

## **Lancashire County Council**

### **Student Support Appeals Committee**

#### **Minutes of the Meeting held on Monday, 9th March, 2015 at 10.00 am in Room B15b, County Hall**

##### **Present:**

County Councillor Sue Pryn (Chair)

##### **County Councillors**

A Cheetham  
C Dereli

M Otter\*

\*County Councillor Otter replaced County Councillor Perks for this meeting only.

Also in attendance:

Ms L Brewer, 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 3728 on the grounds that the appellant resided within her division and confirmed that she had no other association with the appellant. County Councillor Pryn also declared a non pecuniary interest in relation to appeal 3728 on the grounds that she had been appointed by the Local Authority as a Governor at the nearest school to the appellant.

#### **2. Minutes of the meeting held on 19th January 2015**

**Resolved:** That; the Minutes of the meeting held on the 19th January 2015 be confirmed as an accurate record and be signed by the Chair.

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

It was noted that the paperwork for appeals 3552, 3587, 3675, 3713, 3719 and 3731 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 3552, 3587, 3675, 3713, 3719 and 3731, 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 20th April 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 26 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 3534**

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 2.1 miles from their home address, and instead would attend their 8th nearest school which was 6.4 miles away.

The Committee recalled it had considered this appeal at its meeting in July 2014 and that the appeal had been refused. However, the Committee was informed that the mother had subsequently challenged some of the reasons the Committee had taken as set out in the decision letter as written by the Clerk to the Committee. The mother felt that if the Committee had made their decisions not to

award travelling expenses on these facts then their decision could be flawed. The Council therefore felt that having reviewed the matter it would be appropriate for the mother to have a re-appeal so these facts could be addressed further.

The Committee considered the facts as challenged by the mother on the following basis:

- Point a) – the decision letter in respect of the Committee's decision taken at its meeting in July 2014 stated there was no information in the appeal to indicate why the pupil's elder siblings had received free travel. The Committee noted that at that time they considered the appeal no evidence had been provided to substantiate the mother's claims or confirm the reasons why it was awarded. Furthermore, those appeals for the pupil's elder siblings were considered by the former officer led Student Support Appeals Panel prior to the politically balanced Committee being established in 2011 which now considers appeals for transport assistance. Whilst information had now been presented for this appeal as to how and why the pupil's elder siblings had been awarded free transport back in 2006 and 2008, the Committee felt that the reasons for appeal for this pupil were different and did not merit the Committee in exercising its discretion to award free transport that was not in accordance with the Council's Home to School Transport Policy.
- Points b) and d) were considered simultaneously – Whilst the Committee noted the mother's reasons for transferring the pupil to the school now attended and that the Committee understood why the mother felt those schools within the area were unsuitable, the Committee noted that the Court Order which remained in place as confirmed by the mother did not stipulate that the father could only have supervised contact with the pupil. In addition it allowed overnight stays with the father. The Committee felt that if the Court Order stipulated no contact then there may be merit in awarding free transport.
- Point c) – With regard to the role and parental responsibility of the pupil's step-father the Committee was informed that the step-father was capable of being defined as a "parent" under Education Law and as such would have a legal responsibility to ensure that the pupil gets to school. The Committee noted that he had his own children and was unable to help with transport arrangements. However, there was nothing in the appeal to confirm how the pupil was and had been getting to school and back since September 2014.
- Point e) – the decision letter suggested that there was no evidence to indicate that the family could not afford the cost of transport. No evidence had been provided in relation to this appeal nor the previous appeal to confirm that the family were unable to fund the cost of transport.

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 3534 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 3567**

It was reported that a request for transport assistance had initially been refused as the pupil already attended their nearest school, which was 1.95 miles from their home address and was within the statutory walking distance.

In considering the appeal the Committee recalled that it had previously awarded temporary discretionary transport to the pupil until the end of the Autumn Term 2014. However, the Committee noted that at the time it exercised its discretion in making the temporary award, the decision letter sent to the grandmother reflected what the Committee's feelings were in that they "felt they would be more confident in making a longer term award if they had sight of further medical evidence and evidence from the school in relation to" the pupil. "But considered in the interim they could allow the continuation of temporary transport until such information is received". The letter also stipulated that when the grandmother reapplies for transport assistance she should include medical evidence in relation to the pupil's health problems and any further information from the school in relation to them.

Whilst the Committee was informed that the circumstances which led to the grandmother's successful appeal had not changed and that she wished for the temporary discretionary transport arrangements to continue no medical evidence had been provided to substantiate the pupil's health problems. Whilst the Committee noted that the school felt this case was deserving of transport assistance and that they (the school) were satisfied the pupil, because of their health problems could not walk to and from school safely, no evidence had been provided to substantiate these claims. The Committee felt that the school SENCO officer would have documentation on file to perhaps confirm the pupil's health problems and the support put in place for them. 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 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 3567 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 3629**

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

"That appeal 3629 be deferred in order for the Committee to receive information in relation to;

- i. The mother's health problems and any other medical evidence on the assumption there were three pupils with health problems; and
- ii. Details of taxi transport times."

In considering the appeal further, the Committee noted all the officer's comments and findings in relation to the number of siblings, the family's circumstances, school opening and closing times and before and after school club provision. The Committee also noted the officer's comments in relation to amending the elder pupil's taxi transport to help alleviate the problems with the school run. However, no substantial evidence had been provided to suggest that the mother was unable to walk the pupil to school and back.

In considering the appeal further the Committee felt that the eldest sibling, given their health problems should not have responsibility for another sibling whilst the mother did the school run. The Committee felt that it was not satisfied someone could assist with the school run for this 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 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. The Committee suggested that the mother should provide substantive evidence to demonstrate her health problems in relation to her ability to walk the distance to school and back.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3629 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 4) only

## Appeal 3636

It was reported that a request for transport assistance had initially been refused as the father's address was not the principal address the Council had on record for the pupil. The Council had previously determined the pupil's principal address to be the mother's address which was 1 mile from the school attended. The Committee was informed that as the school attended was within statutory walking distance from the mother's address the pupil was not entitled to free transport.

In considering the appeal the Committee noted the joint custody arrangements between the father and the mother of the pupil. The Committee also noted that during the application for a secondary school place, both parents were in disagreement over the pupil's preferences and that the Council had determined that the mother's address and preferences should take priority. It was reported that the father felt this was flawed logic and was subsequently requesting free transport to school from his home for the pupil as the distance to his home was more than 3 miles and that he worked full time. The Committee was informed that the father's partner was on maternity leave and the bus pass was an expense the family could not afford.

However, since the father's initial appeal application had been submitted and processed, it was reported that the father was now submitting his appeal for help with transport costs until the pupil permanently moved to his address (due to the reasons as set out in the appeal documentation) on 13th March 2015. Subsequently, from that date the pupil would be eligible for free home to school transport on the basis that the pupil's new address was more than 3 miles (3.3 miles) from their nearest school. The Committee therefore considered whether the father should be reimbursed with travel expenses from the date the appeal application was made to when the pupil moved in with him. No evidence had been provided to suggest that the family were previously unable to fund the cost of transport. Furthermore, there was no evidence to suggest that the family was on a low income.

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 3636 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 3656**

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 2nd nearest school which was 2.5 miles away and was within statutory walking distance.

In considering the appeal the Committee noted the pupil's health problems and how these affected their daily life and that unlike their peers, they could not walk or cycle to school and had to take the bus. The Committee also noted the reasons for why the family did not choose to send the pupil to their nearest school as they would be concerned for the pupil's welfare given the school's ethos and status.

However, when considering these factors, the Committee felt there was no substantive evidence to demonstrate that the nearest school was not suitable for the pupil given their health problems. The Committee felt that the pupil would have to cope with similar circumstances regardless of school attended. The Committee, whilst recognising the nature of the nearest school's predominant sport would perhaps not be in the pupil's best interests to participate in, the Committee felt that the school could have made reasonable adjustments and provided support in other educational areas for the pupil. In addition the family had placed this school as their third preference.

No evidence had been provided to suggest that the family were unable to fund the cost of transport or bus fares – if that was the mode of transport chosen. Furthermore, there was no information to suggest why the mother, father or other family or friends could not assist with the school run.

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 3656 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 3660**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 4.9 miles from their home address, and instead would attend their 3rd nearest school which was 6.06 miles away.

In considering the appeal the Committee noted the mother disputed that two particular schools were nearer suitable schools and that one of those schools (a geographical priority area (GPA) school) was actually further away (6.12 miles) from the home than the school attended (6.06 miles). The mother also felt that the remaining community school was only nearer (4.9 miles) when measured using an unsuitable route. The mother also disputed the method by which the nearest school was determined by the Council which in this case used a road route, when the Council used the shortest suitable walking route to determine the nearest school. Using the suitable walking route method placed the school attended as the nearest of the schools in a specific town.

The mother also felt that the distances between the school attended (6.07 miles) and the GPA school (6.12 miles) were too small to be of significance, therefore making the school attended the nearer school. Furthermore, there were no places available at the GPA school. In addition the other community high school closer to the home address was currently being considered for closure.

It was reported that had the pupil attended the GPA school, then the Council would have awarded free transport on that basis even though there were, using walking distance as the measurement to determine the nearest school, two community high schools which were closer to the home than the GPA school. Whilst the Council had confirmed that the school attended was the nearer school in comparison to the GPA school, using the shortest suitable walking route, the Council had taken the view that with the mother expressing a preference for the school she did had absolved the Council in taking into account of what she would have received if the pupil had attended any of the other schools. The Committee was informed that in accordance with the Council's Home to School Transport Policy they did not need to take into account the suitability of the walking route where a pupil does not attend their nearest school. Neither did they need to take into account the small differences in distance between two particular schools as the pupil did not attend their GPA school.

The Committee also noted that the mother previously received free travel to the school attended for the pupil. However, the mother had indicated that she never received a letter from the Council indicating on what grounds transport was originally awarded.

It was reported that the mother's financial position was not good and that she had been honest with HMRC in declaring her situation which led to her losing benefits which previously qualified the pupil for free home to school transport (the pupil was in receipt of free school meals). The mother had advised that if she received no financial support from the Council towards transport costs, she would be charged £532pa for the pupil to travel on the service. However, the Council was currently charging her £475pa. The mother had indicated that she was unable to meet either of these costs. Furthermore, the mother had indicated that the school minibus which took the pupil to and from school currently had spare places and would not cost the Council anything extra to allow the pupil remain on the bus. In addition, the mother advised that when the Council contacted her in relation to



the pupil's eligibility for transport she was not advised of Clause 4a8 of the Council's Home to School Transport Policy which states that travelling expenses should continue to be awarded for a period of time if the mistake was the fault of the Council.

The Committee was informed that whilst the Council was not suggesting the pupil should change schools but if they remained at the school attended, the Council could not allow free transport. The Committee was also informed that the Council had recognised that a mistake had been made in writing to the mother stating that transport had been awarded from September 2014. However, in accordance with its Home to School Transport Policy, the Council had withdrawn this offer and continued to provide travelling expenses until Easter 2015.

The Committee noted that the mother felt she was being discriminated for desiring a particular faith education for the pupil, especially as if they attended the more distant school they would receive free transport even though the school attended was nearer. However, it was reported that the Council did not share the same view as the Council was still offering the mother some assistance with travel costs even though the pupil was not attending their nearest school.

It was reported that the previous tenant of the address where the family now reside who were not of the same faith qualified for free transport after an appeal. Whilst this may have been the case, no information had been provided for the Council to investigate the circumstances of the previous appellant's appeal.

The Committee was informed that the mother had questioned the time it had taken for her appeal to be heard, especially as she was advised that appeal forms could only be sent through the post yet her appeal schedule was sent via email. It was reported that the Council had apologised for the delay, however, it was reported that there had been ongoing discussions since October 2014 between the mother and the Council which led to the appeal schedule only being signed by the mother in February 2015.

In considering the financial situation of the family, the Committee felt there was no substantive information to suggest that the family were unable to fund the cost of the denominational contribution and felt that it could not waive the cost in this case.

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 3660 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 3682**

It was reported that a request for the provision of taxi transport in lieu of public transport already offered to the pupil had been refused as the pupil had been provided with a train pass to attend their 3rd nearest school which was 4.1 miles away. The Committee was informed that the pupil was from a low income family as defined by central government's criteria.

In considering the appeal the Committee noted the pupil's health problems and the reasons why the mother chose the school attended as her first preference. The Committee also noted the mother's claims that she was informed early on that the pupil would be entitled to a taxi door to door if they attended their first preference of school and assumed this would happen. It was reported that the Council had met their obligation by providing a pass to use on public transport. However, the mother felt it would not be possible for the pupil to travel to school by train due to the nature of the route and the mother's concerns for the pupil's welfare. The Committee was informed that the mother could not accompany the pupil to school as she had two younger children – one at primary school; the other in nursery.

In considering the pupil's health problems and the family's circumstances the Committee felt that current public transport arrangements in the area were not sufficient for the pupil and suggested that the pupil would benefit from alternative method of transport whilst settling down at their new school until they've completed their year 8 studies. However, in doing so, the Committee also suggested that if the mother felt that transport assistance would need to continue from this point then the mother should reapply for assistance and provide additional and current medical evidence in relation to the pupil's health problems.

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 2015/16 academic year to support the pupil in the interim and for the family to reapply for transport assistance.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3682 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 2015/16 academic year (Year 8) only.

## **Appeal 3687**

It was reported that a request for transport assistance had initially been refused as the pupil already attended their nearest school, which was 1.6 miles from their home address and was within the statutory walking distance.

In considering the appeal the Committee noted the mother was on a low income and that she found it difficult to fund the pupil's bus fares. The Committee also noted that on some days the mother was unable to send the pupil to school at all. The Committee was informed that the mother claimed the walk to school would take 1 hour and 20 minutes and would entail the pupil walking in the dark at either end of the school day during winter and that this was not safe. The Committee was also informed that the mother could not accompany the pupil to school as she had two other children and did not drive.

It was reported that the pupil came from a low income family and as such was entitled to extended rights for home to school travel. However, the pupil lived less than the statutory walking distance and therefore did not qualify for assistance with travel costs. Whilst the pupil was offered a place at their first preference of school, had they been offered a place at their second and only other preference of school which was 10 miles from the family home they would not have qualified for assistance with travel costs either.

With regard to the walking route, it was reported that the route was entirely urban/residential with no isolated areas and that many pupils would walk to the school attended from this area. The Council considered the route to be a suitable walking route for an unaccompanied secondary age pupil when assessed against its Suitable Routes Policy. The Committee also felt that the route could be walked in considerably less time than the mother was suggesting.

The Committee was advised that where a pupil lives less than the statutory walking distance (in this case being 2 miles) to school the responsibility for suitable transport arrangements rest with the parent.

The Committee was informed of an incident which occurred some three and half years ago and the effect this had on the pupil. The Committee was also informed of the mother's health problems and that concern for the pupil was exacerbating these. However, no evidence had been provided to substantiate these claims in order for the Committee to determine the extent of these matters in relation to the school run. Furthermore, no evidence had been provided to suggest that the family were unable to fund the cost of bus fares if this was the preferred method of travelling to and from school.

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 3687 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 3704**

It was reported that a request to grant travel assistance from the mother's new address had initially been refused. The Committee was informed that the pupils were not attending their nearest school from the mother's new address and that the school attended was 3.81 miles away and was the 4th nearest from the mother's address. In addition, from the father's address where the original school places were sought, the school attended was the 2nd nearest school at 2.26 miles.

In considering the appeal the Committee noted that the pupils split their time between the father's house at one address and the mother's new home at another address in the same village and that the father was requesting that the current transport arrangements be amended to reflect the new situation and have the taxi collect the pupils from the appropriate address as and when required. The Committee noted that the family would be able to advise approximately four weeks in advance of where the pupils would be. The father felt that it would be detrimental for the pupils if they had to change schools at this time.

The Committee was informed that the Council had refused the application on the grounds that clause 4a15 of the Council's Home to School Transport Policy only allowed the Council to meet the cost of home to school travel from one address and that address was normally the one at which the school places were sought which in this case was the father's address. No substantial information had been provided to suggest why the Council should divert from its policy and award transport from two different addresses. No evidence had been provided to suggest why it would be detrimental for the pupils to change schools. Furthermore, no evidence had been provided to indicate that they were unable to fund the cost of travel to school from the mother's address.

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 3704 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 3716**

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 1.1 miles from their home address and within statutory walking distance, and instead would attend their 12th nearest school which was 7 miles away.

In considering the appeal the Committee noted the circumstances as to how the pupils were subsequently placed with their father and that his extended family had since moved from one location to their current address. The Committee also noted that the pupils were settled at the school attended and that the father felt a change of school would be detrimental to their education and emotional progress, in particular the eldest sibling given their health problems.

The Committee suggested that it could make a temporary award until the end of the 2015/16 academic year to support the elder pupil and that the younger sibling could travel with them with a view that transport arrangements be reviewed when the younger pupil completes their year 9 studies.

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 pupils up to the end of 2015/16 academic year to support the elder pupil in their final year of GCSE studies and the younger pupil in the interim.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3716 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 2015/16 academic year (Year 11 for the elder pupil and year 9 for the younger pupil) only.

### **Appeal 3720**

It was reported that a request to reimburse £168 already paid for the pupil's previous transport on the minibus had initially been refused.

In considering the appeal the Committee noted that the family's circumstances and the effect grandmother's health problems had on her ability to accompany or drive the pupil to school. The Committee also noted that prior to the pupil being allowed to travel free on the school bus, the grandmother paid for this service and

was now requesting reimbursement of this payment which amounted to £168 over a specific period of time as she felt she should have been given free transport from the outset.

The Committee was informed that the pupil started at the school in September 2013, when the Council presumed they came to live with the grandmother. In November 2013, the grandmother contacted the Council to ask whether the pupil could travel on the school bus to school and as there was a place available the pupil was offered the place. However, the grandmother was required to pay a fare on this bus as they lived less than the statutory walking distance to school.

In September 2014, the Committee was informed that the grandmother had contacted the Council to enquire whether the pupil would qualify for free transport to the school on the basis that due to their health problems they were unable to walk to and from school unaccompanied and that the grandmother was also unable to accompany the pupil due to her health problems as well. Subsequently, the grandmother provided the Council with medical evidence which confirmed that she was unable to accompany the pupil to and from school. The Committee was also informed that the school were concerned for the pupil if they had to walk the journey unaccompanied and following receipt of this information the Council agreed to make a discretionary award of free transport which took effect from 29 September 2014.

In considering the grandmother's appeal for reimbursement further the Committee felt that the Council was not at fault and shared the view of the Council that free home to school transport was an entitlement to be claimed and that this entitlement was not claimed by the grandmother at the time the pupil started to travel on the bus in November 2013.

Whilst the Committee acknowledged the family was on a low income and that this money might have presented the family with some financial difficulties, no evidence had been provided to support how the lack of this money would affect them detrimentally especially as the money had already been expended. Furthermore, it was not clear whether there was any other support in the household.

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 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 3720 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 3724**

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 15th nearest school which was 13.5 miles away.

In considering the appeal the Committee noted that when the family moved to their current location, the pupil transferred to what had become their nearest school. However, as they did not know anyone, the mother alleged that the pupil was bullied by other pupils due to their heritage and the mother transferred the pupil back to their previous school which was out of the Council's administrative boundary. The Committee noted that this entailed a lengthy journey for the pupil and that the cost was initially borne by the father until his departure. The Committee was informed that as a result the mother was finding it a struggle to fund the pupil's bus fares herself and was therefore requesting assistance for the pupil's final months in secondary education.

The Committee felt that as the pupil only had a few months remaining in secondary education it could make an award of travel assistance to support the pupil. 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 temporary travel assistance for the pupil up to the end of 2014/15 academic year to support the pupil.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3724 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 3725**

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 1.3 miles from their home address, and instead would attend their 9th nearest school which was 7.7 miles away. There were also several nearer schools in the neighbouring borough that were closer to the home than the school attended.

In considering the appeal the Committee noted the mother's circumstances and the effect all the house moves has had on the pupil. The mother felt that it was

important for reasons of stability that the pupil continued with their education at the school attended.

The Committee was informed that from the pupil's previous address the school attended was the nearest school of their faith and therefore received subsidized travel upon payment of the parental denominational contribution. However, it was reported that following the family's removal to their current address, the school attended was no longer the nearest of their faith, and that for transport purposes there were now four schools of the family's faith that were closer to the current address. In addition the nearest school and the nearest school of the family's faith were both within statutory walking distance from the family's current home.

The Committee noted the mother's point in that the school attended had provided some stability for the pupil and that she felt the pupil should remain at the school attended. However, no evidence had been provided to confirm that this was more than just a desire. The Committee also noted that the Council had not said that the pupil should change schools, but if the mother wished to keep the pupil at the school attended then in accordance with the Council's Home to School Transport Policy, the mother would have to do so at her own cost. No evidence had been provided to indicate that the mother was unable to fund the cost, especially as the cost of transport to the school would not be significantly more than the denominational contribution the mother was previously paying when she lived at their previous address.

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 3725 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 3726**

It was reported that since the father had submitted an appeal for transport assistance, his school admission appeal for the pupil to a nearer school had been allowed. The father had subsequently requested to withdraw his appeal for transport assistance.



### **Appeal 3727**

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 4.1 miles away.

In considering the appeal the Committee noted the circumstances surrounding the pupil and how they came to live at their current address. The Committee was informed that the school attended had provided stability for the pupil and that the foster carer felt it was important for the pupil to remain at the school given their recent upheaval. The Committee noted that the pupil had established good relationships with both their peers and teachers and that they were currently studying for their GCSEs. The Committee also noted the foster carer's suggestion that there were guidelines in place that stated the pupil, given their status could not move schools in their final years at secondary education when they had chosen their subjects for GCSE examination.

However, in considering the appeal further the Committee felt that due to the pupil's recent upheaval and the stage they were at in their GCSE studies, it should make an award in order to support the pupil. Therefore, having considered all of the foster 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 temporary travel assistance for the pupil up to the end of 2015/16 academic year to support the pupil.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3727 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 2015/16 academic year (Year 11) only.

### **Appeal 3728**

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 0.08 miles from their home address, and instead would attend their 14th nearest school which was 2.07 miles away.

In considering the appeal the Committee noted the mother's health problems and that she was still unable to walk or drive and therefore take the pupils to school and that this would be the case for the remainder of the spring term. The mother

was therefore requesting that the taxi transport awarded by the Council on a discretionary basis, should be allowed to continue. The Committee noted that the mother's parents did not drive and that she was a single parent who had previously suffered upheaval in her life. The Committee also noted that the mother had no-one else who was able to provide assistance with the school runs. The Committee was informed that the pupils were sent to a more distant school due to the circumstances surrounding the mother's former partner.

It was reported that when the eldest sibling commenced school in September 2011, the family were living at a previous address and that from this address, the school attended was their 8th nearest at 1.51 miles. The Committee was informed that the family then moved to their present address in September 2013 when the younger sibling commenced their education at the school. The mother chose the school attended due to circumstances surrounding her upheaval. However, no supporting evidence had been provided to corroborate this other than a Court Order which made no reference to the fact that the pupils should attend the school where they were at. Furthermore, it did not concur with when the mother would have made her preferences for schools for the pupils.

The Committee was informed that the mother had made a request for temporary discretionary transport to be awarded on the grounds that she was a single parent on a low income and was due to go in to hospital for treatment and had no other family/friendship support to help her out with the school run and advised the Council that her parents were elderly and did not have access to a car. Temporary discretionary transport was awarded. However, due to delays relating to the mother's recovery and submitting her appeal application, transport was awarded up until the end of the Spring Term 2015 (31st March 2015). The Committee was also informed that from 19 December 2014 the mother was still unable to walk or drive and the situation would likely continue for a further twelve weeks up until 13th March 2015. Whilst the Committee acknowledged the medical evidence provided, there was no indication of the time the mother would be unable to drive. Furthermore, the Committee felt that there was no evidence to suggest that the mother would be unable to drive beyond which transport had already been provided for the family (31st March 2015). The Committee noted that the mother was hoping to get an adapted car. However, no evidence was provided in relation to this point nor to demonstrate the timeframe with which this request would be turned around in.

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 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 3728 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 3729**

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 2nd nearest school which was 4.3 miles away.

In considering the appeal the Committee noted that the pupil previously attended their nearest school. However, due to a breakdown in relations with that school the pupil was currently attending another school on a trial basis. The Committee also noted the pupil's health problems and that they could not walk to and from the bus stop.

In considering the appeal further, the Committee was informed that the Council had no involvement with the managed move and were unable to comment on the arrangement as stated by the mother in her appeal. The Council had asked the neighbouring borough council for information on the matter. However, nothing was received but the school had confirmed they were involved with the managed move. In addition no evidence had been provided to substantiate the school situation. The Committee could therefore not determine the current situation regarding the trial placement at the school now attended. The Committee was advised that had the Council been involved with the managed move, they would not have awarded transport costs as the Council only granted assistance in these cases to pupils who came from low income families.

The Committee noted the medical information provided by the mother in respect of the pupil. The Committee also noted that at the present time the mother was driving the pupil to and from school and that this prevented her from working at her business. However, the Committee was informed that as the pupil did not attend their nearest school, the Council's current Home to School Transport Policy did not allow them to grant any assistance with transport. The Committee noted that the pupil was previously entitled to a bus pass to their previous school on low income grounds and that if the mother was still on a low income the Council would have been able to assist with transport costs. However, no evidence had been provided to suggest that the mother was still on a low income.

The Committee acknowledged the mother's wish for taxi transport for the reasons as stated in the appeal. However, the Council was unable to assist because the pupil was not attending their nearest 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 3729 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 3730**

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 7th nearest school (and nearest school of the family's faith with places available) which was 1.5 miles away.

In considering the appeal the Committee noted the mother's health problems and how this affected her ability to walk and that as a consequence, the pupil was now effectively acting as the mother's carer whilst assistance was being sought from social services. The Committee was informed that when the family moved in to the area, the school attended was the only school with places available. It was also noted that a relative had previously provided transport for the pupil but was often late in arriving and since the arrangement ended the pupil's attendance at school had suffered.

In considering the appeal further the Committee noted the letter of support from the headteacher which expressed concerns in relation to the pupil's educational attainment if they had to change schools. The letter also reiterated the pupil's home life and circumstances and stated that the pupil needed the support and stability of the school given this fact and that they were approaching 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 was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of 2015/16 academic year to support the pupil.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3730 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 2015/16 academic year (Year 6) only.

### **Appeal 3733**

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 the pupil's health problems and this affected their ability to walk especially at this time of year. It was also noted that the pupil had recently been hospitalized on a number of occasions. The Committee was informed that at the present time the mother was paying a neighbour to drive the pupil to school. However, this was not sustainable.

The Committee felt that given the severity of the pupil's health problems it should make an award to support the pupil in the interim. However, the Committee suggested that if the mother chooses to reapply for transport assistance she should provide the Council with more medical evidence. 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 pupil.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3733 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 8) only.

### **Appeal 3734**

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 5th nearest school which was 7.3 miles away. There were also a number of schools in the neighbouring borough that were closer to the home than the school attended.

In considering the appeal the Committee noted the family had recently relocated from a neighbouring borough and in to the County. Initially, the pupil continued to attend their previous school which entailed a 100 mile round trip. However, this was not sustainable and the family appealed for a place at the school now attended due to the fact that this was the only school in the area to offer the same subjects the pupil was studying for at GCSE level when at their previous school. The Committee also noted that the family felt they were on a low income and that

they only just fell short of the income threshold which would entitle the pupil to free school meals and free transport to school.

The Committee noted the family's admission appeal for the school now attended was successful and that the father had indicated that it was successful on the basis of matching the pupil's GCSE subjects. Whilst the Council was unable to corroborate this point as the school attended was its own admission authority, a copy of the decision letter in respect of the family's admission appeal was not provided to corroborate the father's claims. In addition, the Council could offer the pupil many places at schools closer to the family's new address than the school attended. However, the Council was not aware of which of the nearer schools could match the GCSE subjects as these were not mentioned in the appeal documentation.

In considering the family's financial situation, the Committee could not determine the extent of their plight as no evidence had been provided to corroborate the father's claims that they fell short of the low income threshold. The Committee was advised that even if the family met the statutory criteria as a low income family, the pupil would not qualify for free travel to the school attended as it was outside of the qualifying distance criteria (2 to 6 miles) and was not one of their three nearest schools.

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 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 3734 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 3737**

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 that the mother disputed the distance from the family home to the school attended and felt that the most suitable route was greater than the statutory walking distance of two miles in their case. Having measured the route herself, the mother stated that the route was 2.1 miles. The mother also felt that the route to the school was not safe. The Committee also noted the pupil's health problems and the support they received for day to day living.

In considering the appeal further the Committee felt that from the medical evidence provided and given the pupil's age, it should make a temporary award in the interim to support them in settling in at the school. However, the Committee noted that the medical evidence made reference to a review having taken place on 23rd February 2015. The Committee felt that if the mother reapplies for transport assistance she should provide a copy of the progress report from the review meeting on the 23rd February 2015. 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 in the form of a taxi for the pupil up to the end of 2014/15 academic year to support the pupil in the interim.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3737 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 7) only.

## **Appeal 3552**

At its meeting held on 19th January 2015, the Committee 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."

In considering the appeal further, the Committee noted all the information provided in the officer's comments. In particular, the Committee noted the officer's suggestion that if the Committee agreed the taxi transport should continue for the eldest sibling, then the other siblings could access the transport on condition they pay a daily fare of £2 a day to travel in the vehicle. As the appellant had provided no information to indicate that they were unable to fund this cost the Committee felt that it should make an award on this 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

eldest pupil up to the end of 2015/16 academic year to support the eldest pupil until the end of their primary education and the younger siblings in the interim.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3552 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 2015/16 academic year (Year 6 for the eldest pupil, Year 3 for the middle sibling and Year 1 for the youngest sibling) only.
- iii. The younger children being able to access the transport on payment of a daily fare

### **Appeal 3587**

At its meeting held on 1st December 2014, the Committee 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."

In considering the appeal further, the Committee noted that there had been a significant change in the home circumstances since the last appeal was heard and that the family had experienced upheaval and could only secure the property they were now living at. The Committee felt that it should make a temporary award to support the pupil in the interim. However, the Committee in noting the information provided by the appellant's mother, who was now acting on her behalf felt that when she comes to re-apply for transport assistance she should provide the Council with evidence from the school in relation to the pupil and from social services. 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 temporary travel assistance for the pupil up to the end of 2014/15 academic year to support the pupil in the interim.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3587 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 5) only.

### **Appeal 3675**

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 2nd nearest school which was 1.8 miles away and was within statutory walking distance.

In considering the appeal the Committee noted the family's circumstances and the mother's health problems. The Committee also noted that the pupil previously travelled to school by taxi and that this service had been withdrawn the result of which had upset the family. The mother felt that the pupil was settled and happy at the school attended.

The Committee also noted the letter of support from the headteacher. In particular, the letter informed the Committee of the effects the family's circumstances had had on the pupil in their development and the level of professional support provided to them. The headteacher also felt that a move to a different school would have a detrimental effect on the pupil and echoed the need for transport assistance to school. The Committee also noted that the pupil's three elder siblings previously attended the same school.

In considering the appeal further the Committee noted that since starting school in September 2012, the pupil was able to travel to school in a taxi provided for another child who had special educational needs. The mother purchased a season ticket to travel in this vehicle as the pupil did not have an entitlement to free home to school transport. However, the pupil left the school in July 2014 and the taxi was cancelled. Whilst it was reported that the Council could not continue to offer season tickets for non statutory pupils the Committee felt that in order to support the pupil in completing their key stage 1, it should award transport on the basis that the mother pays the equivalent cost of a season ticket for the transport to 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 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 on the basis that the mother pays the equivalent cost of a season ticket for the transport.

### **Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3675 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 2) only and on the basis that the mother pays the equivalent cost of a season ticket for the transport.

### **Appeal 3713**

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 38th nearest school which was 7.3 miles away.

In considering the appeal the Committee noted the Executive Headteacher of the pupil's previous school had organised a managed move for the benefit of the pupil to their current school for the reasons as set out in the appeal. The Committee whilst noting the pupil's health problems was informed that the support package put in place for the pupil including transport was working well and that the Executive Headteacher felt that the pupil could now travel without a passenger assistant which would make a budget saving. The Executive Headteacher supported the appeal and felt that without transport assistance the pupil's performance would deteriorate.

In considering the appeal further the Committee noted that the Executive Headteacher had also suggested that if possible the school would like the taxi to continue at least until the end of this academic year in July (2015) as this would give the pupil's parents time to organise either their own transport or to arrange breakfast/after school club provision for their children. The Committee felt that on this basis, it could make a temporary award for the pupil until the end of the current academic year as suggested by the Executive Headteacher.

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 and in order for the family to put in place their own transport arrangements or to arrange before/after school club provision for their children as suggested by the Executive Headteacher.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3713 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 4) only.

### **Appeal 3719**

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. The Committee was informed that the appeal was to waive the denominational contribution.

In considering the appeal the Committee noted that the family were unable to meet the cost of bus fares. The Committee also noted the arrangements with the school run for the pupil and their younger siblings. However, as the pupil walked to their grandmother's house at the end of each school day, it was reported that the pupil was concerned for their welfare in relation to a pupil from a different school and allegations of bullying to the extent that there was Police involvement. The mother felt that a travel pass would enable the pupil to return straight home and avoid any possible encounter with the pupil of concern.

The Committee was informed of the family's circumstances; the extra duties of care upon them with no financial support from Social Services with whom the mother was in dispute with. The Committee was also informed that the mother felt it would be detrimental to the pupil's education if they had to change schools especially as they were in year 10.

The Committee recalled that it had previously considered an appeal from the mother at its last meeting in January 2015 and that it was not upheld on the grounds that no information had been provided in relation to substantiate the family's low income and the allegations of bullying in respect of the pupil had not been substantiated. Furthermore, the Committee at that time could not determine what the school run entailed, what transport was being requested and whether or not the offer of denominational transport had been put forward to the mother for consideration as the pupil qualified for assistance with travel costs in this form. The Committee noted that this further appeal was against the refusal to waive the denominational contributory charge.

In considering this appeal, the Committee noted the information provided in respect of the perpetrator and the difficulties the mother had in not being able to provide any evidence in relation to the bullying allegations. However, the Committee felt that the note provided did not substantiate the bullying allegations or the potential risk that the pupil faced.

The Committee noted the arrangements put in place for the school run for all the siblings and further noted that the father was unable to assist with the school run due to cost and where he worked. However, when considering the information

provided in respect of the family's financial situation, the Committee noted that they were not on a low income as defined by central government's criteria. In addition the Committee felt that with the spare income the family had remaining could still fund the cost of denominational transport on a monthly 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 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 3731**

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 0.3 miles from their home address, and instead would attend their 5th nearest school which was 0.77 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 daily life and the concerns she had in relation to the school run. The Committee also noted that the school had requested transport assistance for the family as they too were concerned for their safety.

In view of the family's circumstances the Committee felt that it could award transport for the eldest pupil until they completed their primary education and that their younger siblings should be allowed to travel with the eldest pupil but only until the end of the 2016/17 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 pupils up to the end of 2016/17 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 3731 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 2016/17 academic year (Year 6 for the eldest pupil, Year 4 for the middle pupil and Year 2 for the youngest pupil) only.

I Young  
County Secretary and Solicitor

County Hall  
Preston