

## **Lancashire County Council**

### **Student Support Appeals Committee**

**Minutes of the Meeting held on Monday, 19th January, 2015 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;  
Miss J Mort, Solicitor Legal Services, Office of the Chief Executive; and  
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 3706 on the grounds that the appellant resided within her division and confirmed that she had no other association with the appellant.

County Councillor Dereli declared a non pecuniary interest in relation to appeal 3552 on the grounds that the appellant's Doctor was also hers and confirmed that she had no other association with the appellant.

County Councillor Cheetham declared a non pecuniary interest in relation to appeal 3710 on the grounds that she had been appointed by the Local Authority as a Governor at the school attended and confirmed that she had no other association with the appellant.

Ms Brewer declared that in relation to appeal 3640 she was named in the papers as the Academy's legal advisor and therefore known to the Appellant and stated that prior to the Committee considering the appeal she would withdraw from the meeting and that Miss Mort, Solicitor would take her place whilst the Committee considers the appeal. It was suggested that this item be brought forward and considered first.

#### **2. Minutes of the meeting held on 1st December 2014**

**Resolved:** That; the Minutes of the meeting held on the 1st December 2014 be confirmed as an accurate record and be signed by the Chair.

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

It was noted that the next meeting of the Committee would be held at 10.00am on Monday the 9th March 2015 in Room B15b, County Hall, Preston.

### **4. 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.

### **5. 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 21 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 3640**

*Ms Brewer left the room whilst the Committee considered the appeal.*

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 2nd nearest school which was 5.4 miles away.

In considering the appeal the Committee was informed that the pupil previously attended their nearest school until half way through their year 8 when they were transferred to the school now attended. It was reported that when the pupil commenced their secondary education they were subjected to abuse and bullying

by another pupil. Even though the situation was reported to the school and other bodies, the family felt that insufficient action was taken against the perpetrator and the family therefore appealed for a place at their next nearest school which was allowed. The pupil commenced their education at the school currently attended in January 2014.

In considering the appeal further the Committee noted that the bullying incidents had been referred to the Police for investigation. No evidence had been provided to corroborate this point or to demonstrate what action would or had been taken or what the outcome was of their investigation. The Committee also felt that the bullying incidents could have been recognised and dealt with earlier by the school previously attended as evidenced in the appeal documentation.

However, the Committee noted that the pupil would have met the denominational criteria for admission in to the school now attended and would therefore be entitled to denominational transport whereby the parents would be required to contribute towards the total cost of school transport by paying the denominational contribution. There was no evidence in the appeal to demonstrate that the family were unable to meet this cost or to allow the Council to assess the full financial position of the family.

Whilst the Committee noted that the family had a successful admission appeal to the school now attended, it was reported that school appeal decision letters do not contain the reasons as to why an appeal was successful unless the parents request a second letter setting out the reasons why the School Admission Appeal Panel allowed an appeal. No evidence had been provided to corroborate this point.

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 3640 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.

*Ms Brewer returned to the room and Miss Mort left the room prior to all remaining appeals being considered by the Committee.*

## **Appeal 3521**

The Clerk to the Committee reported that the mother had submitted some additional late evidence in respect of her appeal. Copies of all the evidence were handed out to all members of the Committee for consideration.

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 33rd nearest school which was 18.5 miles away.

The Committee recalled that it had previously considered and resolved to not uphold the appeal in the absence of financial information. However, the mother had since provided the Council with a financial statement and the appeal was therefore re-submitted for reconsideration by the Committee.

In considering the appeal the Committee noted the family's circumstances and the reasons for the house moves. The Committee also noted that the mother was also a foster carer to a child on a long term placement and the problems she faced with the school run and the conditions relating to the placement of the foster child.

The Committee was informed that the pupil was doing well at the school attended and that the mother felt if she had to change their school it would affect them adversely. The mother was also concerned that if a bus pass was denied she would have to transport the pupil all the way to the school attended thereby affecting transport arrangements for the foster sibling which might lead to a breakdown of the placement or that she would have to pay for a taxi for the foster sibling.

However, in considering the appeal further, the Committee felt that the remaining income as suggested by the mother was substantial enough to fund the cost of travel (season ticket) for the pupil irrespective of whether the spare funds was there to be used for birthdays, Christmas, days out, clothes, car and household maintenance and that the mother would still have some disposable income remaining once school travel costs had been taken into account. The Committee felt that funding school transport was an issue that many families had to face and struggle with and that other families would have to adjust their lifestyles in order to accommodate any additional financial burden such as school travel.

In respect of the foster child, the Committee noted that from the financial statement provided, the mother had accounted for the foster child's school travel costs. It was now not clear how the foster child was getting to and from school when a separate figure had been accounted for petrol costs in the mother's statement as the mother had stated she took the foster child to school in her car. Furthermore, the mother had also stated that whilst the father did not contribute any monies to the mother for the pupil, he did contribute towards the purchasing of clothes.

The Committee also noted that the pupil spent some time during the school week with their father who continued to live at the former marital home. It was not clear whether the mother still did the school run on these days. In addition the Committee could not determine whether the mother had a new partner to whom might be able to assist with school travel costs or the school run.

There was no evidence to suggest that the pupil would be adversely affected if they had to change schools.

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 3521 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 3547**

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 mile from their home address, and instead would attend their 6th nearest school which was 2.8 miles away and was within statutory walking distance.

In considering the appeal the Committee noted the mother's health problems and how this affected her ability to drive for a lengthy period of time. The Committee was informed that during this time the mother was only in receipt of statutory sick pay and found it difficult to pay the household bills including the pupil's bus fares. It was reported that even though the mother had returned to work she remained on a low income and was therefore requesting assistance with school travel costs.

However, the Committee noted that the medical evidence provided dated back to May 2014, and therefore did not provide the Committee with any detail to suggest whether or not the mother's health problems still remained at the time or near to the time of considering the appeal as the expected time for recovery had passed. Furthermore, the length of sickness absence had also passed some time ago. In addition there was no information to suggest that the mother did not have other family or friend to support her with the school run.

The Committee also noted that the mother's income did not meet the criteria as set by central government for a low income family.

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 3547 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 3552**

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 0.2 miles from their home address, and instead would attend their 12th nearest school which was 1.2 miles away and was within statutory walking distance.

In considering the appeal the Committee noted the pupil's health problems and how this affected the family's daily life in particular when the mother walked the pupil with their siblings to school and back. The Committee was informed that on occasion the mother would take the pupil in a taxi to school when her budget allowed it and felt that assistance in this form from the Council would be helpful to the pupil. The mother was not seeking assistance for the pupil's younger siblings.

However, in considering the appeal further, the Committee noted that the Council had awarded temporary discretionary transport to the family but it was not clear in the appeal as to the reasons why this had been awarded. Furthermore, it was not clear where the request for temporary transport had come from. The Committee felt that the request could have come from the school attended but this was also not clear in the appeal.

The Committee also noted that the pupil was currently being assessed for an additional health problem. However, no evidence was provided to corroborate this point. The Committee therefore felt that the appeal should be deferred in order to ascertain these points but to also find out why the father can't assist with the school run.

**Resolved:** That appeal 3552 be deferred in order for the Committee to receive more information from:

- i. The School about the pupil's needs;
- ii. The Council's Area Office Team for a detailed response as to why temporary discretionary transport was awarded;
- iii. The family as to why the father can't assist with the school run; and
- iv. Up-to-date medical evidence for the pupil.

### **Appeal 3564**

It was reported that a request for transport assistance had initially been refused as the pupil already attended their nearest school, which was 1.5 miles from their home address and was within the statutory walking distance.

In considering the appeal the Committee noted the pupil's health problems and how this affected their daily life. It was reported that since September 2013, the pupil was transported to school by friends of the family. However, this arrangement had ceased from September 2014, and the father was now requesting taxi transport for the pupil.

The Committee was informed that there was only one of two ways the Council would be able to award transport assistance, one of which was if the pupil was unable to walk to and from school, accompanied as necessary. The Committee felt that the medical evidence provided demonstrated that the pupil was currently unable to walk the distance accompanied and felt that it could make an award in this case. The Committee noted that the medical evidence also suggested that the pupil should be guided appropriately before being able to walk the journey to school and that this should be a long term target for the pupil. The Committee therefore felt that it should make a temporary award until the end of the current academic year and for the parents to re-apply on a yearly basis.

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 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 them in the interim and for the family to re-apply for transport if it was still considered necessary.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3564 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 8) only

### **Appeal 3610**

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 2nd nearest school which was 2.7 miles away and was within statutory walking distance.

In considering the appeal the Committee noted that the mother disputed the distance measured by the Council from her home to the school attended and had taken the view that the only suitable walking routes were more than 3 miles. The mother was dissatisfied in that the Council had not supplied her with details of a suitable walking route less than 3 miles from the family home.

The Committee was informed that the mother felt the nearest school to the family was not a suitable school for the pupil to attend as it was currently in special measures and strongly disputed that a school in special measures could be considered suitable for the purpose of providing education.

However, it was reported that whilst the mother had provided evidence from various electronic measuring systems which showed the distance to be in excess of the 3 mile limit, the Committee was informed that these tools were not as accurate as the Council's own bespoke measuring system as they utilised post codes to plot distances. The Committee also noted that there were shorter road routes but the Council's route used designated footpaths. Furthermore, the Council was unable to take into account the suitability of the walking route as the pupil did not attend their nearest school.

With regard to the nearest school being in special measures, the Council stated in their case that OFSTED were still allowing pupils to be admitted to the school and that there were no grounds for the Council not to determine the school as the pupil's nearest school.

No information had been provided to suggest that the family 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 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 3610 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 3662**

It was reported that a request for transport assistance had initially been refused as the pupil already attended their nearest school, which was 1.1 miles from their home address and was within the statutory walking distance.



In considering the appeal the Committee noted the pupil's health problems, the affect this had on their daily life and their vulnerability – especially when alone in public places. The Committee was informed that the pupil was receiving help from professional medical support. The mother was requesting help out of concern for the pupil's safety in getting to and from school. The school attended supported the appeal.

In considering the appeal further the Committee expressed concern in relation to two incidents as outlined in the appeal. Furthermore, no medical evidence had been supplied to substantiate the pupil's health problems. The Committee therefore felt that in order to take a decision on this appeal it should have sight of relevant medical evidence, an update from the CAMHS service and to establish whether the parents were unable to do the school run.

**Resolved:** That appeal 3662 be deferred in order for the Committee to receive further information in relation to:

- i. The pupil's health problems;
- ii. An update from CAMHS; and
- iii. Whether the parents were unable to do the school run.

### **Appeal 3667**

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 5.2 miles from their home address, and instead would attend their 2nd nearest school which was 5.3 miles away.

In considering the appeal the Committee was informed that the eldest sibling's first preference was for an alternative school in the area. However, they did not offer them a place there. The father then chose to send the eldest sibling to a different school based on a recommendation. However, the eldest sibling was bullied there and parents chose to transfer them to the school now attended where the younger sibling joined them when transferring in to secondary education in September 2014.

The Committee noted that the father felt the school attended was the nearest school to the family home in view of the circumstances and that the siblings should be eligible for free transport to school. The Committee also noted the father's point that the distances between the nearest school and the school attended was extremely small.

The Committee was informed that the eldest sibling was subjected to cyber bullying, but that this took place out of school and that the school attempted to resolve the matter in the best way they could. The Committee was also informed that the police had been involved with the matter. However, no evidence had been provided to corroborate these points or to suggest that the eldest sibling should no longer attend that school. The Committee noted that it was the parents' decision to transfer the eldest sibling and that there was no managed transfer in

this matter. Furthermore, there was nothing to suggest that the youngest sibling would be subject to bullying if they attended the eldest pupil's previous school.

With regard to the minimal distances from the home to the nearest school and the school attended, it was reported that the Council in order to be equitable to all families had to implement the mileage limits strictly.

No information had been provided to suggest that the family were unable to meet the cost of both pupils' travel costs to school.

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 3667 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 3680**

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 6.3 miles from their home address, and instead would attend their 4th nearest school which was 7.1 miles away. It was also reported that the appeal was against the refusal to waive the denominational fee.

In considering the appeal the Committee was informed that the mother was a single parent with three children the eldest of which now studied at college. It was reported that the eldest child previously attended the same school as their younger siblings and received free transport to the school. However, when the middle sibling commenced their secondary education the mother had to pay the denominational contribution, and since the youngest sibling started at the same school the mother could no longer continue to pay the contribution for the two pupils. The Committee noted that the father made no contribution towards the pupils' upkeep. A summary of the family's income and expenditure was provided.

It was reported that the Council's Home to School Transport Policy prior to September 2011 allowed free travel to the nearest school of the child/parental faith and that the mother's eldest child would have qualified for this concession. From September 2011, the Council changed its policy for new pupils starting at the school and whilst still allowing parents assistance if they attended the nearest school of their faith, where there was a nearer school, the Council required the parents to contribute towards the cost. Whilst the Committee acknowledged that having to pay the parental contribution for both pupils would be a significant

financial outgoing for this family, there was no provision within the Council's transport policy to waive the denominational contribution. It was also suggested that the mother would have been aware of the Council's policy before making her preferences for the younger sibling. However, the Committee was informed that if the mother could provide confirmation that they meet central government's criteria for a low income family (in receipt of maximum working tax credits), then the Council could waive the denominational contribution since the Council can award free transport to pupils from low income families if they attend the nearest school of the parental faith. However, no evidence had been provided to suggest that the family met central government's criteria for a low income family.

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 3680 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 3702**

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 0.2 miles from their home address, and instead would attend their 10th nearest school which was 1.8 miles away and was within statutory walking distance.

In considering the appeal the Committee noted that the mother felt the pupil was too young to walk the distance to school alone. The Committee also noted that the mother did not have a car and had the care of a one year old and was expecting another child. The Committee was informed of the family's circumstances and the reasons behind the house moves. The Committee was also informed of the trouble the pupil had in settling down at the school attended and that the mother felt it would be detrimental both emotionally and educationally to the pupil if she had to change school during their last year at primary education.

However, the Committee noted that whilst the walking route may be difficult for a pupil to walk unaccompanied, the appellant had initially provided no information to indicate why she was unable to walk with the pupil to and from school. The Committee noted the mother's current circumstances, however, there was nothing to suggest whether the father of the children was able to assist with the school run. Furthermore, there was no evidence to suggest that the pupil or the mother were unable to walk the distance to school given that it was within statutory walking distance.

The Committee noted the reasons for the house move. However, there was no evidence to corroborate this point.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and 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 3702 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 3703**

It was reported that a request for transport assistance had initially been refused as the pupils already attended their nearest school, which was 2.7 miles from their home address and was within the statutory walking distance.

In considering the appeal the Committee was informed that the mother of these pupils had advised the Council that several local families whose children attended the same school had free bus passes.

The Committee noted the family's financial situation and that the mother only worked part-time hours which conflicted with school run times and that the father was registered disabled. The Committee also noted the elder pupil's health problems and that the younger sibling was too frightened to walk to school on their own.

However, it was reported that the Council were satisfied that pupils living in the same locality as the family who received free travel to the same school, did so on the grounds of distance as they either lived over 3 miles from the school or two miles in the case of low income families.

Whilst the Committee acknowledged the family may find it difficult to fund the cost of both pupils' school travel, no evidence had been provided to substantiate that the family was on a low income. The Committee was informed that if the family was in receipt of maximum amount of working tax credits then the family would qualify for transport assistance on the extended provisions made in law for low income families as the qualifying distance for transport assistance reduced to two miles.

No evidence had been provided to corroborate the elder pupil's health problems and whether they were unable to walk the distance to and from school especially as the family lived within statutory walking distance from the school. Furthermore,

no evidence had been provided to suggest that the younger sibling was unable to walk the distance to school either. The Committee acknowledged the reasons for why the father was unable to do the school run and that the mother worked shift patterns that conflicted with school run times. However, as the Council considered the walking route to be suitable it was parent's responsibility to ensure that the pupils arrived at/from school safely by whatever means the parents saw fit.

In considering the appeal further, the Committee noted that the family's tax credit statement made reference to another family member living at the address to which there was no mention of in the appeal schedule or the appeal application form. This person was deemed to be between the age of 16 and 20. The Committee could therefore not determine whether this person still lived at the property and whether they would be able to assist with the school run or not.

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 3703 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 3705**

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 6 miles from their home address, and instead would attend their 2nd nearest school which was 6.6 miles away.

In considering the appeal the Committee noted the reasons for the preference of secondary school attended in that the elder sibling was bullied, presumably by other children at their primary school and that these children transferred to the nearest school. The Committee also noted that the elder sibling was a member of the sports team for the area where the school attended was and that fellow team members also attended the same school. Both pupils were settled at the school attended and had a 100% attendance record.

The Committee was informed that other pupils who joined the school bus at the same stop received free travel.

In considering the appeal further the Committee noted that the mother had recently lost her driver's licence and that the father was having to do the school

run in addition to the long shifts he worked. The father felt this was not satisfactory from a health and safety point of view.

However, the Committee was informed that the father had provided no evidence to substantiate the bullying allegations. Even if it could be established that the pupil was bullied to such an extent that the Committee felt it inappropriate to attend the nearest school, the Council could have offered alternative places at nearer schools.

Whilst the Committee acknowledged that the pupils would have settled at their present school there was no evidence for the Committee to consider making an award of travelling expenses that was not in accordance with the Council's Home to School Transport Policy. No supporting evidence had been provided to suggest that the family were unable to fund the cost of daily bus fares. Even if the family met central government's criteria for a low income family, they would still not qualify for transport assistance as the school was further than 6 miles from the home address.

With regard to other pupils living in close proximity to the family home who had been awarded free home to school travel costs, the Committee was informed that those pupils received free bus passes to the same school as it was their closest school. The appellant's family appeared to live approximately three miles away from these pupils which placed other schools nearer to their home.

The Committee was informed that the Council could still offer the family places on the school bus, however, as they are not entitled to free travel, they would need to pay for this service. Whilst the Committee noted that offering the pupils seats on this service would not incur the Council any extra costs, the Council in order to be fair and equitable to all families could not award something to the family to which they were not entitled.

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 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 3705 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 3706**

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school and educational

establishment, which was 0.5 miles from their home address, and instead would attend their 7th nearest school which was 1.5 miles away and was within statutory walking distance. It was also reported that the appeal was against the refusal to extend the discretionary taxi provision previously agreed.

In considering the appeal the Committee was informed that the younger sibling had transferred to the same educational establishment as their elder sibling and that the appeal was now for both siblings. It was reported that the siblings currently resided with the grandmother for the reasons as set out in the appeal and that the grandmother had sole responsibility for them. The Committee was also informed that for reasons of stability, the siblings should not transfer to an educational establishment closer to their temporary residence with their grandmother. However, the grandmother had stated that she struggled to walk the pupils to and from school due to her health problems and that the walk was proving to be tiring for the siblings.

In noting that matters relating to the pupils' mother and step father would unlikely be resolved until May 2015, the Committee felt that in order to support the grandmother in the interim it should make a temporary award and for the matter to be reviewed at the start of the 2015/16 academic year.

Therefore, having considered all of the grandmother'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 the current academic year only (2014/15) to support them and the grandmother in the interim.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3706 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 current academic year (2014/15) only.

### **Appeal 3707**

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 0.7 miles from their home address, and instead would attend their 16th nearest school which was 2.3 miles away.

In considering the appeal the Committee noted the upheaval the family had experienced and the reasons for the house moves. The Committee also noted

that the mother felt the school attended provided the pupil with stability and friendship groups. Furthermore, the mother felt that the nearest school was unsuitable for the pupil as her nephew had to be removed from the school due to incidents of bullying.

The Committee was informed that the mother was currently studying a full time vocational degree to build a new future for herself and the pupil. The small bursary she received couldn't cover transport costs. Furthermore, she was not in receipt of any legal aid.

The Committee acknowledged the severity of the family's situation and that they were forced to move house. In noting the mother's current circumstances the Committee felt that it should make a temporary award for the remainder of the current academic year.

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 pupil 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 3707 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 2) only.

### **Appeal 3708**

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 1.8 miles from their home address, and instead would attend their 9th nearest school which was 6.3 miles away.

In considering the appeal the Committee was informed that the pupil had experienced many house moves in their life and had attended other schools. Upon returning to the area where they now resided, the mother was unable to obtain a place at the pupil's nearest school due to the reasons as set out in the appeal, whereupon it was decided that the pupil should return to their previous school. The Committee noted all the professional support the pupil currently received. In noting that the pupil was in receipt of support from a specific team and the severity of such a matter the Committee felt that in order to provide some



stability for the pupil it should make an award until the end of the pupil's secondary education.

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 persuaded that there was sufficient reason to uphold the appeal and provide travel assistance for the pupil up to the end of the 2016/17 academic year (Year 11) to support the pupil.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3708 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 2016/17 academic year (Year 11) only.

### **Appeal 3710**

County Councillor Cheetham declared a non pecuniary interest in relation to appeal 3710 on the grounds that she had been appointed by the Local Authority as a Governor at the school attended and confirmed that she had no other association with the appellant. Councillor Cheetham decided to leave the room while the Committee considered this appeal.

The Clerk to the Committee informed members that some late additional evidence had been submitted to the Council after the agenda had been despatched. Copies of the evidence were handed round to members for consideration.

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 2.6 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 was informed that the mother felt the nearest school was not a suitable school as it was in special measures and that a pupil in the year above at that school had been known to bully the pupil. Furthermore, the pupil had achieved a high level in their SATS results and the mother felt that a move to the nearest school would be detrimental to their education.

The Committee was also informed that the pupil travelled to school on the bus with an older friend for which the mother felt was better from a safety aspect. The

mother also felt that the cost of school transport to the nearest school and the school attended would be the same.

The Committee noted the family's financial situation and that they were struggling to fund the cost of bus fares. The family hoped to find a property closer to the school attended.

It was reported that the family applied for a school place from their previous address and that the school attended was then their 4th nearest school being 4 miles away and that the pupil would not have been entitled to transport assistance from that address. The Committee also noted from the late evidence that the family had been subject to a Bankruptcy Order on the 31st January 2014 and felt that the family should have foreseen a cost implication of having to pay for school transport by selecting more distant school preferences.

Whilst the Committee acknowledged the mother's concerns in relation to their nearest school being in special measures. The Committee noted that the Council had taken the view that there was no guarantee that a bright child would not do well at the school. Furthermore, OFSTED were still allowing pupils to be admitted to the school. In addition, the school would not have been in special measures at the time the parents expressed their preferences from school. The Council had also taken the view that the school attended was parental preference.

The Committee noted that a further reason why the mother felt the nearest school was not suitable for the pupil was that a pupil who attended that school had bullied the pupil in the past. No evidence was provided to corroborate this point.

In noting the family's financial circumstances, the Committee was informed that there was no evidence to suggest that the family met the government's criteria for a low income family. Even if they met the criteria, it was reported that the family would still not qualify on the extended provisions for transport assistance as the school attended was not one of their three nearest and was outside the six mile qualifying distance. No further evidence had been provided to suggest that the family was on a low income. The Committee noted that one of the benefits of being subject to a Bankruptcy Order was that all debts accrued would have been wiped. No information had been provided to indicate whether both parents were in employment or not.

Whilst the Committee acknowledged the family's desire to move closer to the school attended, the Committee could not determine whether the family were renting their current property privately; through the Council or other agency.

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 3710 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.

*County Councillor Cheetham returned to the meeting room.*

### **Appeal 3711**

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 0.1 miles from their home address, and instead would attend their 4th nearest school which was 1.4 miles away and was within statutory walking distance.

In considering the appeal the Committee was informed that the family moved to their current address two years ago and that the pupil along with their elder sibling took time to settle in at their new schools. The elder sibling was later transferred to a special school. As a result the mother now had to be at home to meet the elder sibling's taxi transport which presented difficulties with co-ordinating the school run for the younger sibling. The Committee noted that the pupil was late at both ends of the school day which was upsetting them. The mother felt that a further change of school would be detrimental to the pupil's education and personal welfare.

The Committee was informed that when the family lived at their previous address the school attended was the nearest at 3.5 miles away and the pupil therefore qualified for free transport to school which was provided in the form of a taxi as there was no public transport operating between the two points. From the new address, the school attended was no longer their nearest school and the Council could offer a place at a nearer school being 270metres away.

Whilst the Committee noted the reasons for the house move, no evidence had been provided to corroborate this point. The Committee noted that the mother did not wish to transfer the pupil to the nearer school, however, no evidence had been provided to indicate why the nearest school would not be an appropriate placement for them.

The Committee noted that the elder sibling had a Statement of SEN. However, it was reported that there was an older sibling who attended a school in the neighbouring County being 8 miles from the family home. No information had been provided in respect of how this sibling got to school and back.

The Committee in noting that the family had no family/friend members who could assist with the school run noted that the school attended had made reasonable adjustments for the pupil and even attended after school clubs so that the mother

could wait for the elder sibling to return from school and then collect the pupil. Furthermore, it was not clear whether the father was unable to assist with the school run.

The Committee noted that this was a low income family. However, no financial information had been provided for the Committee to determine their current standing.

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 3711 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 3712**

The Clerk to the Committee informed members that some additional late evidence had been received by the Council after the agenda had been despatched. Copies of the evidence were handed round to all members for consideration.

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 40th nearest school which was 6.8 miles away.

In considering the appeal the Committee noted the severity of the pupil's health problems and how this affected them emotionally and socially. The Committee also noted the pupil's record of attendance and that the mother felt a change of school would be extremely detrimental to the pupil's health and emotional well being.

The Committee was informed that the mother also had a number of health problems and was now struggling with the school run especially as her two daughters and their brother who assisted with the school run had left the family home to study higher education.

In considering the appeal further the Committee noted that temporary discretionary transport had been awarded to the family, however, no information had been provided to suggest why temporary transport had been awarded to the pupil's 40th nearest school. Furthermore, it was not clear whether the mother was now able to drive and whether she was in employment. In addition the Committee felt that at least three people had use of or ownership of three separate cars at

the family's house. Also, it was not clear who transported the pupil to the hospital given their needs in relation to their health problems whilst the two eldest siblings attended University and used their cars to travel to and fro.

The Committee noted that the family received a bursary for another sibling to attend a private school. The Appellant had stated that the school funded this through the bursary. However, it was not clear whether this bursary included the school fees.

The Committee therefore felt that it should defer the appeal in order to ascertain the above points.

**Resolved:** That appeal 3712 be deferred In order for the Committee to receive further information in relation to:

- i. Why temporary discretionary transport was awarded to attend the pupil's 40th nearest school;
- ii. Whether the family receive a bursary for the pupil's sibling to attend a private school;
- iii. Determine whether the mother is currently able to drive, given that it's possible at least three people in the family house had a car each; and
- iv. Determine who takes the pupil to hospital.

### **Appeal 3719**

The Clerk to the Committee informed members that the mother had submitted some additional late evidence which was received by the Council after the agenda had been despatched. Copies of the evidence were handed round to members for their consideration.

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 3.07 miles from their home address, and instead would attend their 3rd nearest school which was 4.3 miles away.

In considering the appeal the Committee was informed that the family were unable to fund the cost of the pupil's bus fares and that the pupil was taken to their granparent's house which was close to the family's former home. However, the pupil was concerned that they might encounter a pupil who previously bullied them to the extent that there was police involvement. The mother felt that a travelpass would enable the pupil to return straight home and avoid any altercation.

It was reported that the family had three children along with a grandchild for whom they had a duty of care to. The Committee noted the reasons for the house move. However, the family received no financial support from Social Services and currently had an ongoing dispute with them. Furthermore, the mother did not wish to change the pupil's school as she felt it would be detrimental to their education given that they were in year 10 studying for their GCSEs.

The Committee noted that the appeal's foundation was around the pupil being bullied by someone who lived near to where the family previously resided and where the grandmother remained and that the pupil wanted to avoid any altercation with the perpetrator. The appeal was also centred around the financial pressures of having to take on their grandchild. Furthermore, the Committee noted that the family had been asked to take on a second grandchild.

Whilst the Committee were sympathetic to this family's situation, they noted that the family already qualified for assistance with transport costs in the form of denominational transport. However, it was not clear from the appeal documentation whether this eligibility had been offered to the family as there was no information to suggest or substantiate that the family would be unable to fund the cost of the denominational contribution. The appeal had not been lodged to waive the contribution. No evidence had been provided to substantiate the bullying allegations.

Furthermore, the Committee felt that it was not clear from the information provided just what was entailed with the school run at either end of the school day. The Committee could not determine whether the request was for transport to and from the grandmother's home, or the family's home or whether it was for just the return journey home.

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 3719 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 16145**

The Clerk to the Committee reported that the pupil's previous Statement of SEN had been omitted from the agenda. A copy of the Statement was handed round to all members for consideration.

It was reported that a request for transport assistance had initially been refused as the pupil was over the age of 19 years upon the start of a new Further Education course. The college attended was 1.2 miles from the home address and was within the statutory walking distance.

In considering the appeal the Committee noted the pupil's health problems, the parents' circumstances and that they were unable to accompany the pupil to

college due to their health problems. The Committee also noted that the parents felt the pupil could not go to college by them self and that the pupil found it difficult to travel on public transport.

The Committee was informed that the pupil had received free transport for three years whilst they completed a further education qualification and that the pupil would already know the route to college and should be able to travel on a bus independently once they are used to the route. It was reported that parents could initially assist with this and that developing independent travel skills was a key skill to learn in order to function as an independent adult. No evidence had been supplied to suggest that the parents were unable to assist with the college run.

The Committee noted that the pupil's Statement of SEN was for a particular impairment and that there was no reports of additional impairments as stated by the parents in their appeal. The Committee in considering this aspect of the appeal noted that no evidence had been provided to corroborate the parents' statements in relation to the additional health problems. The Committee was informed that the pupil's existing impairments should not prevent them from developing independent traveling skills. No evidence had been submitted to suggest otherwise.

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 16145 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 17204**

It was reported that a request for transport assistance had initially been refused as the pupil was over the age of 19 years upon the start of a new Further Education course. The College attended was 1.1 miles from the home address and was within the statutory walking distance.

In considering the appeal the Committee noted the pupil's health problems and their mobility needs. The Committee also noted that the father worked full time and that the mother did not drive. Whilst the Committee had noted the latter point, there was no evidence to corroborate that the mother could not drive, nor had any evidence been submitted to suggest that the mother could not walk the distance to college or assist with the college run. Furthermore, the Committee noted that the pupil was in receipt of the mobility component of the Disability

Living Allowance. In addition there was no evidence to suggest that there was no other family or friend support who might be able to assist with the college run.

In considering the appeal further the Committee noted that the College had stated in the Application for Continuation of Assistance with Transport for a Young Person Aged 16+ From September 2014 form that they felt the learner had reached a developmental stage where independent travel training could be considered or bus or train travel with support or independent travel. Furthermore, the Committee also noted that part of the pupil's initial course had included a module topic on independent travel.

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 17204 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