant that it may be beneficial for the appellant to consider a move for the pupil to the nearest school.**

Appeal 4796

The Committee was informed that the pupils are not attend their nearest school. It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable schools at 6.08 miles and instead would attend a school which was 7.8 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 note that the appellant is appealing on financial, medical and educational continuity grounds.

The committee noted that the appellant had submitted the following evidence to substantiate their claim and that all evidence was considered by the committee as listed below:-

- Letter from Dr J Fedee in respect of 2 pupils dated 12th June 2019.
- Page 1 only from DWP Addressed to appellant dated 17th September 2019
- Page 1 only from DWP Addressed to appellant's partner dated 27th September 2019
- On line Universal Credit statement for the period of 19th October to 18th November for the appellant and partner.

The committee note that the appellant states that they moved to their permanent address due to the previous property inhabitable in January 2019. The children are currently transport to school by a mobility car that the family are in receipt of. The appellant states that the mobility vehicle is not always available due to medical appointments of 2 of the pupils and that sometimes they are required to make multiple journeys to and from schools when the pupils attend school clubs etc.

The committee respectively read all of the detailed statements made by the appellant in relation to both the medical conditions and difficulties that both pupils suffered and noted the death of a parent and reasons for the appellant submitting a late transport appeal.

The committee note that at the time of the move to the new address the nearer school did not have places available and that this pupil is entitled to transport assistance and that the authority has addressed this by sending the relevant application form to the family in respect of this pupil.

It was 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 pupils are attending one of their 3 nearest schools between, however the school attended is over the specified mileage of between 2 and 6 miles and therefore do not qualify under this element of the extended entitlement of the transport policy. . The committee note that the pupils attends a school 7.8 miles from the home address and as thus does not qualify under this extended low income element of the transport policy.

The committee also note that the appellant has stated also that they are appealing on Educational Continuity grounds. The committee were reminded that this only applies to year 6, year 10 and year 11 pupils and that this only applies to the year 10 student.

It was 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 pupils were not attending one of their 3 nearest schools between 2 and 6 miles. The committee note that the pupils attend school 7.8 miles to the home address and as such does not qualify under this extended low income element of the transport policy.

The Committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at 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 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 4796 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.

Appeal 4797

The Committee was informed that the pupil is not attend their nearest school. It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable schools at 0.72 miles and under the statutory walking distance for a pupil aged under 8 years of age and instead would attend a school which was 2.70 miles from the home address and over the statutory walking distance of 2 miles for the age of the pupil.

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 note that the appellant is appealing on financial grounds only. The committee note that the appellant has not submitted any financial

information, no pay slips, bank statements or benefit awards were included within the application for transport assistance.

The committee note that the family relocated from overseas 4 month previously and the appellant states they do not have any money to pay for transporting the pupil to and from school and the family do not have a car.

The committee were advised that at the time of application records show there was a school place available for the pupil at the school as identified as the nearest school on the 8th October 2019. The area education office then received an application for travel assistance on the 14th November for the pupil attending the current school.

The committee were reminded that when assessing a pupil's eligibility to receive transport assistance was 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 routes, as accepted by the County Council.

The Committee were reminded that 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 to 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 that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at 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 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 4797 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

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