

## Lancashire County Council

### Student Support Appeals Committee

**Minutes of the Meeting held on Monday, 1st December, 2014 at 10.00 am in Room B15b, County Hall**

**Present:**

County Councillor Sue Pryn (Chair)

#### **County Councillors**

A Cheetham  
C Dereli

M Perks

Also in attendance:

Ms L Brewer, Solicitor, Legal Services, Office of the Chief Executive;  
Mr G Halsall, Business Support Officer, Democratic Services, Office of the Chief Executive.

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

County Councillor Pryn declared a non pecuniary interest in relation to appeal 3684 on the grounds that the appellant resided within her division and confirmed that she had no other association with the appellant.

#### **2. Minutes of the meeting held on 3rd November 2014**

County Councillor Cheetham stated that she felt the interest she had declared at the last meeting was not a pecuniary interest and asked if this matter could be looked into. Given the nature of the query, the Clerk agreed to pursue the query and to provide a response to Councillor Cheetham.

**Resolved:** That; subject to any amendment in relation to County Councillor Cheetham's declaration of interest at the last meeting, the Minutes of the meeting held on the 3rd November 2014 be confirmed as an accurate record and be signed by the Chair.

#### **3. Urgent Business**

It was noted that the paperwork for appeals 3584, 3587 and 594441 had only been finalised after the agenda had been circulated. As a result, the Chair had been consulted and had agreed that these appeals could be presented to the meeting under urgent business in order to avoid any delay in determining them.

**Resolved:** That, appeals 3584, 3587 and 594441, as circulated to the Members of the Committee, be considered alongside other appeals at the meeting.

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

It was noted that the next meeting of the Committee would be held at 10.00am on Monday the 19th January 2015 in Room B15b, County Hall, Preston.

#### **5. 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.

#### **6. 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).

A report was presented in respect of 30 appeals against the decision of the County Council to refuse assistance with home to school transport. 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 2014/15, and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

#### **Appeal 3546**

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 1 mile from their home address, and instead would attend their 10th nearest school (and 11th nearest school in the case of the younger sibling) which was 4.9 miles away.

In considering the appeal the Committee noted the upheaval the family had recently experienced, the affect this had on the pupils during their time at the previous school attended combined with the problems currently faced by that school and that the mother was determined for them to attend another school of the same faith in the area. In noting the reasons for transferring the pupils to the school now attended, the Committee was informed that their new school had had a transformative affect upon their wellbeing and education. However, the mother

now found it difficult to fund the bus fares given the financial position they were now in.

The Committee acknowledged the disruption experienced at the pupils' previous school. However, this was an issue faced by all pupils who attend that school. The Committee noted that the mother had discussed the issue of transferring the younger sibling with their head of year. However, it was reported that when the Council contacted the head of year, no response had been provided to corroborate the mother's claims.

With regard to the pupils' current school, the Committee in noting the mother's desire for the siblings to receive a faith education was informed that there still remained a school of the same faith that could offer places for both siblings that was closer to the home address. The Committee noted the mother's findings in relation to the distances to the nearest faith school and the faith school attended. However, it was not clear how these measurements were determined. The Committee was informed that the Council, by law, had to measure distances using the shortest walking routes which could inevitably provide alternative and shorter routes than using road routes.

The Committee in considering the family's financial situation noted that they were not in receipt of maximum working tax credits. However, it was reported that even if the family met the low income criterion as set by central government, the family would still not qualify for assistance as there still remained nearer schools of the family's faith to the home address. In noting the evidence provided to support the family's financial situation, the Committee felt that the evidence was not substantive enough as it dated back to mid 2013. The Committee could therefore not determine the level of debt faced by the mother at this current time given the evidence supplied was from a long time ago. The Committee felt that the mother should have had her response to her claim from mid 2013.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 3546 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 2014/15.

### **Appeal 3592**

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 1.5

miles from their home address, and instead would attend their 6th nearest school which was 5.1 miles away.

In considering the appeal the Committee noted the mother's circumstances and her concerns in relation to the suitability of schools for the pupil in the immediate area given the situation the family were currently in. The Committee also noted that the pupil's elder sibling previously attended one of the nearer schools but was transferred to another school due to incidents of bullying and that the mother felt this school along with the nearest school were not suitable for the pupil.

In considering the appeal further the Committee noted that when the mother was considering her preferences for secondary schools, she contacted the Council to seek advice and appraise them of her situation. The Committee was informed that she advised the Council she could not send the pupil to two of the five nearer schools and that she felt their first preference of school would therefore become their fourth nearest and not their sixth nearest as determined by the Council. In addition she was informed that if she could prove that any of the remaining nearer schools were unsuitable she should submit a transport appeal whereupon she would likely be successful as their school preference would become one of their three nearest schools. Furthermore, the mother felt that the consultation on the proposed closure of the nearest school further strengthened her case to suggest that that school should not be considered as one of their three nearest schools. It was reported that on this basis, the mother chose the preferred school.

Whilst the Committee acknowledged the information provided in respect of the pupil's father and that his children attended the pupil's second nearest school, the Committee noted that this particular school was the pupil's second preference for transferring into secondary education and that they would have liked to have transferred there as their peers and best friend would attend that school.

The Committee in considering the suitability of the school previously attended by the pupil's elder sibling felt that there was no evidence to suggest that the pupil would be bullied there too.

With regard to the nearest school it was reported that the Council was currently undertaking a consultation on the proposed closure of that school. However, this was only a consultation and that should the school close only then could the Council consider discounting it as a nearer school.

The Committee noted that the family were on a low income. However, there was no evidence to suggest that the family were unable to fund the cost of transport. Furthermore, none of the pupil's preferences would have met the criteria for extended rights to free travel.

Therefore, having considered all of the mother'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 3592 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 2014/15.

### **Appeal 3606**

It was reported that this appeal was previously considered by the Committee at its meeting on 6th October 2014, whereupon the appeal was approved on the basis that the pupil would travel with their elder sibling on the SEN taxi provided to take them and other pupils to a school close to the school attended by the pupil. However, since the appeal was approved, it had transpired that additional pupils were now travelling on the SEN taxi and that there was no room on the taxi for a passenger assistant to accompany the pupil on the school run. As a result, the father had taken the view that it would be inappropriate for the pupil to travel without a passenger assistant with several pupils much older than the pupil to a separate school and therefore requested that the appeal be re-submitted for consideration of an award of individual transport.

In considering the appeal the Committee noted the father's concerns. However, it was reported that the Council did not normally provide passenger assistants for pupils who were in key stage 2. In addition, the Committee noted that the pupil would be travelling on the taxi with their elder sibling for the remainder of their respective educational stages. In considering the father's concerns further there was no evidence to suggest that the pupil should have a passenger assistant present on the taxi.

Therefore, having considered all of the father's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 3606 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 individual transport assistance to include a passenger assistant.

### **Appeal 3615**

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 3.2 miles from their home address, and instead would attend their 2nd nearest school which was 3.6 miles away.

In considering the appeal the Committee noted the reasons why the mother chose the school attended for the pupil and that she wished for them to remain at the school attended for the reasons set out in the appeal. However, the family were suffering financial hardship and as a consequence were now requesting assistance with transport costs. It was reported that without assistance the mother felt she could not transfer the pupil to the nearest school where they would qualify for a bus pass as the move would disrupt their education at this crucial stage and that they might face difficulties there on account of the reasons set out in the appeal.

However, the Committee felt that the evidence provided in relation to the family's financial situation was not substantive for them to determine the extent of their predicament. In addition the evidence provided dated back to 2012. No current evidence was provided to corroborate the family's current financial situation.

Whilst the mother had indicated that if the pupil had to change schools they might find it difficult to integrate, it was reported that the Council did not share the same view as all Lancashire schools welcomed children from all ethnicities.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 3615 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 2014/15.

### **Appeal 3649**

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 1.4 miles from their home address, and instead would attend their 3rd nearest school (and nearest school of a particular faith) which was 2.9 miles away.

In considering the appeal the Committee noted the mother's concerns in relation to the suitability of the walking route to the school attended and that she was unable to accompany the pupils as she had a disabled child who attended a different school and had to wait for their transport both in the morning and the afternoon. The Committee also noted that the mother had advised that a relative of hers had a taxi to the same school which passed her house and that she would be willing to contribute towards the cost, providing it was within her means for the pupils to travel on this taxi as well.

It was reported that the Council had refused transport on the basis that the pupils attended a school that was less than the statutory walking distance of three miles for pupils from a non low income family. Whilst the mother had expressed concern in relation to a particular stretch of the walking route, the Council was of the opinion this stretch could be negotiated with care and believed that the walk could be met by pupils of secondary school age and when applying the 'accompanied as necessary' regulation. Furthermore, the Council could not take the issue of the suitability of the walking route to the school attended as the pupils were not attending their nearest school per se. Whilst the Committee acknowledged the difficulties the mother faced with the school run, there was no evidence to suggest why other family members could not assist.

There was no evidence to suggest that the family were on a low income. The Committee was informed that had this been the case, the pupils would have qualified for extended rights to free travel as the school attended was their third nearest and was within the statutory distance of between two and six miles.

With regard to the mother's suggestion in relation to the taxi, it was reported that this taxi was no longer in operation. Furthermore, it was not possible to offer the pupils places on the mini bus which collected their sibling who attended a special school as there were other pupils with significant special educational needs travelling on that vehicle.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form the Committee 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 3649 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 2014/15.

### **Appeal 3650**

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 1.2 miles from their home address, and instead would attend their 3rd nearest school (and nearest school of a particular faith) which was 4.2 miles away.

In considering the appeal the Committee noted the mother's circumstances and that she was previously eligible for maximum working tax credits which had previously entitled the pupil to free travel to school. However, her income had since exceeded the threshold for maximum working tax credits and the pupil was no longer eligible for free travel. It was reported that the small increase in income was due to working a few extra hours overtime at Christmas. The mother was

therefore requesting that travel costs be subsidised due to their financial situation.

It was reported that in previous years the pupil was eligible for free transport to school on the low income rule as the pupil attended a school that was one of their three nearest and was within the distance parameters of two to six miles from the home address. Whilst the mother had supplied information in relation to her working tax credits, this was not complete and the Committee could therefore not ascertain the extent of the family's financial standing. Furthermore, the Committee noted that the mother would be reassessed for working tax credits in three months' time. The Committee noted that the pupil was attending the nearest school of the family's faith and was still entitled to transport assistance but that the mother would be required to pay the denominational contribution towards the total cost. The Committee felt that there was no substantive evidence to suggest that the family were unable to fund the denominational contribution. The Committee also noted that the Council was further unable to make an award of full transport assistance as the Council could offer the pupil a place at a nearer school.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 3650 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 2014/15.

### **Appeal 3652**

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 2.71 miles from their new home address, and instead would attend their 13th nearest school which was 5.9 miles away.

In considering the appeal the Committee noted the reasons for the house move around the time of applying for school places and that since both pupils had commenced their education at the school attended the family had relocated back to their previous address which was put up for sale but did not sell. The Committee was informed that the mother previously transported the pupils to school in her car. However, the car had broken down and the mother was unable to finance the repairs. It was reported that the mother wished for the pupils to remain at the school attended as they were settled there, progressing well and were in receipt of specific support to assist their learning. The mother therefore felt that it would be detrimental for the pupils if she had to change schools.

The Committee also noted that the mother had stated there were no places available in their local schools and that she had no family or friend support to help with the school run. Furthermore, the mother felt that she would find it difficult to transport the pupils by public transport due to the time element, cost and the effect this would have on her part-time and self-employment work.

The Committee was informed that although the mother had not stated in her appeal, she had mentioned in discussions with officers that as the Council would have to provide transport to the nearer school, the extra mileage was not excessive. The Committee was informed that the Council, whilst acknowledging this fact, had to base their assessment on distance and not cost.

However, in considering the appeal further the Committee noted that the family did not qualify for free school meals which was the normal indicator of a low income family. Furthermore, no evidence had been provided to suggest that the family were unable to fund the cost of travel to school and back or to demonstrate the family's current financial standing.

The Committee was informed that the pupils were now no longer in receipt of the specific support to support their learning at the school attended. Furthermore, the Council could still offer places for both children at a school (which was their 5th nearest) that was 2.71 miles from home.

In considering the evidence supplied from the family's social worker, the Committee noted that the letter provided was undated and was not created using the Council's letter template format. The Committee could therefore not ascertain whether the detail provided in the letter was current.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 3652 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 2014/15.

### **Appeal 3659**

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 0.5 miles from their home address, and instead would attend their 4th nearest school (and 2nd nearest school of a particular faith) which was 5.6 miles away.

In considering the appeal the Committee noted that when the family lived at their previous address, they were entitled to free travel in the form of a taxi. However, due to the cost implications for the Council, the mother chose to transport the pupil in the mornings to school herself and being reimbursed with petrol costs at intervals. The Committee was informed that the pupil attended the school because the family previously lived in the same town as the school. The Committee was informed that the journey to school would be by the same bus service but two stops further along.

The Committee also noted that the pupil was settled at the school and did not want to change schools at this important time. Furthermore, the pupil had recently dealt with bereavement which had been unsettling for them.

It was reported that the transport arrangements as agreed between the mother and the Council continued up until the family moved to their present address in June 2014. From their new address the Council had concluded that there were now three nearer schools including one that was the same faith as the school attended and that the application for transport had been refused. Whilst the council were not saying that the pupil should change schools there was no provision within the Council's Home to School Transport Policy to provide assistance to the pupil's fourth nearest school and second nearest school of a particular faith. Furthermore, there was no evidence to suggest that the family were unable to fund the cost of transport. In addition the Committee could not determine whether the family was on a low income. No reason was provided for the house move.

In considering the point that the pupil would board the bus just two stops further, the Committee noted that the pupil lived a further 1.5 miles away from the school attended which meant that there were now schools nearer to their home than there were from the family's previous address.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form the Committee 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 3659 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 2014/15.

### **Appeal 3663**

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school with places available (their second nearest school), which was 0.9 miles from their home

address, and instead would attend their 9th nearest school (and 3rd nearest school of a particular faith) which was 4.9 miles away.

In considering the appeal the Committee noted the mother's concerns in relation to the previous school attended by the pupils; in particular the lack of pastoral care regarding the pupils' health problems. The Committee also noted the significance in relation to the elder siblings' health problems and the adverse effect the rebuilding of their previous school was having on them.

The Committee was informed that the elder sibling had also endured incidents of bullying at the previous school attended causing considerable distress whereupon the family GP had advised the mother not to send the pupil back to the school previously attended. Medical practitioners also supported the move to another school for the younger sibling in relation to their health problems as well. At this point in time a school admission appeal was heard and successful for the school now attended. The family were now requesting assistance with transport.

In considering the medical evidence the Committee felt that it had been prepared as part of the mother's school admission appeal for the school now attended. In considering the evidence further, the Committee noted that the medical professional had stated that the elder sibling would benefit from a smaller classroom size and more soundproof surroundings given their health problems. However, there was no evidence to substantiate these claims in relation to what the school now attended had to offer in that respect. In considering the disruption at the previous school and the effect this would have had on the elder sibling, the Committee felt that they would have taken the issues of noise into account as this would have affected many pupils and staff throughout the school. However, there was no information in the appeal to suggest that the mother had approached the school to address these issues in order for them to make reasonable adjustments for the elder sibling. No evidence had been provided to substantiate the bullying allegations.

With regard to the medical evidence in relation to the younger sibling, the Committee felt that any school would be able to address their health problems. The Committee was informed that both pupils did not have a statement of special educational needs.

There was no information in the appeal to suggest that the family were unable to fund the cost of travel or to determine whether the family was on a low income.

It was reported that the Council was unable to exercise the discretion whereby the family could contribute towards the cost of travel as the pupils attended a more distant faith school.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 3663 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 2014/15.

### **Appeal 3664**

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 2.5 miles from their home address, and instead would attend their 6th nearest school which was 6.5 miles away.

In considering the appeal the Committee noted that initially it was the mother's intention for the pupil to follow their elder sibling and attend the nearest school where they would receive free transport. However, when the pupil attended an inset day at the nearest school, an incident had occurred which put them off attending the school whereupon the mother decided the pupil should attend their second preference of school for the reasons as stated in the appeal. It was reported that the pupil was now settled and happy at the school attended. However, the mother could not afford to send the pupil to the school unless she received help with transport costs.

Whilst the Committee acknowledged that the pupil was from a low income family, there was nothing in the appeal to suggest that they had considered any of the nearer schools especially as they would have qualified for free transport to their three nearest schools. The Committee felt that mother would have been aware of the Council's Home to School Transport Policy when making her preferences for secondary schools as the information provided for parents was explained in great detail what the Council's policy is in this respect.

With regard to the incident that occurred at the nearest school, no evidence had been provided to corroborate these claims or the severity of the incident. Furthermore, the Council was unable to establish the incident as outlined in the appeal as the school did not have any record of it. The Committee therefore felt that it was parental preference to send the pupil to their 6th nearest school. In addition the Committee felt that the pupil would be welcomed at any school and did not feel that the alternative nearer schools would be unsuitable. No information was provided to suggest that all the other nearer schools unsuitable.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form 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 3664 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 2014/15.

### **Appeal 3669**

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 0.6 miles from their home address, and instead would attend their 3rd nearest school (and nearest school of a particular faith) which was 1.7 miles away and was within statutory walking distance.

In considering the appeal the Committee noted the pupil's health problems and the affect this had on their ability to walk any distance. It was reported that the pupil's parents had always paid the bus fares to school. However, there had been a recent change in the family's circumstances whereby the father had become unemployed. The Committee was informed that the pupil was worried that their parents were now unable to fund the cost of bus fares and that this was affecting them.

Therefore, in view of the family's combined circumstances and having considered all of the father's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of 2014/15 academic year to support both the father and the pupil in the interim to be reviewed.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3669 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2014/15;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2014/15 academic year (Year 10) only.

### **Appeal 3673**

At its meeting held on 3rd November 2014, the Committee resolved:

"That appeal 3673 be deferred in order for the Committee to receive further information relating to:

- i. Current working tax credits;

- ii. The mother's place of work;
- iii. The mother's health problems;
- iv. Family support with the school run;
- v. How the pupil is currently getting to school; and
- vi. When the mother contacted the Council to enquire about places and if there was a place available at the nearest school (for transport purposes) at that time."

In considering the appeal further, the Committee noted all the information provided in respect of their request. However, it was reported that since the mother had submitted her appeal for school transport a place had become available at the nearest school. Furthermore, the mother had stated in her appeal that she would have preferred a place at the nearest school as it was closer to where they lived and would have made life easier for her.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 3673 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 2014/15.

### **Appeal 3677**

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 2.3 miles from their home address, and instead would attend their 2nd nearest school which was 3.3 miles away.

In considering the appeal the Committee noted that the mother had stated that all other pupils living in the area and who attended the same school as the pupil concerned received free travel there and that this also applied to pupils who had two working parents in their households. The Committee also noted that the pupil attended a feeder school for the school now attended while others who have received free travel did not. The mother felt that they were being discriminated against.

The Clerk to the Committee reported that a copy of a map showing the parish boundary had been obtained which confirmed that the family lived just outside of the boundary. A copy of the map was circulated at the meeting.

It was reported that there would be pupils living in close proximity to the family's address who had been awarded transport assistance to the school attended even

though there was a nearer school of the same faith and that pupils living within the parish boundary would qualify for assistance with travel costs. However, the Committee was informed that the only pupils living in the parish who qualified for free transport were those who qualified on low income grounds and lived more than two miles from the school. Pupils from non low income families living more than three miles from the school and living in the parish would receive transport assistance but parents would be required to contribute towards the total cost by paying the denominational charge.

The Committee noted that the pupil attended a feeder school for the school now attended. However, whilst the school's admission criteria gave a higher priority for such pupils, their criteria gave an even higher priority for those pupils living in one of the school feeder parishes and who attend a feeder primary school. The Committee was informed that the Council's transport policy only grants the discretion to award transport assistance to other than the nearest school for pupils who actually live in one of the feeder parishes. The Committee also noted that the pupil attended their 26th nearest primary school with seven of those being nearer schools of the same faith as the family and schools attended. In addition the Committee was informed that in the admission literature produced to assist parents when making their preferences for secondary schools made specific references that travel assistance would be offered for baptised children of a specific faith who resided in the associated parishes as stated in the literature and where the distance between the home and school was three miles or more measured by the shortest walking route. As confirmed by the map showing the parish boundary the family did not live in an associated parish for the school attended.

No evidence had been provided to suggest that the family were unable to fund the cost travel or to determine whether the family were on a low income. However, the Committee noted that if they met the criteria for a low income family then the pupil would also be eligible for free transport to the school attended as it was one of their three nearest schools and was between two and six miles from home

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form 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 3677 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 2014/15.

## Appeal 3678

It was reported that a request for transport assistance had initially been refused as the pupil already attended their nearest school, which was 1.8 miles from their home address and was within the statutory walking distance.

In considering the appeal the Committee noted that from the mother's previous address there was a bus stop at the end of the road, but since moving home, the pupil had a considerable walk to the nearest bus stop. Furthermore, the pupil had to catch two buses to get to school and the mother was concerned for their safety during the winter months. The Committee also noted that the family were on a low income and that the mother could not afford to pay for the bus fares.

It was reported that when the pupil lived at the family's previous address, they were entitled to free transport as they met the statutory qualifying distance and was from a low income family. The school attended was more than two miles from the family home. However, the Committee was informed that since the house move the family were now no longer entitled to free transport as they now lived 1.8 miles from the school which was under the statutory qualifying distance. No reasons were provided for the house move which occurred in July 2014 whilst the pupil was in year 9.

The Committee was informed that whilst the Council acknowledged the issues regarding bus services in the area and that the pupil was having to walk to a bus stop near to where they previously lived, the Council could not take these issues into account when making their assessment for transport as they must assess the distance for eligibility by the shortest walking route from the home to school.

When considering the mother's concerns regarding the safety of the pupil walking during the winter months, the Committee was informed that this was something the Council could not take into account when assessing claims for transport when pupils live within the statutory walking distance to school as responsibility for the pupil's safe travel arrangements rest with the parent and not the Council.

Whilst the Committee acknowledged this was a low income family there was no evidence to suggest that the family were unable to fund the cost of travel.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form the Committee 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 3678 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 2014/15.

## Appeal 3681

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 1.03 miles from their home address, and instead would attend their 4th nearest school which was 2.6 miles away.

In considering the appeal the Committee noted the grandfather's health problems, his financial situation and that he had care of the pupil. The Committee also noted that the pupil's sibling who lived closer to the school received a bus pass.

The Committee was informed that the pupil was from a low income family and was entitled to extended rights to free travel to their three nearest schools within the distance parameters of two and six miles, or to the nearest school of the family's faith between two and 15 miles from the home address. However, the school attended met neither of these criteria as it was within statutory walking distance. It was reported that had the pupil attended either their second or third nearest schools then they would have qualified for free transport as these schools were more than two miles from the home. Furthermore, the Council could not ascertain whether the reasons for selecting the school was due to the family's faith, since the pupil might have qualified for assistance on low income grounds. However, the Committee noted that the pupil was admitted to the school on a lower category that was not faith related.

With regard to the pupil's sibling, no information had been provided to enable the Council to investigate the reasons why they were awarded transport. The Committee could therefore not consider this aspect of the appeal.

Whilst the Committee acknowledged the grandfather might find it difficult to fund the pupil's bus fares, the Committee were unable to ascertain the reasons why the school attended was their first preference of school since the pupil did not follow the same faith and neither did they attend a primary school of the same faith.

Therefore, having considered all of the grandfather's comments and the officer responses as set out in the Appeal Schedule and application form 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 3681 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 2014/15.

### **Appeal 3683**

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 1.7 miles from their home address, and instead would attend their 2nd nearest school which was 3.1 miles away. There was also a school in a neighbouring borough that was closer to the home than the school attended.

In considering the appeal the Committee noted that the pupil previously attended their nearest school for the first year of their secondary education. However, they were subjected to an incident as outlined in the appeal, which affected them considerably. The Committee was informed that the mother in witnessing such an incident took action to protect the pupil and changed their school to the second nearest school. The mother felt that the pupil's current school was now their nearest suitable school and should receive transport assistance.

The Committee noted the nature of the incident and shared the mother's concerns for the pupil's wellbeing. The Committee also noted that the incident was reported to the Council accordingly. It was reported that there was only one such recorded incident on the school's records and that the school firmly denied there was a general pattern of bullying. The school also stated that in their opinion the pupil did not change schools because of bullying. However, the Committee acknowledged the mother's feelings in relation to this matter, but there was no evidence to demonstrate the bullying allegations.

Whilst the Committee noted the Council could have offered the pupil a place at a nearer non Lancashire school, in considering the school now attended there was nothing to suggest that they met the criteria for a low income family. In addition, no information had been provided to suggest that the family were unable to fund the cost of transport for the pupil.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 3683 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 2014/15.

### **Appeal 3684**

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 0.5

miles from their home address, and instead would attend their 26th nearest school which was 3.23 miles away.

In considering the appeal the Committee noted that the Council had been providing a taxi to take the pupils to the school attended for approximately three years. The Committee was informed that the mother felt the school attended was a suitable school for them to attend given their heritage. It was reported that the family moved to their current property due to an incident as outlined in the appeal.

The Committee was informed that the mother would not be able to take the pupils to school without this assistance. Furthermore, the eldest sibling was in their final year at primary school and the mother felt it was important for them to complete their primary education at the school attended. In addition the pupil experienced difficulty in settling in at the school but were now settled and happy there.

The Committee was informed of all the house moves. In particular, the Committee noted that in January 2013, when the family moved to their present address, another sibling (now a year 7 aged pupil) qualified for transport assistance as they were in year 6 during the time of their removal. Furthermore, in these circumstances the Council could exercise discretion within its transport policy and allow pay travelling expenses for the younger siblings while the elder sibling completed their year 6 education. It was reported that this entitlement should have ceased for the then three younger siblings in July 2013. However, the Committee was informed that it looked like the transport arrangements put in place for the then eldest sibling continued and that as of September 2014, another pupil who commenced their reception year was now travelling to the school on the taxi.

The Committee was informed that the Council could offer all the siblings places at nearer schools which were less than the statutory walking distance from their home including their nearest school which was 0.5 miles from home. No information was provided to suggest why the siblings were unable to transfer to these schools. Furthermore, there was no evidence to suggest that other family or friendship groups could not assist with the school run or costs.

However, the Committee in noting the mother's suggestion that the school attended was a suitable school, did not share the same views as the mother regarding the integration of these pupils into any school as all Lancashire schools welcomed children from all heritages. The Committee noted the mother's concern in relation to the eldest pupil and felt that it could award transport for them only to support the pupil in their final year in primary education.

Therefore, having considered all of the mother'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's would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal for the three younger siblings, but was persuaded that there was sufficient reason to uphold the appeal for the eldest

sibling and provide temporary travel assistance for only the eldest sibling up to the end of 2014/15 academic year to support both them in their final year of primary education.

**Resolved:** That,

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3684 be refused for the three younger siblings 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;
- ii. Having considered the circumstances in relation to the eldest sibling the appeal be allowed for them only on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2014/15;
- iii. The transport assistance awarded in accordance with ii. above be up to the end of the 2014/15 academic year (Year 6) only and for the eldest sibling only.

### **Appeal 3685**

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 0.9 miles from their home address, and instead would attend their 4th nearest school which was 4.1 miles away. There were also schools in neighbouring boroughs that were closer to the home address than the school attended.

In considering the appeal the Committee noted the reasons why the family had to move home and the circumstances surrounding the pupil's attendance at any of the local schools. It was reported that the family felt they had no choice but to send the pupil to a school outside of the town. Whilst the pupil was now settled and happy at the school, the Committee was informed that the parents could not afford to fund the pupil's bus fares.

The Committee was informed that the pupil was from a low income family and was therefore entitled to free transport to their three nearest schools which met the distance criterion of between two and six miles. The Committee noted that this extended right would apply to the pupil's two other preferences for secondary schools. The Committee acknowledged that the family might find it difficult to fund the cost of bus fares, however, they should have been aware of the Council's policy on home to school transport when they made their preferences for secondary school education.

With regard to other siblings in the family, it was reported that the Council could not ascertain any information in relation to them as they had no further knowledge of the family. Furthermore, no evidence had been provided to

substantiate the family's claims behind the reasons for the house move or indeed their preferences of school. It was reported that whilst the father had suggested the Council could contact certain organisations to confirm the facts of the incident, the Council had advised that it was the responsibility of the appellant to gather the evidence to support their claims and not the Council's responsibility.

Therefore, having considered all of the father's comments and the officer responses as set out in the Appeal Schedule and application form the Committee 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 3685 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 2014/15.

### **Appeal 3686**

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 1.4 miles from their home address, and instead would attend their 3rd nearest school which was 6.5 miles away. There were also two schools in the neighbouring borough that were closer to the home address than the school attended.

In considering the appeal the Committee noted that the pupil previously attended their nearest school. However, the mother had to transfer the pupil to another school due to incidents of bullying. It was reported that the family chose a school out of the immediate area as the pupil was afraid to go out on their own there. The Committee was informed that the mother hoped to move closer to the school now attended in the New Year.

The Committee noted that the mother had provided no evidence to support her allegations of bullying. However, the Clerk to the Committee explained that since the appeal was submitted the Council had received an email from the pupil's previous school which provided information in relation to the bullying allegations. A copy of the email was circulated to members at the meeting. The email from the school confirmed that in their view there was no bullying but friendship groups falling out and that problems were occurring outside of school between the pupil and their peers whilst using social media applications.

No information had been provided to suggest that the family were on a low income or were unable to fund the cost of home to school travel costs. However, the Committee was advised that even if the family met the criteria for a low income family the pupil would still not qualify for the extended provisions as the school now attended was not one of their three nearest schools between two and six miles from the home address.

Whilst the Committee noted the mother's intention to move closer to the school now attended, no timescale had been given nor had any supporting evidence been provided to corroborate their intentions.

Therefore, having considered all of the mother'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 3686 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 2014/15.

### **Appeal 3688**

It was reported that after the agenda had been posted to Members of the Committee, the family no longer required transport and had requested that their appeal be withdrawn.

**Resolved:** That appeal 3688 be withdrawn at the request of the parents.

### **Appeal 3690**

It was reported that a request for transport assistance had initially been refused as the pupil already attended their nearest school, which was 1.7 miles from their home address and was within the statutory walking distance.

In considering the appeal the Committee noted that there was no direct bus from the family home to the nearest school and that they had to catch two buses in order to get to school. The mother had stated that it took the pupil about an hour to walk the distance to school and was concerned for the pupil if they had to walk during the winter months. The Committee was informed that the mother was a single parent on a low income and could not afford the pupil's bus fares.

It was reported that the pupil was from a low income family and that they might find it difficult to fund the cost of bus fares if that was the chosen method of travelling to school and back. Whilst the pupil was entitled to extended rights to free travel to their three nearest schools, that met the distance criteria of being between two and six miles from the home, the school attended was less than the required two miles to qualify for this provision and the pupil therefore lived within the statutory walking distance to school.

The Committee acknowledged the difficulties of travelling from the area where the family lived to the school attended. However, it was reported that many pupils coped with the option of having to catch two buses. Furthermore, the Committee felt that even if the pupil walked to school there would be other pupils who walked in a similar direction at similar times. The Council also considered the walking route to be a suitable walking route when assessed against the Council's Suitable Routes Policy. The Committee was reminded that as the pupil lived within statutory walking distance the responsibility for the pupil's safe arrival at school by law rested with appellant. The Committee also felt that the estimated walking time was rather high and concurred with the Council's suggestion that it would take less than one hour to walk 1.7 miles.

No information was provided to suggest that the family were unable to fund the bus fares.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form the Committee 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 3690 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 2014/15.

### **Appeal 3692**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a secondary school 16 miles from the home address as opposed to the nearest suitable school which was 0.5 miles away. There were also six schools in the neighbouring borough that were closer to the home address than the school attended.

In considering the appeal the Committee noted the reasons for why the pupil now resided with a carer and that social services were aware of this arrangement. The Committee also noted that the school had advised that the pupil wished to complete their secondary education at the school and that they were finding the logistics of travelling to school on public transport extremely difficult. School were concerned that this situation would likely worsen during the winter months. As this was the pupil's final year of secondary education, school had requested that taxi transport should be put on in order for the pupil to complete their secondary education at the school.

The Clerk to the Committee explained that a letter from the pupil had been received late after the agenda for the meeting had been circulated. A copy of the letter was handed round to members at the meeting.

The Committee recalled the previous appeals it had considered for this pupil and noted the circumstances the pupil now found themselves in. The Committee also noted that the pupil was in their final year of secondary education and felt that a change of schools at this time would be detrimental for their future. The Committee also felt that it could make an award of transport. When considering the type of transport the pupil should receive, the Committee felt that public transport was proving to be both time consuming and a hindrance. The Committee felt that the pupil should travel to school by taxi.

Therefore, having considered all of the carer's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide travel assistance in the form of a taxi for the pupil up to the end of 2014/15 academic year to support them in their final year of secondary education.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3692 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2014/15;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2014/15 academic year (Year 11) only.

### **Appeal 3694**

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 0.8 miles from their home address, and instead would attend their 6th nearest school which was 5.3 miles away.

In considering the appeal the Committee noted the upheaval the family had recently experienced and the affect this had on them both emotionally and financially. The Committee was informed that the mother only worked part-time and was requesting that the contributory charge for transport to the nearest school of the family's faith, which she had paid for in previous years, be waived given their current circumstances.

The Committee were sympathetic to the family's situation. However, from the financial information provided to corroborate their standing it appeared that the family's incomings were significantly above the threshold for them to receive maximum working tax credits. The evidence provided was not substantive enough for the Committee to consider the family's plight. Furthermore, there was nothing to suggest that the family met the criteria for a low income family and that they were unable to fund the cost of home to school travel.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 3694 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 2014/15.

### **Appeal 3696**

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 2.9 miles from their home address, and instead would attend their 8th nearest school (in the case of the female pupil) and 9th nearest school (in the case of the male pupil) which was 5.1 miles away. There were also three nearer faith schools closer to the home address than the school attended.

In considering the appeal the Committee noted that the family had recently had a drop in their income and were finding it impossible to fund the cost of bus fares for the pupils and had to borrow money in order to get them to school. It was reported that the mother transferred the pupils to the school now attended as they were unhappy at their previous school which they attended during their year 7 and part way through year 8. The Committee noted the pupils were now in year 10. The mother felt that it would be detrimental to the pupil's education if they had to change schools especially as they were studying for their GCSEs.

It was reported that the pupils were eligible for free school meals and were also entitled to extended rights to free travel to their three nearest schools within the distance parameters of two to six miles. However, the school attended was not one of their three nearest schools.

When considering the bullying allegations as the reason for the transfer to the school now attended, it was reported that the Council had been unable to ascertain the reasons from the school previously attended. Furthermore, no information had been provided as to why the school now attended was chosen when there were many nearer schools available to the family.

The Committee was informed that the mother had indicated that her appeal was based on a reduction in the family income. However, no evidence had been provided to substantiate these claims. The Committee noted that since August 2014, the pupils had become eligible for free school meals again. However, they were not entitled in 2013/14 but qualified in 2012/13.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application forms 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 3696 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 2014/15.

### **Appeal 3699**

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 1.01 miles from their home address, and instead would attend their 21st nearest school which was 2.47 miles away.

The Clerk to the Committee explained that the mother had submitted additional late evidence. Copies of the late evidence were handed to members at the meeting.

In considering the appeal the Committee noted that the family had recently moved to their current address and that the mother wished for the pupils to remain at the school attended. However, the nearest bus stop was a substantial walk through a wooded area and that both bus fares and taxi fares were costing a lot of money especially as they were on a low income.

The Committee was informed that the middle sibling struggled to cope with change especially given their health problems and that they did not progress at their first school attended. The Committee was informed that the mother researched schools and moved to their previous locality in order for the pupils to attend the school attended. Furthermore, the mother felt that the pupils had made great progress there.

The Committee noted that the family were forced to move out of their previous rented property with little time to find a property close to the school attended. The Committee felt that it could support this appeal but only for a temporary basis.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupils up to the end of 2014/15 academic year to support the family in the interim.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3699 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2014/15;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2014/15 academic year (for all siblings) only.

### **Appeal 3700**

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 2.9 miles from their home address, and instead would attend their 3rd nearest school which was 7.5 miles away.

In considering the appeal the Committee noted the family's situation and they had moved in with the mother's father to help support him as she was his carer. The Committee was informed that the mother's own house was unsuitable for her father due to his health problems and that adapting her house would present huge difficulties. The Committee also noted that the pupil was in their final year of secondary education and that the mother felt it would be detrimental if she had to transfer them to the nearest school.

In considering the appeal further the Committee noted that the mother felt it would not be in the pupil's best interests emotionally to change schools, as they needed their friendship group around them after recent changes in their life. Furthermore, the pupil's health problems, which had been severe in the past was exacerbated by stress.

It was reported that whilst the mother received certain benefits, she had lost income due to fewer working hours and the additional expenses now upon her in relation to her responsibilities.

In considering the family's financial standing the Committee noted the information provided by the mother to indicate the low income in the household, however, it was reported that she was not in receipt of the maximum amount of working tax credits – being the statutory criteria for designating a family as low income. The Committee was informed that the Council could not apply the discretion to award travel costs on the basis that the pupil moved during their year 11 as this only applied to pupils from low income families. However, the Committee felt that the information provided was not substantive enough for them to determine the full extent of the family's situation. Furthermore, the Committee felt that the mother should be entitled to some form of carer's allowance which might assist in reducing any shortfall and that she should perhaps look into this suggestion.

The Committee noted the medical evidence provided in respect of the pupil's health problems. However, they felt that the evidence was not substantive enough for them to consider the severity of the pupil's health problems. Neither was there any professional medical evidence to confirm how or when the pupil is likely to suffer.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 3700 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 2014/15.

### **Appeal 3584**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a primary school 7.8 miles from the home address as opposed to the nearest suitable school which was 0.2 miles away.

It was reported that the family had submitted an appeal previously which was considered by the Committee at its meeting held on 6th October 2014, whereupon it had been refused on the basis that there were nearer schools available, one being of the same faith as the family (their nearest) which were less than the statutory walking distance to the home address. The appeal was also refused on the basis that there was no substantive evidence to corroborate the family's financial circumstances to suggest that they were unable to fund the cost of transport. However, since that appeal was heard, the Committee was informed that the family had submitted a further appeal in readiness for the Committee's meeting scheduled on 3rd November 2014, however this was withdrawn prior to the meeting as the family had obtained a place at the nearest school. Since then it transpired that there had been a number of changes with the family's circumstances and the Council agreed to offer the family a further appeal.

The Committee was informed that the appeal was resubmitted following the family refusing to take up the place at the nearest school on the basis that the pupil had become distressed at the thought of transferring schools away from their friends at this important time in their educational career and who, along with staff at the school attended, had provided support for them at this difficult time.

However, in considering the availability of school places at the nearest school of the family's faith, the Committee felt that it was not clear from the information

whether the pupil actually attended the nearest school when the family obtained a place there.

The Committee recalled the reasons why the pupil transferred to the school currently attended, which at the time of transfer was their nearest school of the family's faith with a place available and was 7.8 miles from home. The Committee also noted that the family felt the pupil, given their age could not travel on their own to school by public transport as this would involve three bus journeys each way.

It was reported that following the Committee's original decision to refuse their appeal for transport assistance the family took out a loan to fund the pupil's taxi transport. However, it was reported that the loan ran out at the end of October 2014 and the family were unable to fund a further loan.

Although the family were reported as having a car the Committee was informed that if the father had to transport the pupil to school each day (two round trips of approximately 16 miles) then this would take a significant amount of time out of his day when this time could perhaps be better spent with in caring for his partner and younger child, who both had significant health problems. The Committee recalled the mother's health problems, the impact this had on the family both emotionally and financially and the additional responsibilities of care now upon the father. The Committee also recalled that the mother was unable to assist the younger sibling with specific tasks. Furthermore, the Committee noted that the appellant, who was retired found the journey demanding. However, in considering all these circumstances the Committee noted that the change in the family's circumstances occurred sometime ago.

In noting the family's financial circumstances, the Committee was informed that the mother was no longer able to continue with her self-employment. However, the family had not provided any specific information relating to their incomings and outgoings for the Committee to consider. The Committee therefore felt that there was no substantive financial evidence to determine the full extent of the family's situation.

Therefore, having considered all of the family's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 3584 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 2014/15.

## Appeal 3587

At its meeting held on 6th October 2014, the Committee resolved:

"That appeal 3587 be deferred in order to receive further information:

- i. About the family's financial standing;
- ii. From social services regarding the placement of the pupil; and
- iii. On how the pupil is currently getting to school."

In considering the appeal further, the Committee noted all the evidence provided as requested and commended the carer for their actions in respect of the pupil. However, when considering the financial evidence, the Committee could not ascertain the full extent of the family's situation as they could not properly identify routine expenditure such as utility or grocery bills. Whilst it was reported in the appeal schedule that gas and electric bills were being paid out from the account at a particular amount, the activity did not match the name referred to in the schedule. Furthermore, the Committee felt that the appellant's spending seemed to be on general items. In addition, the Committee also noted that the rent for the property was paid directly by their local council to their landlord and that the appellant's were only required to contribute what they felt was a small amount towards this per month.

The Committee was informed that the appellant received no financial support from the Council in respect of the private fostering arrangement and that the only income they received was through benefits. However, the Committee could not determine whether the pupil's biological parent lived with them and the private foster carer given their relationship and if they did live in the same household whether the biological parent was in employment or receiving benefits or contributing to the household income. The Committee therefore felt that the appeal should be deferred again on the basis that there was a lack of substantive evidence in relation to the family's convoluted circumstances and financial standing.

In considering the evidence supplied by the family's social worker, the Committee noted the circumstances surrounding the eventual private fostering arrangement being put in place, the reasons behind the placement and the concerns social services had in respect of the biological parent's ability to meet the pupil's needs. However, the Committee noted that the private carer's health problems, if not managed appropriately could impact on their ability to care for the pupil. In addition the Committee noted that the carer's health problems were exacerbated in the mornings and that they had shared concerns that this would impact upon them for the remainder of the day, particularly in relation to their ability to be emotionally available for the pupil and to maintain home conditions.

The Committee noted that the carer had stated that if they had to maintain an unrealistic amount of travelling in order to get the pupil to school and back given their health problems, then they did not believe that they would be able to maintain looking after the pupil. However, it was noted that the social worker had stated that the carer was not stating that they were unable to care for the pupil if

support with transportation was not provided. The Committee felt that in respect of the family's convoluted circumstances and the concerns they still had for the pupil felt that the appeal should be deferred in order to obtain a more comprehensive update surrounding the suitability and assessment of the placement from social services. Furthermore, there was no medical evidence to assist the Committee in considering the full extent of both the carer's and the biological parent's health problems.

Whilst the Committee felt that the appeal should be deferred again in order to obtain further information, they expressed concern for the pupil's safety during the school run at this present time. The Committee therefore;

**Resolved:** That appeal 3587 be deferred for the Committee to receive further information in relation to:

- i. Substantive financial evidence;
- ii. A more comprehensive update from social services;
- iii. Medical evidence; and
- iv. Who is living at the property.

### **Appeal 505147**

At its meeting held on 6th October 2014, the Committee resolved:

"That appeal 505147 be deferred in order for the Committee to ascertain the outcome of the mother's query in relation to the pupil's benefits."

In considering the appeal further, the Committee noted that the mother had stated she had received a letter on 27th October 2014 confirming that the pupil was entitled to the highest rate care component due to their night time needs. Officers had commented that the highest rate care component was awarded to those individuals who required assistance at night and that the pupil remained on the lower rate of the mobility component of DLA.

In considering the appeal again the Committee noted that there was no evidence to suggest why the pupil's needs could not be met at the two nearer schools over and above the school attended. In addition no medical evidence had been submitted to suggest that the pupil was unable to walk the distance to school. Whilst the Committee noted the reasons why the school attended was chosen, there was no evidence to substantiate the mother's claims. The Committee also noted the bullying allegations in respect of pupils who attended the pupil's former primary school and would be transferring to the two nearer secondary schools. However, no evidence was provided to substantiate these claims either.

With regard to the pupil's limited sense of road awareness, the Committee noted the support that had been put in place for the pupil over the years. However, it was reported that the mother would have been advised to consider how the pupil would travel to the school they preferred when making the choice for transfer into secondary education. Furthermore, the current Home to School Transport Policy

for Children and Young People with Special Educational Needs (2013/14) stated that the Council was unable to take into account a parent's choice to send their child to a school that is not the nearest appropriate school to the home address.

In considering the mother's concerns for the pupil's wellbeing, the Committee noted that the pupil was previously discharged from the Children's Psychological Services in November 2013 as both the pupil and parents felt that no further input was needed from the service as there had been a significant improvement with the pupil's difficulties. The Committee also noted that the mother was pursuing a re-referral back to the service. However, there was no evidence to substantiate this claim.

Therefore, having considered all of the mother'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 505147 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 2014/15 and the policy on the provision of transport for pupils with special educational needs.

### **Appeal 1154161**

It was reported that a request for transport assistance had initially been refused as the pupil already attended their nearest school, which was 1.2 miles from their home address and was within the statutory walking distance.

In considering the appeal the Committee noted that the mother had to collect the pupil 10 minutes early at the end of each day in order to pick up her other child who attended a primary school. Time lost equated to 50 minutes each week learning time for the pupil and the mother felt that the family would benefit from the pupil having transport to school so that they could finish school along with everybody else leaving the mother to collect the sibling.

The Committee was informed that the mother felt the pupil was not streetwise and could not travel to school on their own. It was reported that the pupil had been late to school on several occasions.

The Committee also noted that the headteacher of the school attended had offered a letter of support confirming the arrangements in place for the pupil and the family's situation. Furthermore, this situation was causing a great deal of stress and anxiety for the family.

However, it was reported that the school was less than the statutory walking distance and that the pupil did not meet the criteria for assisted transport under the Council's current Home to School Transport Policy for Children and Young People with Special Educational Needs as the pupil had moderate learning difficulties. Whilst it was reported that the pupil had some emotional and social difficulties, the pupil did not have any physical difficulties that would prevent them from being able to walk the distance to school. The Council was therefore of the opinion that the pupil was able to walk whilst accompanied by an adult. No reasons were provided to suggest why other family members could not assist with the school run.

The Committee in considering the family's circumstances with the school run further noted that there was limited availability to before and after school club provision at the school attended and the pupil's sibling's school. The Committee also noted that whilst the start times for both schools were different, the finish times were the same. Whilst the Committee acknowledged the problems the mother faced with the school run, the Committee felt that there was nothing to suggest the mother had approached the headteacher of the school attended by the pupil concerned to see if they could remain on site for an extra 10 minutes in order for the mother to collect the pupil at the end of the day given that the distances between the schools was relatively short and the mother drove the pupils to school and back. The Committee also felt that the school should be able to make reasonable adjustments to accommodate such arrangements, especially as teachers and school staff remain in school for longer than opening times.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 1154161 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 2014/15 and the policy on the provision of transport for pupils with special educational needs.

### **Appeal 594441**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a secondary school 6.8 miles from the home address as opposed to the nearest suitable school which was 1.2 miles away.

In considering the appeal the Committee noted the pupil's health problems and how this impacted on both their and others wellbeing on the school bus. It was reported that the pupil required support on the bus and a bus mentor and that

other children had provided this function in the past. However, parents of those children had complained in relation to the onus being put on their children. Furthermore, schools were also concerned for the pupil's lack of independence skills. The Committee also noted that the pupil had a younger sibling who also had health problems and that the mother had to remain with them at their education establishment. The family only had one vehicle.

Whilst the family were aware that the school attended was not their nearest school, the Committee was informed that 26 of the pupil's peers had transferred to the same school and that at the time of transfer, parents felt that the pupil needed to be with familiar faces. However, it was reported that the situation on the school bus was close to breaking down and the family were requesting assistance with transport costs for a temporary, interim period until suitable specialist provision had been agreed for the pupil. In addition, the family were also willing to contribute the amount equivalent to the bus fares if the Council could provide taxi transport to school. Furthermore, it was reported that the school had formally requested that the pupil should not take the school bus to and from school and that the family were still paying the bus fee for both journeys in addition to a one way taxi from school.

However, the Committee noted that as from September 2011, parents had expressed a preference for the school attended which had been agreed but in accordance with the Council's Home to School transport policy for children and young people with special educational needs, this was not the nearest school to the pupil's home address that could meet their needs and therefore parents would become responsible for the transport and costs of sending the pupil to the school attended.

The Committee acknowledged the significance of the pupil's health problems and the incidents occurring on the school bus. The Committee also acknowledged that the mother was needed to support the younger sibling into the classroom. However, there was no substantive evidence to suggest why the father was unable to assist with the school run for the pupil. Also, there was no evidence to suggest that the father had approached his employer to request flexible working or if he had what the outcome of those discussions were.

The Committee noted that the family were paying for the pupil to board a taxi at the end of each school day. The Committee also noted the family were also paying for the pupil to use the school bus in the morning. In considering the family's financial standing there was no evidence to suggest that the family was on a low income or to demonstrate that they were unable to fund the cost of travel for the pupil.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 594441 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 2014/15 and the policy on the provision of transport for pupils with special educational needs.

I Young  
County Secretary and Solicitor

County Hall  
Preston