

## **Lancashire County Council**

### **Student Support Appeals Committee**

**Minutes of the Meeting held on Wednesday, 7th October, 2015 at 10.00 am  
in Former County Mess - The John of Gaunt Room, County Hall, Preston**

#### **Present:**

County Councillor Sue Pryn (Chair)

#### **County Councillors**

A Cheetham  
C Dereli

D Stansfield

Also in attendance:

Ms L Brewer, Solicitor, Legal and Democratic Services;  
Miss H Ishaq, Paralegal Officer, Legal and Democratic Services;  
Mr G Halsall, Business Support Officer, Legal and Democratic Services; and  
Mrs I Winn, Business Support Officer, Legal and Democratic Services.

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

No disclosures of interests were made at the meeting.

#### **2. Minutes of the meeting held on 3rd September 2015**

**Resolved:** That; the Minutes of the meeting held on the 3rd September 2015 be confirmed as an accurate record and be signed by the Chair.

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

It was noted that due to a fault of the Council, the following appeals had been received late but were originally scheduled to be considered at this meeting:

- 3783;
- 3792;
- 3808;
- 3847;
- 3850;
- 3864;
- 3868;
- 3870;
- 3871;
- 3872;
- 3875;
- 3876;

- 3879;
- 3889;
- 3905;
- 3906; and
- 3914.

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:

- 3783;
- 3792;
- 3808;
- 3847;
- 3850;
- 3864;
- 3868;
- 3870;
- 3871;
- 3872;
- 3875;
- 3876;
- 3879;
- 3889;
- 3905;
- 3906; and
- 3914

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 Wednesday the 2nd November 2015 in Room B15b, 1st Floor 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 27 appeals and 17 urgent business 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 3776**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school with a place available (the third nearest school), which was 0.9 miles from their home address, and instead would attend their 2nd nearest school with a place available (the 23rd nearest school per se) which was 2.4 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the appeal the Committee noted the reasons why the family had to move from their previous address, which was close to the school attended and that the mother had been unable to find a nearer school which could offer the pupil a place. The Committee also noted that the mother had accepted the pupil's attendance was poor and was therefore appealing for transport assistance. The Committee noted that the mother had three younger children.

In considering these points the Committee was informed that the pupil's attendance had never been satisfactory, except for when the family lived in a street close to the school. However, since moving to the current address the pupil's attendance had deteriorated alarmingly and the Council was now involved with the situation. However, in considering the family's circumstances there was no evidence to suggest what the status of the present address was or whether they lived family/friends. Neither had any evidence been provided to substantiate the reasons for the house move. The Committee expressed concern in relation to the allegations put forward in the appeal and felt that the appeal should be

deferred to allow the mother to provide the necessary supporting evidence from the school attended and any supporting agencies to substantiate her family's current situation.

In considering the appeal further the Committee was informed that the mother had been advised by the Council that there were places available at a school 1.66 miles from her home address. However, the mother stated that the pupil could not attend this school due to the reasons as set out in the appeal. Again the Committee noted that there was no evidence to substantiate this point. Furthermore, the Committee noted that the mother with support from a Pupil Attendance Support Worker from the Council had made attempts to look at alternative schools. However, it was reported that between the mum and the officer they were looking at a school that was 0.1 miles further away from the school already attended. The Committee could not understand the reason behind such a decision when clearly there were issues with getting the pupil to school a similar distance away. The Committee felt that it should ask for a response as to why the mother and the officer did not look at their closest school as an option for the pupil which might alleviate the family's circumstances.

However, two Councillors moved and seconded a recommendation to refuse the appeal. Both the Chair and Deputy Chair did not agree with the recommendation. As the Chair had the casting vote, the recommendation to refuse the appeal was lost whereupon it was;

**Resolved:** That Appeal 3776 be deferred in order;

- i. For the mother to provide the Committee with supporting information from the school's SENCO/pastoral support officers and any supporting agencies to substantiate the family's circumstances;
- ii. To ask the Pupil Attendance Support Worker involved in this case why they along with the mother considered the school mentioned in the appeal for transfer and not the nearest school; and
- iii. For the appeal to be presented to the Committee at its next scheduled meeting in November 2015.

### **Appeal 3788**

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 was within statutory walking distance, and instead would attend their 11th nearest school which was 6.2 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the appeal the Committee noted that the pupil was not offered a place at their first preference of school, which caused them emotional distress but was placed at a specific school by the Council which was out of the area and would cost the family an additional expense in terms of the pupil's bus fares. The mother felt that if the pupil was offered a place at their first preference of school then they would have walked to school and back at no cost to the family. The mother therefore felt that the Council should provide free transport to the school to be attended.

The Committee also noted that the family were in receipt of working tax credits but not the maximum and that the mother had also suggested that if the Council contributed towards the cost of bus fares then this would ease the financial burden. However, the Committee noted that the nearest school which was the family's nearest faith school were unable to offer a place for the pupil as they did not meet the school's admission criteria. The Committee was advised that the nearest school would therefore have never been available to the pupil. It was then suggested that the school attended became the pupil's nearest faith school and that the family should be asked to contribute towards the full cost of the transport by paying the denominational contribution of £505 per annum over ten monthly payments.

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 2019/20 academic year (Year 11) on the basis that the family pay the denominational contribution.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3788 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 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2019/20 academic year (Year 11) and on the basis that the family pay the denominational contribution.

### **Appeal 3820**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 2.9 miles from their home address and was within statutory walking distance, and instead would attend their 7th nearest school which was 6.1 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its

discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the appeal the Committee noted that the mother felt the primary previously attended by the pupil was a "feeder" school for the secondary school to be attended. The Committee also noted that the mother felt her family had not been informed by the school to be attended, nor in the admissions literature that they would not be entitled to transport assistance to the school. The Committee was informed that the family could not afford to pay this expense especially as they will have another child starting at the school in two years' time.

The Committee noted that the pupil had an elder sibling who received a free travel pass to the same school and that the mother felt the younger siblings were being penalised. Furthermore, she felt that the siblings would not be able to travel together.

It was reported that the mother was incorrect in suggesting that the primary school was a "feeder school" for the secondary school attended. The majority of pupils from this school were likely to transfer to this school since the village where the family resided was located in the geographical priority area (GPA) for the school attended and children living in this area would receive priority in the school's admission criteria. However, pupils attending the primary school receive no priority in the admission criteria for attending that school.

It was also reported that the Council had consulted with all Lancashire schools and parents via the schools portal, about proposed changes to the Home to School Transport Policy in the autumn of 2013. Following the consultation, and the agreement of the changes in February 2014, the results of this were again conveyed to schools and schools were asked to publicize the changes in their newsletters. In addition details were published in the admissions literature published by the Council and made available to parents. The transport insertion for the school attended clearly stated the village where the family resided as an exception to those areas where pupils might be entitled to travelling expenses to the school.

The Committee was reminded that the Council's Home to School Transport Policy used to be more generous and provided free travel for children living in the school's GPA, even though there were nearer schools. The Committee was informed that one of these was the pupil's elder sibling, who would continue to receive this discretion until they complete their Y11 at the school. Advice from central government had recommended to Council's that when implementing changes to their home to school transport policies, these should be 'phased in' and pupils currently receiving assistance under a former policy should continue to do so. It was reported that the Council had followed this advice.

With regard to the mother's suggestion that the siblings would not be able to travel together and the safety aspects associated with this, it was reported that this would not be the case. The siblings could travel together, but the mother would need to purchase a season ticket for the pupil on the school bus.

In considering the family's financial circumstances, the Committee noted that there was no evidence to suggest that the family was on a low income as defined in law. Neither had any evidence been supplied to demonstrate that the family were unable to fund the cost of home to school transport.

The Committee noted the mother's account of a recent incident involving a pupil waiting for a public transport bus and cited this as evidence that school buses were safer than public transport. The Committee was advised that the school bus picked up pupils at the same bus stop as the mainline commercial bus service. No evidence was provided to substantiate the mother's point.

The Committee was informed that the mother had alleged that "one person" thought that the village where they resided and another village were located in a specific borough which was not the case. The Committee could not see the relevance of this point in the appeal as local authority boundaries were not taken into account in the Council's assessment for transport. Transport assessments were based on attending the nearest school. The nearest school to the family's home was 2.9 miles away, which was within the statutory walking distance and was the reason why the Council had refused the transport application.

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 3820 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 2015/16.

### **Appeal 3831**

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 2.2 miles from their home address and was within statutory walking distance, and instead would attend their 6th nearest school which was 3.4 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the mother's appeal the Committee noted that the pupil would follow their elder sibling to the school to be attended. However, the mother stated

that her family were not advised at the time of application for secondary school places that the pupil would not be entitled to free transport to the school, which had always been the case. The mother also stated in her appeal that whilst she had been advised that there was a nearer school, had the pupil attended this school they would still need to travel by bus. Furthermore, the mother felt strongly that the school to be attended was the most suitable school for them and that the family should not be penalised for their preference, especially as they were a low income family on a stretched budget.

The Committee was informed that the Council's home to school transport policy was formerly more generous and granted free travel to the nearest geographical priority area (GPA) school, even if there were nearer schools. Villages such as the one where the family resided benefitted from this policy, as pupils were able to transfer from the village primary school to the school now attended and received free travel, even though there were several schools nearer including those in a neighbouring borough. However, with effect for new pupils starting in September 2015, free transport was only allowed to their nearest school, provided the distance criterion was met.

The Committee was reminded that the Council had consulted on this change in the policy with schools in autumn 2013, and that when the policy change was approved, the Council had notified schools directly and asked them to advise parents. The changes were also covered in the local media. More importantly the admissions literature the Council produced to assist parents when making their preferences of secondary schools also drew parent's attention to the changes in the Council's home to school transport policy.

In considering the family's financial circumstances, the Committee noted that there was no evidence to suggest that the family was on a low income as defined in law. Neither had any evidence been supplied to demonstrate that the family were unable to fund the cost of home to school transport.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3831 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 2015/16.

### **Appeal 3833**

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 was within statutory walking distance, and instead would attend their 12th nearest school which was 8.5 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the mother's appeal the Committee noted the family's significant change in circumstances and that the mother was left to support her children on a minimal salary as a self-employed worker. The mother stated that her outgoings were in excess of her incomings, even before paying the parental contribution towards the pupils bus passes to the school attended. The mother was concerned that she might have to transfer the pupils to a nearer school which would be detrimental to their education, especially to the elder sibling who was due to commence their first year of GCSE studies. The Committee therefore considered the appeal on the basis that the mother wished to receive free travel and that she wished for the denominational charge for these pupils to be waived.

From the information presented in the appeal the Committee acknowledged the mother's circumstances and felt that her current financial situation might be alleviated once all the proceedings were finalised. It was therefore suggested that a temporary award be made to alleviate the financial pressures faced by the mother at this current time.

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 the 2015/16 academic year only to support the family in the interim in the hope that their financial circumstances will have improved in this time.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3833 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 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2015/16 academic year (Year 10 for the elder sibling and Year 8 for the younger sibling) only.

## Appeal 3837

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 was within statutory walking distance, and instead would attend their 3rd nearest school which was 4.1 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the appeal the Committee was informed that the mother was of the opinion that the removal of free home to school transport from villages such as where her family lived, penalised those families living in rural areas. The mother stated that her case was not an exceptional one, as other families were likewise affected, due to the fact that historically, children from the village where the family resided transferred to the school to be attended. The mother also stated that this was a longstanding pattern and that applying for places at the school to be attended had been encouraged by headteachers of the local primary schools.

The Committee was informed that the lack of suitable transport to the schools in a different town was also factor. In addition the mother reported that those schools were said to be "within the statutory walking distance" however there was no suitable walking routes to any of those schools.

It was reported that the Council previously allowed a discretion in its home to school transport policy by awarding travelling expenses for pupils who attended their nearest geographical priority area (GPA) school, even if there were nearer schools. Pupils living in the village where the family resided previously qualified for transport assistance to the school attended on the basis this was their nearest GPA school, even though the schools in a specific town were nearer. However, with effect for new pupils starting in September 2015, free transport was only allowed to their nearest school, provided the distance criterion was met.

With regard to the mother's point whereby she was of the opinion that the Council had not made parents aware of the changes to the home to school transport policy. It was reported that the Council disputed this fact as the Council had consulted on this with schools and parents via the schools portal in autumn 2013. When the policy change was approved in February 2014, a similar exercise was undertaken. There was also coverage of this in the local media. In addition the literature the Council produced when parents were expressing their preference for secondary schools in October 2014, also drew parents' attention to the changes in the home to school transport policy. The Councils Home to School Transport for 2015/16 was published on the Councils website in September 2014.

The Committee was informed that the Council had acknowledged the fact that parents of pupils living in the village where the family resided might as part of their decision to express a preference for the school attended, might have done

so on the availability of school transport to that school, accepting that the present school transport arrangements to the schools in a specific town were not as good as those to the area where the school attended was situated. However, it was reported that if pupils were to attend those schools in a specific town, then the Council would look towards providing suitable transport which would resolve the issue of the unsuitable walking route to which the mother had referred to.

The Committee noted the mother's statement that no information was provided by the Council regarding the travel arrangements, and that other parents had been advised that season tickets, even if paid for, might be withdrawn if another "entitled" pupil needed a place on the bus. Furthermore, it was stated that this factor had added to the concerns of families living in the area.

However, it was reported that the Council acknowledged that as the pupil was not entitled to free transport there would be the possibility in the future that their provision of a season ticket to travel on the school bus might be withdrawn. The Committee was informed that this was no different to other pupils in the same situation.

In considering the family's financial circumstances, the Committee noted that there was no evidence to suggest that the family was on a low income as defined in law. Neither had any evidence been supplied to demonstrate that the family were unable to fund the cost of home to school 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 3837 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 2015/16.

### **Appeal 3841**

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 was within statutory walking distance, and instead would attend their 14th nearest school which was 6.7 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the appeal the Committee noted that the appellant was the foster carer for the pupil and that they chose the school to be attended on the grounds of its high performance, reputation and the excellent pastoral team - all of which they felt were important factors for the pupil's education given their background. The Committee also noted that several different agencies worked with the pupil and that the school to be attended had also worked with them to ensure their smooth transition into secondary education. Furthermore, the Committee was informed that a bus travelled from the village where the family resided to the school to be attended.

It was reported that the Council had acknowledged the reasons the foster carers had made in expressing and been granted their first preference school, however as this was not their nearest school the Council was unable to make an award of free transport. The Committee acknowledged that various agencies might have worked with the family to ensure the pupil had a smooth transition to secondary school, however these too were not grounds on which the Council could make for making an award of free transport. Furthermore, no evidence had been provided to substantiate the foster carer's points.

The Committee was informed that the Council had accepted that transport to the school attended might be easier. However, the pupil could still travel on the school bus, but that their foster carers would unfortunately have to fund the bus fares. Whilst the pupil's status was confirmed by the Council and had many changes of address and several changes of school in the past there was no evidence to indicate that they were unable to fund the home to school transport costs. Furthermore the Committee was informed that a component part of the fostering allowance the appellants would receive from the Council was meant to be used for funding school transport costs. In addition there was no evidence in the appeal to suggest that the family was on a low income as defined in law.

Therefore, having considered all of the foster carer'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 3841 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 2015/16.

### **Appeal 3842**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 2.2 miles from their home address and was within the statutory walking distance. The pupil was

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

In considering the appeal the Committee noted the family's circumstances, the pupil's health problems; how this affected them in their daily life and that the pupil lived with their auntie. The Committee also noted that both the appellant and the pupil's Educational Psychologist had expressed concern about the transition in to secondary education whereupon it had been recommended that a Health, Safety and Risk Assessment be completed and implemented in good time for the transfer.

In considering the appeal further, the Committee noted that both the appellant and the pupil had done the walk to school and that it took them 1 hour and 28 minutes to complete. The appellant stated that the pupil was very difficult to control and showed no awareness of the dangers of climbing trees and stepping in to the road.

The Committee felt that given the circumstances the auntie now found herself in and that the pupil required all the help they could get, it should make an award of free transport to support the family. Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide travel assistance for the pupil up to the end of the 2019/20 academic year (Year 11) to support the pupil and the appellant.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3842 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 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2019/20 academic year (Year 11) only.

### **Appeal 3843**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 5.4 miles from their home address, and instead would attend their 3rd nearest school which was 7 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant

the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the appeal the Committee noted that the father wished for the pupil to attend the same school as their two elder siblings who received free transport to the school. The Committee also noted that both parents worked in two specific towns and were unable to transport the pupil to the school. Furthermore, the father felt that the difference in distances between the various schools were not significant.

It was reported that the Council was able to meet the parental preference for the school to which the pupil now attends. However, the Council was unable to make an award of free transport since this was not the family's nearest school. Prior to September 2015 pupils living in the area where the family resided, would have qualified for free transport to the school attended under a previous discretion the Council had in its Home to School Transport which allowed the payment of travelling expenses to other than the nearest school, provided the school attended was the nearest geographical priority area (GPA) school. This was the case for the pupil's elder siblings. However, for new pupils starting at schools from September 2015, like the pupil, the new Home to School Transport Policy restricted free travel to the nearest school, again if the distance criterion was met.

The Committee was informed that the Council did not accept that the distance between the two schools was insignificant. The nearest school was the nearer by 1.6 miles.

In considering the appeal further the Committee noted the father's comments that funding the pupil's transport would place a strain on the family's budget. However, they were willing to contribute and pay a portion of the cost of the pupil's transport to the school attended. The Committee was informed that the Council was unable to do this and that if a pupil chose not to attend their nearest school to which they would be entitled to transport assistance and instead chose to attend a more distant school, then the family would lose their right to this allowance.

In considering the family's financial circumstances, the Committee noted that there was no evidence to suggest that the family was on a low income as defined in law. Neither had any evidence been supplied to demonstrate that the family were unable to fund the cost of home to school transport.

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 3843 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 2015/16.

### **Appeal 3846**

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 4.4 miles from their home address, and instead would attend their 6th nearest school which was 5.5 miles away. The pupils were therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the appeal the Committee noted that the family were not aware of the change to the Council's Home to School Transport Policy and had selected the school attended because it was the closest Lancashire school to their home and were unaware that schools outside of the County would be considered against their application. Furthermore, the family did not consider a specific school in their choices as it was in a neighbouring borough and the family did not live in the catchment area. In addition, the family felt the bus services to the schools in the neighbouring borough were not as good as the services to the Lancashire schools.

It was reported that the Council had made it clear in the Admissions literature which was produced to assist parents when expressing their preferences for secondary schools that the Council had changed its transport policy. The Committee was informed that the literature also encouraged parents that if transport was an important factor in their preference of schools then they should check with the Council before submitting their preferences that travelling expenses would be met to their preferred school.

The Committee was informed that the Council did not accept that the school attended was the nearest school as the Council had determined another school to be the nearest when using their bespoke measuring software. However, the Council did accept that the family lived in the geographical priority area (GPA) for the school attended and that by doing so pupils living in the village where the family resided would receive a higher priority for admission to the school attended than pupils who did not live in the GPA.

The Committee was also informed that the Council had accepted that the family might not have considered schools which were not in Lancashire. However, it was reported that the admissions literature the Council produced did advise parents they were free to express a preference for any school. The Council had confirmed that places would have been available at nearer schools.

With regard to bus service provision the Committee was informed that if the bus services to the nearest school were not satisfactory, then the Council would be

legally obliged to provide a suitable service. It was reported that the nearest school did benefit from a good school bus service from the village where the family resided.

In considering the appeal further the Committee noted the family's circumstances and that there were two younger siblings who were experiencing health problems. The Committee was informed that the mother did not work whilst the father was self-employed. The family were in receipt of Child Tax Credit and Working Tax credits, however, they were not in receipt of the Maximum Amount of Working Tax Credit. The family were appealing for bus passes for both pupils given the strain it would have on the family's budget. Furthermore, the nearest school was a particular faith school and the family did not follow that same faith.

The Committee was informed that the Council had acknowledged the cost of two sets of bus fares would be in excess of £1000 pa and that this would have an effect on the family's financial situation. However, the family had provided no specific evidence to indicate that they were unable to meet the cost of the transport. In addition there was nothing to suggest that the family were on a low income as defined in law. Whilst the mother had stated she was prepared to do this, nothing had been supplied.

It was reported that the Council had acknowledged the fact that the family did not follow a particular faith. However, this did not preclude them from attending a school of that faith had they wanted too. The Committee acknowledged that faith schools did admit non faith pupils.

With regard to the two younger siblings' health problems, whilst the Committee recognised that the family would be going through a difficult time, there was no evidence to substantiate this point for the Committee to consider the impact this was having on the family.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3846 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 2015/16.

### **Appeal 3848**

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 1.78



miles from their home address and was within statutory walking distance, and instead would attend their 7th nearest school which was 3.32 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the appeal the Committee noted the reasons why the family had chosen the school to be attended and the historical circumstances surrounding the move to their current location. The Committee also noted the effect the upheaval had had on the pupil and that the pupil's best friend and a support network of friends would transfer to the same school. The Committee also noted that the pupil's elder sibling previously attended the school and was awarded a free bus pass for the duration of their secondary education. The elder sibling attended the same school due to the same reasons as why the mother wished for the pupil to attend the school also. It was not clear from the appeal documentation why the elder sibling was awarded free transport.

The Committee was informed of the pupil's health problems, how the transition in to secondary education affected them and that the pupil's friends who had become their support network to/during and from school. The Committee was informed that whilst these may be valid grounds for expressing a preference for this school, they were not grounds on which the Council was able to make an award of travelling expenses.

The Committee acknowledged the supporting information from the mother which indicated the upheaval the family had experienced between 2003 and 2007 and that the family relocated to avoid the perpetrator and their extended family. The Committee also acknowledged the mother's intention to request a school for the same reasons. However, it was reported that the Council's records indicated that the pupil did not secure a place following a successful admission appeal but instead was offered a place at the school attended from the waiting list. The Committee noted that the Council had not been able to establish whether any of the six nearer schools would have had family members attending who might have been connected with the perpetrator. No evidence had been provided by the mother to corroborate this point and to allow the Council to confirm this point.

The Committee noted the mother's point in relation to the pupil's health problems. However, the Committee was advised that the pupil did not have an Education, Health and Care Plan (EHCP) for their diagnosis. No evidence had been supplied from the school or from medical professionals to substantiate this point. The Committee noted that the mother had made reference to a letter from CAMHS in support of her case for admission appeal. The Committee again noted that the pupil was not awarded a place at the school attended on admission appeal but that a place was offered from the waiting list. The Committee noted that the Council was unable to provide the CAMHS letter as evidence on behalf of the mother's case as it was her case to prepare and therefore could not risk supplying incorrect information to the Committee.

In considering the appeal further the Committee was informed that the mother had stated she was on a low income and that the cost of bus fares and school meals would be a strain on her budget. Furthermore, she was unable to take the pupil to school due to work commitments. In addition the mother could only rely on her parents for assistance. However, it was reported that her father had been recently diagnosed with a health problem which meant that her parents could no longer commit to the school run. The Committee acknowledged the mother's point in that she was on a low income. However, there was no evidence to suggest that she was. The Committee noted the pupil was not claiming free school meals. Neither had any information been supplied to demonstrate that the mother was unable to fund the cost of home to school 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. However, the Committee in taking the decision they did suggested that if the mother could produce evidence to demonstrate that the pupil was unable to physically catch a bus, a copy of the CAMHS letter and to provide evidence in relation to the family's financial situation then the mother should be allowed a re-appeal.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3848 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 2015/16.

### **Appeal 3849**

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 was within statutory walking distance, and instead would attend their 2nd nearest school which was 3.6 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the mother's appeal the Committee noted that she was of the opinion that the removal of free home to school transport from villages like theirs penalise families living in rural areas. The mother's situation was not an exceptional case, as other families from the area were likewise affected, due to fact that historically, children from the area where the family resided transferred to the school attended as transport was automatically provided. The Committee

also noted that this was a longstanding pattern, and that applying for places at the school to be attended had been encouraged by the headteachers of the local primary schools.

The lack of suitable transport to the schools in a nearby town was also a factor. The mother felt that whilst those schools were said to be within the statutory walking distance there were no suitable walking routes, and a lack of dedicated school and public bus transport. Furthermore, no information was provided by the Council regarding travel arrangements. In addition, other parents had been advised that season tickets, even if paid for, might be withdrawn if another entitled pupil needed a place on the bus which was a further concern for those families in a similar situation.

It was reported that the Council previously allowed a discretion in its home to school transport policy by awarding travelling expenses for pupils who attended their nearest geographical priority area (GPA) school, even when there were nearer schools. Pupils living in the village where the family resided previously qualified for transport assistance to the school attended on the basis this was their nearest GPA school, even though there were schools in a specific town that were nearer. However, with effect for new pupils starting in September 2015, free transport was only allowed to their nearest school, provided the distance criterion was met.

The Committee was informed that the Council had acknowledged the fact that parents of pupils living in the village where the family resided might as part of their decision to express a preference for the school attended, might have done so on the availability of school transport to that school, accepting that the present school transport arrangements to the schools in a specific town were not as good as those to area where the school attended was situated. However, the Committee was informed that if pupils were to attend the schools in a specific town then the Council would look to provide suitable transport which would resolve the issue of the unsuitable walking route to which the mother had referred to.

However, it was reported that the Council acknowledged that as the pupil was not entitled to free transport there would be the possibility in the future that their provision of a season ticket to travel on the school bus might be withdrawn. The Committee was informed that this was no different to other pupils in the same situation.

With regard to the mother's opinion that the Council had not made parents aware of the changes to the home to school transport policy, it was reported that the Council disputed this fact. The Committee was informed that the Council had consulted on this with schools and parents via the schools portal in autumn 2013. When the policy change was approved in February 2014, a similar exercise was undertaken. There was also coverage of this in the local media. In addition the literature the Council produced when parents were expressing their preference for secondary schools in October 2014, also drew parents' attention to the

changes in the home to school transport policy. The Council's Home to School Transport for 2015/16 was published on the Council's website in September 2014.

In considering the family's financial circumstances, the Committee noted that there was no evidence to suggest that the family was on a low income as defined in law. Neither had any evidence been supplied to demonstrate that the family were unable to fund the cost of home to school 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 3849 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 2015/16.

### **Appeal 3851**

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 2.8 miles from their home address and was within statutory walking distance, and instead would attend their 2nd nearest school which was 3.1 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the mother's appeal the Committee noted her dispute that the nearest school was closer to the family home than the one attended and further stated that both schools were an equal distance from the home. Furthermore, the mother stated that her house was mid-way between two bus stops, one of which she preferred to the other as it provided shelter.

It was reported that the Council were satisfied that its measurements were correct. The Committee was informed that the mother appeared to have used an online measuring tool, which had measured from the home to the nearest school utilizing a driving route, which by doing a complete circle around the school, added considerably to the distance. The Council was obliged by law to measure the distance using the shortest walking route, which measures the nearest school at 2.84 miles, placing this school nearer to the mother's home than the school attended. The mother had also used the same online measuring tool to ascertain her distance to the school attended which again took account of the longer

driving route. The Committee noted the description of the route provided by the Council in the appeal schedule.

The Committee acknowledged that the mother felt the nearest school was unsuitable for the pupil given that her family followed a different faith to that of the nearest school and that the pupil attended a primary school of the family's faith.

However, it was reported that the Council was not suggesting that the pupil should attend the nearest school, but was merely stating the fact that the Council had used this school as the nearest school to refuse free transport on the basis this was the nearest school to the family home using the shortest walking route measurement in accordance with the law.

In considering the family's financial circumstances, the Committee noted that there was no evidence to suggest that the family was on a low income as defined in law. Neither had any evidence been supplied to demonstrate that the family were unable to fund the cost of home to school 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 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 3851 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 2015/16.

### **Appeal 3853**

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 1.89 miles from their home address and was within statutory walking distance, and instead would attend their 4th nearest school which was 3.06 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the mother's appeal the Committee noted that the school attended was the family's preferred school. However, they were unaware of the change in the Council's Home to School Transport Policy. The Committee also noted the mother's health problems and that the family had a limited income and found the cost of school transport difficult to meet. Subsequently, the mother was requesting that the family's financial circumstances be taken into consideration. In

addition the mother noted that non year 7 pupils attending the school who were from the same area as the family still received free transport.

The Committee was informed that the Council had acknowledged the fact that the mother had expressed a preference for a more distant school which of course they were free to do so, but unfortunately as this preference was not for the nearest school the Council was unable to make an award of free transport.

It was reported that the Council disputed the fact that the parents were not aware of the change in the home to school transport policy. The Council produced admission literature in September 2014 for parents when they were expressing their preferences for secondary school in September 2014. Information was also available at the time to advise parents that there had been a change in the transport policy for new Y7 pupils starting from September 2015.

The Committee acknowledged the family status and the effects the cost of home to school travel would have on their budget. The Committee also acknowledged the mother's perceived unfairness in the fact that the new policy had only been applied to new Y7 pupils with previous pupils retaining their concession to free transport. It was reported that the Council was following advice from central government which suggested when Councils implemented policies they should phase in their policy changes, which was what the Council had done.

In considering the family's financial circumstances, the Committee noted that there was no evidence to suggest that the family was on a low income as defined in law. Neither had any evidence been supplied to demonstrate that the family were unable to fund the cost of home to school 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 3853 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 2015/16.

### **Appeal 3857**

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 2.66 miles from their home address and was within statutory walking distance, and instead would attend their 4th nearest school which was 3.44 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's

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

In considering the mother's appeal the Committee noted she acknowledged there were nearer schools. However, the mother had expressed a preference for the school attended as the pupil's elder sibling also attended the school and received free travel. The mother did not want to penalise the pupil by not granting her a bus pass due to sibling rivalry and did not want them to be treated differently.

It was reported that the Council had refused the pupil's application for free home to school transport on the basis they were not attending their nearest school. The pupil's elder sibling qualified for free transport under the previous discretion the Council offered in its home to school transport policy whereby travelling expenses were paid to other than the nearest school where the pupil attended their nearest geographical priority area (GPA) school. The Committee was informed that this discretion had been removed for all new pupils starting at schools from September 2015.

The Committee noted the Council was unable to award travelling expenses and appreciated that this might have an effect on the family. However, it was reported that these were not grounds for making an award of free travel. The Committee was informed that the mother could purchase a bus pass so the siblings could travel together. However, the mother had provided no information to indicate that the family were unable to fund the home to school travel costs for the pupil. Furthermore, there was no information to determine whether the family was on a low income as defined in law.

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 3857 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 2015/16.

### **Appeal 3859**

It was reported that a request for transport assistance had initially been refused as the pupil who was in year 8, would not be attending their nearest suitable school, which was 2.86 miles from their home address and was within statutory

walking distance, and instead would attend their 10th nearest school which was 6.05 miles away and was their geographical priority area (GPA) school.

The Committee before considering the appeal was advised that the request for transport assistance should've been assessed under the Council's previous transport policy (2014/15) and that this request should have been approved on the grounds that the pupil was attending their nearest GPA school which for new pupils starting year 7 from September 2015 had been removed. The Committee was therefore advised to allow the appeal on the grounds that the Council had made an error when making their assessment for transport for the pupil.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide travel assistance for the pupil up to the end of the 2018/19 academic year (Year 11) on the basis that the Council had made an error when assessing the pupil's eligibility for transport assistance.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3859 be allowed on the grounds that the Council had made an error when assessing the pupil's eligibility for transport assistance and that travel assistance should be awarded in view of this error;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2018/19 academic year (Year 11) only.

### **Appeal 3862**

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 1.55 miles from their home address and was within statutory walking distance, and instead would attend their 4th nearest school which was 2.72 miles away and was also within the required statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the mother's appeal the Committee noted that the mother was unhappy about the transportation costs and was unaware of the change in the Council's Home to School Transport Policy. The Committee also noted the mother's dispute over the 2nd and 3rd nearest schools in that both were situated in the neighbouring borough with one of them being of a particular faith for which the family did not follow.



It was reported that the mother was aware that the school attended was not the nearest school, but still placed this school as their first preference as they understood they would not gain a place at the nearest school. The Committee was informed that pupils living in the village where the family resided had a higher priority for admission to school attended as the village fell within the school's geographical priority area (GPA). However, for pupils living in the same village who desired a place at their nearest school, allocated pupils purely on distance using a straight line measurement. The Committee noted that pupils living in the village would, for this academic year have gained places at that school.

With regard to the mother being unaware of the changes to the Council's Home to School Transport Policy, the Committee was advised that the Council produced admissions literature in September 2014 to assist parents in making their preferences for secondary schools. This information advised parents of the changes to the Council's transport policy.

The Committee noted the mother's point in that catching the service bus was a cheaper alternative, but meant that the pupil had to leave home an hour earlier each morning. Furthermore, the mother felt that the pupil would be less likely bumped into on the school bus as opposed to using the service bus. The Committee also noted the pupil's health problems and that they required surgery.

It was reported that the Council had accepted that utilising the local bus service rather than using the Council's contracted school buses might be more expensive and not as convenient. However, the Council had suggested to the mother through the appeal schedule that they should perhaps balance this point with the fact that the Council's school bus service offers a near door to door service and that only pupils travelling to the school travel on this service which some parents prefer. No medical evidence had been provided to suggest that the pupil was unable to walk the distance to and from the school given that it was within the statutory walking distance. The Committee noted that the Council had made the offer to review the situation if compelling evidence was produced that demonstrated this fact.

In considering the family's financial circumstances, the Committee noted that there was no evidence to suggest that the family was on a low income as defined in law. Neither had any evidence been supplied to demonstrate that the family were unable to fund the cost of home to school 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 3862 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 2015/16.

### **Appeal 3866**

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 miles from their home address, and instead would attend their 4th nearest school which was 4.46 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the mother's appeal the Committee noted that the pupil was treated by the family's doctor for bullying within school, which was confirmed in writing. However, the family felt that they were unable to select the nearest school as the perpetrator was expected to go to this school. The family chose the school attended as the pupil's cousins were already on roll at the school and would be able to support them as necessary. The request for transport assistance was supported by the family's doctor who felt that this would build up the pupil's confidence.

In considering the appeal further the Committee noted that the family were unaware of the Council's new Home to School Transport Policy when expressing their preferences and were now struggling to fund the cost of the bus pass. The family therefore respectfully requested a bus pass.

The Committee noted the information the mother had provided in giving reasons why the pupil was not attending their nearest school. However, the Committee also noted that this had not been substantiated with any written evidence from the school to confirm these allegations. The Committee noted the supporting evidence provided by the family GP which seemed to indicate that the pupil would benefit from travelling to the school by bus. However, the Committee felt that it did not indicate whether this should be at the Council's expense.

With regard to family members who also attend the school and could support the pupil, the Committee was informed that whilst this might be a valid reason for expressing a preference for the school, the Council could offer places at nearer schools. Furthermore, this reason would not also bring with it an award of free transport.

In considering the family's financial circumstances, the Committee noted that there was no evidence to suggest that the family was on a low income as defined in law. Neither had any evidence been supplied to demonstrate that the family were unable to fund the cost of home to school 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 3866 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 2015/16.

### **Appeal 3867**

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 1.07 miles from their home address and was within statutory walking distance, and instead would attend their 5th nearest school which was 4.67 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

Before considering the appeal the Committee was advised that the mother was correct in her point whereby the Council had changed its case and mentioned a different and specific faith school as the nearest suitable school instead. In view of this anomaly made by the Council, the Committee was advised to defer the appeal in order for officers at the Council to reassess the pupil's eligibility and for the appeal to be brought back at the next scheduled meeting of the Committee in November 2015. Therefore, it was;

**Resolved:** That Appeal 3867 be deferred in order to allow officers at the Council to reassess the decision regarding the pupil's eligibility for transport assistance and for the appeal to be brought back to the Committee at its next scheduled meeting in November 2015.

### **Appeal 48414**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 1.3 miles from their home address and was within the statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion

and award transport that was not in accordance with the Council's policy or in law.

The Clerk to the Committee reported that the pupil's Statement of SEN had been omitted from the paperwork. Copies of which were handed out to Councillors at the meeting.

In considering the appeal the Committee noted the pupil's health problems and that the mother no longer wished for the pupil to walk for 40 minutes anymore for the reasons as set out in the appeal. The Committee also noted that the mother had three other children who attended schools in the area where the family resided and that the mother had her own commitments.

The Committee acknowledged the information provided in support of the mother's appeal and in relation to the pupil's health problems which suggested that the pupil was unable to engage in physical activity. However, the Committee noted that in Part 2 of the pupil's Statement of SEN it stated that the pupil "walks and runs with confidence". Whilst the Committee noted that the Statement provided was not dated, it could only assume from the dates of the advices contained in Part 1 that it was produced some time ago as the pupil was now in year 11. The Committee felt that it could not determine the pupil's current ability to walk to school and therefore felt that the appeal should be deferred in order for this matter to be investigated further.

In considering the appeal further, the Committee was informed that in accordance with the transport policy the Council could not take any family circumstances in to account when making decisions relating to the transportation of children and young people from home to school.

In looking at the family's wider circumstances, the Committee noted that both the pupil's father and step-father were named in Part 1 of their Statement. Whilst the Committee was mindful that the Statement might have been produced some time ago, there was no evidence to suggest what support these people could provide with the school run or whether the father contributed anything to the family's finances. Whilst the mother had made the comment that she had no family support network in the area, what family she did have worked – there was nothing to suggest that the father or step-father had enquired about flexible working with their respective employers as entitled to do so. Neither was it clear what the mother's commitments were as stated in her appeal.

Whilst it had been suggested to the mother in the appeal schedule that she might wish to consider the use of before and after school clubs or the use of a child-minder and that the mother had suggested that she was unable to fund these services, there was no evidence to demonstrate that the family were unable to fund such provision nor could the Committee determine whether the family was on a low income as defined in law (in receipt of free school meals or maximum amount of working tax credits). Furthermore, it was not clear in the appeal whether the before and school club provision was free or at a cost or which school this point was referring to given that there were four children attending

four separate educational establishments. The Committee also noted that the family had recently moved house. There was no information to suggest when or why this was instigated. The Committee felt that it could not determine the full extent of the family's circumstances whereupon it was;

**Resolved:** That Appeal 48414 be deferred in order for the Committee to receive:

- i. Current evidence from the pupil's school regarding their mobility;
- ii. Current evidence in respect of the family's financial circumstances and whether the pupil was in receipt of free school meals or DLA;
- iii. Information regarding the father and step-father's ability to provide support in relation to the school run, whether they had enquired about flexible working with their respective employers and what the outcome was;
- iv. Clarification on what the mother's commitments were; and
- v. When and why the family moved home.

### **Appeal 98182**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 2 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the appeal the Committee noted the pupil's health problems and acknowledged the evidence and background information provided in support of the mother's appeal. It was reported that the pupil was previously awarded transport to the school previously attended until the family moved address. The Committee was informed that from the new address the pupil travelled to school independently without having to cross any roads and caught the school bus which stopped outside the family home. The mother stated that this arrangement worked well as it was the same bus driver each day who got to know the pupil and looked out for them. In addition the mother stated that the journey was safe as the school bus dropped off and picked up in the school grounds and was not a public bus.

The Committee was advised that the Council had accepted that travelling by public bus service might not be in the pupil's best interests as it was not known what level of understanding the pupil had around their own health needs. Whilst the Committee noted the pupil's health needs, the Committee felt that as the pupil had previously travelled independently, there was no information to state what support was put in place on that bus journey to assist the pupil. In addition, the Committee also felt that the pupil must have had to cross a road at the very least as the bus would not pickup and drop off on the same side as the family home. No information had been presented to suggest why the pupil was awarded free transport from their previous address to their previous school. However, the

Committee acknowledged the advantages of the school bus provision to the previous school.

The Committee was informed that during the pupil's time at their previous school there were allegations of bullying/being picked on which the mother attributed to the pupil's health problems. It was reported that the school frequently got involved whereupon it reached a level where the pupil had to change schools and received professional medical support. However, whilst the Committee accepted the pupil's vulnerability, the Committee noted that the school attended was parental preference and that there was no evidence from the previous school to substantiate the bullying allegations or to suggest that the pupil was involved in a managed move to the school now attended.

The Committee acknowledged the information provided in respect of the mother's findings in relation to the bus journeys the pupil would have to undertake to and from the school now attended and the impact this would have on them if they were to do this alone. The Committee also noted the mother's concerns for the pupil surrounding the crime rate in the vicinity of the school now attended.

In considering the family's circumstances surrounding the school run, the Committee was informed that the distance measurement required clarification as there were references to at least three different measurements. The Committee was advised that it should consider deferring the appeal so that this point could be checked using the Council's bespoke measuring software rather than the use of online measuring tools which were known to provide inaccurate results as they measured distances by post code rather than actual walking distance which was required by law.

Whilst the Committee noted the crime rate information provided for the area in which the school was situated, the Committee noted that the mother had stated she was a teacher and was unable to accompany the pupil on the school run due to her work commitments. It was reported that the Council was unable to take such instances into account when undertaking their assessments for school transport. In addition, it was not clear from the information provided where the mother was a teacher at and whether or not flexible working was an option for the mother given the circumstances. Furthermore, the Committee noted that from the information provided it appeared the mother had spent some time out of the Country during the latter part of the previous academic year. It was not clear who looked after the pupil in the mother's absence nor how they travelled to school and back during this time. However, there was mention of a family member who would look after the pupil and either use the bus or would walk to school accompanied. The Committee felt that it should seek clarification on this point to ascertain what family support network they had.

In considering the appeal further the Committee could not determine the extent of the family's financial circumstances. No information was present to suggest whether the pupil was in receipt of free school meals. However, the first page of the pupil's DLA statement was included in the appeal paperwork. The Committee therefore felt that in order to determine the family's financial situation, it should

have sight of the mother's incomings and outgoings along with any details of benefits claimed and in particular the remaining seven pages of the pupil's DLA statement.

**Resolved:** That Appeal 98182 be deferred in order for the Committee to receive:

- i. Clarification on the distance measurement to school attended;
- ii. Whether the pupil was in receipt of free school meals;
- iii. Financial information and in particular the remaining 7 pages of the DLA letter and whether the business address was the same as the home address;
- iv. Clarification on when the mother was out of the Country as to who looked after the pupil in her absence and how the pupil travelled to school and back during this time; and
- v. Clarification regarding the mother's teacher status to confirm flexible working arrangements.

### **Appeal 460497**

It was reported that discretionary transport previously provided to the pupil to collect them from after school activities had now been removed following a review and that a request to reinstate this provision had been refused. The Committee noted that the pupil was entitled to free transport to the school attended as determined by a SENDist Panel.

In considering the appeal the Committee was informed that the Council had changed the arrangements for the pupil's transport which the mother felt would severely impact on the pupil's learning and development. The mother also felt that the afterschool activities that the pupil attended were more than just out of hours childcare and were important to the development of the pupil's life-skills. It was also reported that the mother felt the Council's summation of her appeal was inaccurate and had subsequently supplied her response to the reasons why she felt this was the case. Whilst the Committee acknowledged the mother's concerns in respect of this, there was no evidence in the appeal paperwork to suggest or substantiate that the removal of discretionary transport to collect the pupil from after school activities would be detrimental to the pupil's education above and beyond what the school would have to legally provide. Furthermore, there was no detail as to what the content of the after school activities involved for the Committee to determine the extent of any possible detriment to the pupil's learning and development. It was also not clear as to whether this was a daily after school club or just one or two days in the school week. The Committee was informed that the Council was adhering to its transport policy strictly and was now only providing transport that was in accordance with its policy and the law.

The Committee noted that the pupil travelled alone in a taxi for the previous academic year (2014/2015) and that the mother had stated in her appeal that the SEND officer at the Council had stated at the review meeting that it would be unlikely transport arrangements would change. The Committee also noted that the mother had commitments to other children and could not collect the pupil

from after school club herself. Again, the Committee noted that the mother felt the Council's summation of her appeal on these points was inaccurate and whilst the Committee acknowledged her response to the reasons why she felt this was the case, the Committee was advised that it was essential to ensure that the provision of transport should reflect the needs of the wider cohort of children and that the pupil had been assessed for transport at Band T6 in accordance with the Council's transport policy being; "child/young person is able to travel with selected other pupils. The level of need may require intervention/supervision from a trained passenger assistant. (Transport in a suitable vehicle provided. Passenger assistant provided).

The Committee noted that the original transport requisition form detailed the pupil's specific needs which indicated that the pupil could share a taxi and did not need an individual run. However, it was reported for the previous academic year (2014/15), the pupil had only been travelling alone as there were no additional pupils they could feasibly share with at that time. The Committee subsequently felt that the discretionary transport provided to include the collection of the pupil from after school activities the previous academic year would not have had an impact on the Council's school transport budget and that officers at the time could have seen no reason to not provide such discretionary support given the circumstances. It was not clear though who at the Council had instigated the discretionary award in the first instance or to confirm the Committee's feelings. However, the Committee was advised that following a review of transport provision, it had become apparent that the agreement outlined in the original transport requisition form had been amended to incorporate transport from after school club whereupon the SEN officer had sought to reinstate the original agreement of home to school transport. In addition, the Council's case in respect of this appeal had stated that the SEN officer was unaware that the transport arrangement had been altered from the original agreement as per the transport requisition form and that there had been no discussion of who provided the transport in relation to the after school activities.

The Committee noted the mother's point where she had stated at the time that there were no additional costs as it was the Council's intention for the pupil to continue to travel on their own and that in this situation there would be no additional costs. However, the Committee noted that following a review of transport arrangements for this current academic year there were two other pupils who could now share a taxi and that by combining these circumstances the Council would reduce the burden on its budget and that this would represent a more effective use of resources. Had the pupil continued to travel alone the Committee felt that whilst the cost would have been the same for them, in conjunction with the two other pupils taking a separate run the combined cost of both journeys would have made a significant difference in comparison to all three sharing a taxi. The Committee noted that the mother had pointed out in her response that the SEN Officer present at the review had said they could see no reason for transport to change unless the pupil was to share.

Whilst the Committee noted the mother's point that reducing congestion at the end of the school day by staggering pick ups would fulfil the duty of the Council to



provide sustainable school travel, they felt that the mother has misinterpreted the Statutory Guidance in this matter as this referred to the duty to have an impact on providing health benefits for children and their families through active journeys such as walking and cycling and did not refer to children being transported in taxis. In addition the Committee felt that it would be better to have one taxi for the three pupils than to have two separate taxis each day reducing the number of vehicles on road network around the school.

In considering the appeal further the Committee noted the family's circumstances and that the mother had two other children. However, it was reported that the two other siblings were aged 16 and 20. The elder of the two attended university in another city, whilst the younger of the two continued to attend further education at secondary school in another city. It was noted that the younger of the two siblings travelled to school by bus and that the mother stated the sibling had special educational needs. It was not clear what these SEN needs were. Furthermore, the Committee noted the mother's point that when the sibling returned home after school the mother would need to be travelling to collect the pupil. The Committee felt that this point was in relation to the mother collecting the pupil from after school activities. However, the Committee noted that the mother had stated in her response that she collected the pupil's sibling 2.5 miles away from their home at the end of each school day.

Notwithstanding this, the Committee noted the extract from the SENDist Decision in relation to the school attended by the pupil, whereby it had been suggested that the mother (probably in conjunction with the pupil's father who no longer lived with them) would be willing to transport the pupil at the end of the day. Whilst the mother felt this was a selective quote as part of the Council's case in this matter, the Committee felt that this was evidence of acquiescence on at least the mother's part to transport the pupil from after school activities as well as collecting the pupil's sibling. The Committee noted the mother's further point in relation to this matter. However, the Committee felt that the mother's qualm over collecting the pupil from after school club was in relation to the initial lack of discussion between her and the Council over mileage rates and the subsequent rates paid by the Council in comparison to the more generous advisory mileage rate the Government had stated for voluntary drivers. No evidence had been provided to substantiate why the mother was unable to transport the pupil in this way. Furthermore, there was no evidence to demonstrate that the family were unable to fund the cost of collecting the pupil from after school club against claiming the mileage rates offered in return by the Council for doing so.

The Committee noted the letter from the father regarding his change of jobs and the impact this had on his ability to assist with the school run for after school club collection. However, there was no information to suggest that he had discussed this with his employer as entitled to do so and what the outcome of that discussion was. The Committee noted the mother's concerns over the father's duty of care to his children.

In considering the mother's concerns over a new element introduced by the Council for the refusal to provide discretionary transport, in respect of changing

the route/sharing a taxi, the Committee noted the mother's quote from the Statutory Guidance in comparison to the journey times for the shared route and felt that the time stated by the mother was still within the best practice duration. However, there was no evidence to corroborate the mother's findings that the journey would take an extra twenty minutes on top of the journey time of 45 minutes. The Committee also noted the mother's point in that the passenger assistant did not believe the pupil could cope with a longer journey time. No evidence had been provided to substantiate this point. Whilst the Committee acknowledged the SENDist decision to determine the school attended to be the pupil's nearest suitable school, they felt that in arriving at such a decision they would have considered the aspect of transport requirements in conjunction with best practice journey times as set out in Statutory Guidance before making their final determination on the matter. The Committee felt that inevitably, journey times would be longer or shorter due to the variants experienced on roads at school opening and closing times or indeed during rush hour. There was no detail to suggest when the after school clubs finished, how long that journey took given that it would be closer to rush hour traffic commencing than normal school finishing time since the distance from home to school would be considerable given where the school was situated in comparison to where the family lived.

The Committee noted that the mother had stated she was on benefits. However, no evidence had been provided to suggest what the impact on the family's financial situation would be if she chose to transport the pupil from after school club given that she would be reimbursed accordingly.

The Committee felt that there was no evidence to demonstrate what impact the removal of discretionary transport would have on the pupil if they no longer attended after school club provision. Ultimately the pupil was entitled to home to school transport in line with the Council's policy.

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 460497 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 discretionary transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16 and the policy on the provision of transport for pupils with special educational needs.

### **Appeal 503253**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 20 miles from the

home address as opposed to the nearest suitable school which was 13.2 miles away.

In considering the appeal the Committee noted the mother's point in that she chose the school attended having been asked to visit both that school and their nearest school and stated that she was never told that transport would not be agreed to the school now attended. The mother also stated that she could not transport the pupil to school as she had commitments to another child who attended a primary school. However, the Committee was informed that the mother was asked to visit local suitable schools as it was felt that this was best practice for parents to view a range of options when making their choice for transfer. The mother was supported by Parent Partnership Officers (PPO) to understand and consider the presenting options. It was reported that the pupil's file noted that on the 23th April 2015 the PPO arranged supported visits to the school now attended and the nearest school for which the mother did not attend. The PPO then emailed the mother with relevant information.

The Committee was informed that the SEN officer spoke with the mother on the 10th June and made it clear on the telephone that the pupil would not be eligible for transport to the school now attended. It was reported that the SEN officer explained the options available to the mother whereupon she requested the officer to issue the pupil's Statement of SEN naming the nearest school as the pupil's nearest suitable school.

It was reported that the mother then called the SEN officer on the 15th June stating that she had changed her mind. Whereupon the SEN officer reiterated the Council's transport policy and confirmed with the mother again that if she made this parental preference as per the Code of Practice, she would remain responsible for home to school transportation for the pupil. The mother sent a confirmation email to the Council stating that she wanted the pupil to attend the school now attended. The Committee was informed that in light of this the pupil's statement was amended and a letter was sent on the 15th July explaining why transport could not be agreed in line with the policy underpinning what had been verbally explained to the mother.

With regard to the sibling, the Committee was informed that the Council in accordance with its transport policy could not take into account the wider family circumstances when making their assessments for school transport. In addition it had been suggested that the mother utilised the sibling's school before and after school club for her convenience. However, there was no evidence to suggest that this was not a viable option for the family. Furthermore, it was not clear whether the mother had a family support network to assist with the school run for the sibling.

No financial evidence had been provided to suggest that the mother was on a low income or indeed unable to fund the cost of travel. The Committee noted that the mother currently transported the pupil to school and dropped them off at the school gate. The Committee also noted the mother's comment that the pupil had not arrived at school when they had been dropped off by them. However, from

the information before them the Committee felt that there was no evidence to suggest that the pupil required assisted transport to the school attended.

The Committee noted the mother's concerns in relation to the nearest school for the pupil for the reasons as set out in the appeal. A copy of the email correspondence between the Council and the headteacher at the nearest school was handed out to the Committee to consider. It was reported that the Council took the mother's concerns about the pupil's safety at the nearest school very seriously. The SEN officer emailed the head teacher at the school on the 9th June to explore this concern in greater detail. The Committee was informed that head teacher told the SEN officer they were aware of the mother's concerns as they had discussed this when she had visited the school. In the email, the Committee noted that the incident referred to happened some time ago and the head teacher shared details on how they would manage this dynamic to enable the pupil to access the school safely and appropriately. It was reported that in light of this, it was concluded that the nearest school remained the pupil's nearest suitable school. There was no evidence to suggest that the incident the mother referred to in her appeal involved police intervention neither did the incident involve the matter of any pupil being permanently excluded.

In considering the appeal further the Committee noted the mother's point that the pupil used to attend a specific school that was in the same town as the one now attended and that the pupil received free travel to that school. The mother also pointed out that there were other children who travelled from the area where they lived to the school attended. The Committee was informed that the pupil was granted transport to their previous school in the same town as it was their nearest suitable primary school to meet their needs. This was in line with the transport policy. Whilst the SEN officer was unable to comment on any particular individual cases, it was reported that they could say with confidence that each case was looked at on its individual merits and circumstances.

The Committee noted the mother's concerns in that she felt she had no option but to send the pupil back to the school previously attended and that if the Committee refused the appeal she would raise a case with the SENDist. The Committee was informed that on the 26th August the SEN officer spoke with the mother and discussed the pupil's position and the options again. The mother stated that she intended to keep the pupil off school until the outcome of her appeal was known. It was reported that the mother then sent the pupil back in to previous secondary school whereupon the deputy head teacher telephoned the mother to explain that as the pupil was on role at the school now attended they could not attend their school anymore. This fact was then underpinned with a further call to the mother on the 8th September 2015. The Committee was informed that the mother's views were fully appreciated by the Council and that her concerns had, on all instances, been taken seriously and responded to with care in a comprehensive manner. It was reported that should the mother disagree with the contents of the pupil's statement she could appeal to the First tier tribunal.

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 503253 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 2015/16 and the policy on the provision of transport for pupils with special educational needs.

### **Appeal 503318**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 2.7 miles from the home address and which was within the statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the appeal, it was not clear how the distance measurement to the school attended had been calculated by officers in the Council in setting out their case for refusal. The Committee felt that the Council's measurement had been taken from the mother's findings in her appeal from using online measuring tools when the Council had bespoke software for the task. The Committee could therefore not determine this point and felt that the appeal should be deferred in order for this point to be clarified using the Council's bespoke system before considering the appeal in full. Therefore, it was;

**Resolved:** That appeal 503318 be deferred in order for the distance measurement to be clarified using the Council's bespoke system and for the appeal to be brought back to the next scheduled meeting of the Committee on 2nd November 2015.

### **Appeal 722481**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 5.3 miles from the home address as opposed to the nearest suitable school which was 3.9 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the appeal the Committee was informed that further information was sought from the mother to substantiate her claims in the appeal documentation the recommendation of an Educational Psychologist for the provision of transport to be provided if the school was not in close proximity to the family's home. The Educational psychologist's report was handed out to Members of the Committee, which was dated as completed on 20th January 2010 when the pupil was 2 years and 5 months old. The Committee noted that there was no reference to transport within the report. Furthermore, the Educational psychologist who wrote the report had stated that the provision of transport was not something they would have put in their report. Given the date the report was produced and lack of current content in the report the Committee felt it was unable to take this report into consideration as evidence to suggest that the provision of transport to be provided if the school was not in close proximity to the family's home.

The Committee noted the family's circumstances and that the pupil had a younger sibling that was due to start school in September 2015 at a primary school close to the family's home. The mother stated in her appeal that if the pupil was not provided with transport then this would have a significant effect on the younger sibling's life. However, no evidence from the mother outlining what that effect would be was received, and as such the Committee were unable to consider this statement.

Further evidence was sought from the mother as to what support from other family or friends was given. The information provided by the mother was that parents were separated and that the father was unable to assist with the school run due to work commitments. It was reported that a grandparent had previously provided support to the mother with the school run for the pupil concerned when they used to attend the same school for which the younger sibling now attended. There was nothing to suggest that this arrangement could not continue but for the younger sibling. In addition, it was reported that whilst the father was unable to assist with the school run due to work commitments. The Committee was informed that in accordance with the County Council's transport policy the decision to provide transport was based on the pupil's needs and meant that the council were unable to take into account parents' work or other commitments, nor attendance by siblings at other schools when considering home to school transport entitlement. The Committee noted the grandparent did not drive.

The Committee was informed that since the mother had submitted her appeal she had changed jobs and now worked full time in the same town as where the pupil attended school and that she currently took a late lunch break in order to collect the pupil from school.

The Committee were unable to take into consideration verbal confirmation from the mother that the family were in receipt of working tax credits and child tax credits, no evidence had been provided to substantiate the information. The Committee could therefore not determine the full extent of the family's financial situation. Furthermore, no evidence had been provided to suggest that the family

were unable to fund the cost of transport to the school attended or whether they were on a low income as defined in law. The Committee therefore felt that it was parental preference for the pupil to attend the school. The Committee was advised that in such instances the responsibility for making the transport arrangements rested with the parents, rather than with the council, and that this point had been made clear to the mother when a place was offered at the school by the Pupil Access Team. Furthermore, it was reported that initially the mother had agreed to this arrangement but changed her mind within an hour of being given the information and requested transport which had been turned down in accordance with the Council's policy.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary information 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 722481 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 2015/16 and the policy on the provision of transport for pupils with Special educational needs.

### **Appeal 1113261**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 0.7 miles from the home address and which was within the statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

The Clerk to the Committee reported that two emails had been received after the agenda for the meeting had been despatched to Committee members. One from the headteacher of the school from where the pupil attended, the other from the mother. Copies of the emails were handed out to the Committee at the meeting.

In considering the mother's appeal the Committee noted the pupil's health problems and the mother's points in relation to the pupil's ability to walk and their lack of road sense. The Committee also noted the issues faced by the mother when out walking together and that the pupil required one to one care to keep them safe when on the school run.

In considering the pupil's ability to walk, the Committee noted that their Education, Health and Care Plan (EHCP) which was finalised in March 2015, stated that the pupil had made progress with their gross motor skills since last seen by an Educational Psychologist and was for example now walking independently and becoming steadier on their feet. Whilst the Committee also noted that the EHCP went on to state the pupil was still being a little unsteady and meant that they tired easily, there was no recent professional medical evidence to demonstrate whether this situation remained the same, how this affected them in their ability to walk the distance to school or whether this situation had deteriorated since the EHCP had been completed.

The Committee noted the family's circumstances and the issues the mother faced with the school run in that she had a new born baby and another child to take with her. However, the Committee was informed that the mother drove all three children when undertaking the school run. Whilst the Committee recognised the difficulty the mother would face with the new born along with their siblings in these circumstances, there was no evidence to suggest that the mother was unable to safely and comprehensively meet the pupil's needs while on the school run. In addition, there was no evidence to substantiate why the current arrangement of travelling by car was no longer a suitable option.

It was reported that the Council when making their assessments for transport were unable to take into account parental work or other commitments or attendance by siblings at other schools. The Committee noted the mother was the main carer for the pupil and that the father worked away during the week. However, there was no evidence to suggest that the mother did not have any family support to assist with the school run.

In considering the family's circumstances further, there was no evidence to suggest that the family was on a low income. As the Committee felt it could not find a reason to award transport that was not in accordance with the Council's transport policies, it was suggested that provided a space was available on the existing transport to the school, the family should pay for that space. If, however, the family felt they could not afford the cost, the Committee suggested that the mother should be allowed a re-appeal on the basis that they provide the appropriate evidence to demonstrate the family was unable to fund that cost (evidence of being in receipt of maximum amount of working tax credits, free school meals – the normal indicators of a family on a low income).

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 1113261 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 2015/16 and the policy on the provision of transport for pupils with special educational needs.

### **Appeal 1392282**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 10.9 miles from the home address as opposed to the nearest suitable school which was 0.3 miles away and was within the statutory walking distance.

In considering the mother's appeal, the Committee first noted the mother's health problems and how this affected their ability to drive and that medical evidence had been produced to confirm this. The Committee also noted the family's circumstances, how they came to live at their current address and that the grandmother also had health problems which affected their ability to drive as well. The Committee expressed concern in relation to these points as it became apparent when considering the appeal further that both mother and grandparent had been transporting the pupil to the school attended against medical advice.

However, in considering the appeal further, it was reported that the pupil's Statement of SEN had named the school attended as their nearest school whereupon the Committee was advised that legally, the Council had to pay for transport if the distance to that school was over the statutory walking distance. Furthermore, the Committee noted that as the transfer from the Statement of SEN to an Education, Health and Care Plan (EHCP) had not been completed, the Committee was advised that the pupil was attending their nearest suitable school. The Committee therefore felt that transport should be reinstated for the remainder of the current academic year to support the mother, having been advised that transport would stop once the pupil's EHCP was complete.

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 the 2015/16 academic year (Year 5) only in accordance with the pupil's Statement of SEN and to support the mother.

#### **Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 1392282 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 2015/16 and the policy on the provision of transport for pupils with special educational needs;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2015/16 academic year (Year 5) only.

## **Appeal 3792**

At its meeting on the 3rd September 2015, the Committee initially refused the mother's appeal for transport assistance. However, in taking the decision it did, they suggested that if the mother was able to provide professional medical evidence in relation to the pupil's health problems then the Committee felt that she should be given the opportunity to have a re-appeal. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

It was reported that in co-ordinating the re-appeal officers had also requested further information to clarify points raised by the mother in her initial appeal that were not answered. All new evidence in response to these queries and the Committee's suggestion from its previous meeting were provided in the paperwork for the Committee to consider.

In considering the appeal the Committee noted the evidence supplied in relation to the pupil and whilst acknowledging the pupil's health problems, there was no evidence to suggest why the mother was unable to catch a bus with the pupil. In considering the grandparent's health problems the Committee noted they took the two younger siblings to school and that previously she drove the pupil to school which was the same primary school attended as the younger siblings. The Committee could see no reason why this arrangement should not continue for the two younger siblings leaving the mother to accompany the pupil to secondary school.

The Committee noted the school attended was chosen over and above the nearer schools due to the fact that the pupil was bullied at their primary school and that these pupils would be attending these schools. No evidence had been provided to corroborate the bullying allegations.

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 3792 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 2015/16.

## **Appeal 3876**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 4.59 miles from their home address, and instead would attend their 9th nearest school which was 6.04 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the mother's appeal the Committee noted the family were unaware of the change to the Council's Home to School Transport Policy and were surprised to hear that the nearest most suitable schools were outside of the Council's boundary and that the Council was not responsible for two specific schools in the neighbouring borough. The mother stated that residents from their village lived in a specific borough and as such had always been entitled to a free bus pass to the school attended. She felt that the changes in the policy were badly publicised and that schools were unaware too. Furthermore, the mother outlined how the new policy would affect the family given their circumstances.

The Committee was advised that the Council produced its admissions literature for parents when they were expressing their preferences for secondary schools in September 2014 which explained that there had been significant changes to the Council's Home to School transport policy. Schools were advised of the changes to the transport policy in February 2014. Prior to September 2015 pupils living in the village where the family resided were awarded free travel, even though this was not their nearest school on the basis that the Council exercised discretion in their statutory provisions and awarded free travel to the school attended as this was the nearest geographical priority area (GPA) school. The Committee was reminded that it was this discretion that had been removed from the Council's policy.

With regard to the nearer schools that were out of the Council's boundary, it was reported that the Council did not subscribe to the view that these were not suitable schools. The Committee was informed that these schools were available and were suitable for the pupil. It was noted that parents were free to express a preference for the school of their choice but with the change in the Council's transport policy this would not bring with it an award of travelling expenses if the school attended was not the nearest. No evidence had been provided to suggest why these schools were not suitable for the pupil.

Whilst it was reported that the Council had accepted that they were not the admission authority for the schools outside of its boundary, this did not prevent parents from expressing a preference to attend those schools. Furthermore, this information was outlined in the Admissions literature which the Council produces each year.

In considering the appeal further the Committee the mother's concerns in relation to the walking routes to the schools in the neighbouring borough and the logistical difficulties of getting from their village to two specific schools whereas a bus route was already in place for the school attended. Furthermore, the mother stated that children's safety must come before any financial budget considerations.

It was reported that the mother's concerns regarding the walking routes would not be an issue if the pupils attended those schools since as they lived over the statutory walking distance the Council would make suitable transport arrangements for the children to travel to and from school safely.

With regard to the bus service in place for the school attended, the Committee was informed that pupils who did not have an entitlement to free travel could still travel on this service but upon payment of the appropriate fare or purchase a season ticket. However, no information had been provided to suggest that the mother was unable to fund the cost of home to school transport.

The Committee noted the mother's findings with regard to problems experienced in using the Council's website to obtain information relating to school transport and further quoted a local newspaper article from 17 September 2007 which stated that travelling expenses would be paid to the school attended. The mother also questioned the Council's interpretation of a suitable school.

However, it was reported that the Council was not sure on what date the mother tried to access the Council's website when she experienced difficulty in accessing the information. The Committee noted this would have only been a temporary situation. In addition, it was reported that there were other sources of information the mother could have accessed.

The Committee noted the quotation the mother had provided in relation to an article in their local newspaper. However, the Committee was advised that this quotation was from 2007 and since that time there had been many changes to the Council's Home to School Transport policy.

The Committee noted the dictionary definitions of the word 'suitable' to justify why the mother felt the Council were wrong to suggest the schools outside of the County's boundary as being suitable. The Committee was advised that the use of the word 'suitable' in the Council's policy was a legal definition and that the word 'suitable' in legislation relating to home to school transport stated that for a school to be 'suitable' it must be able to provide an education appropriate to the age, ability and aptitude of the pupil.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 3876 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 2015/16.

### **Appeal 3808**

At its meeting held on 3rd September 2015, the Committee resolved:

"That Appeal 3808 be deferred;

- i. In order for the Committee to receive evidence of the father being made unemployed and evidence of low income; and
- ii. For the appeal to be presented to the Committee at its next scheduled meeting in October 2015."

In considering the appeal further the Committee noted the father had since regained employment. However, the father's income had subsequently reduced since he lost his previous job in August 2014. The Committee noted the information contained within the tax credits notice supplied and determined that the family were not in receipt of the maximum amount of working tax credits - the normal indicator of a family on a low income as defined in law. In addition the Committee noted that the father had a partner who was also employed. Given the father's partner's earnings for the previous financial year, the Committee could not determine whether this was part-time employment or whether they had only recently secured a job themselves part way through the year. The Committee felt that the family should be reassessed by HM Revenue & Customs.

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 3808 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 2015/16.

*The Committee adjourned the meeting at 1pm and agreed to reconvene at 13:30pm in order to consider the remaining urgent business appeals.*

**Present:**

County Councillors:

A Cheetham  
D Stansfield

It was noted that both the Chair and deputy Chair of the Committee were unable to attend the meeting after the adjournment. The Clerk to the Committee stated that between the two Councillors who were in attendance, which formed a quorate for the meeting to continue, would have to elect a Chair for the remainder of this meeting only. It was therefore;

**Resolved:** That, County Councillor Cheetham be elected as Chair to the Committee for the remainder of this meeting only.

Also in attendance:

Ms L Brewer, Solicitor, Legal and Democratic Services;  
Mr G Halsall, Business Support Officer, Legal and Democratic Services; and  
Mrs I Winn, Business Support Officer, Legal and Democratic Services

**Appeal 3783**

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 miles from their home address, and instead would attend their 2nd nearest school which was 3.2 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the foster carer's appeal the Committee noted the status of the pupil and that they would remain with the family until they were 18 years of age. The Committee also noted that the pupil's foster siblings attend the same school and that the family felt it was important they should all attend the same school. Furthermore, the school attended was in a quiet small rural community unlike the nearest school where the family felt there were be added pressures for the pupil.

The Committee noted the pupil's health problems and that the family felt it would be better for the pupil to travel with their siblings on the dedicated school bus which picked up from the family's home and dropped off outside the school. Furthermore, it was reported that the foster carer had verbally advised that they were registered disabled and their partner received pension credit.

It was reported that the pupil's foster sibling was currently in Y10 at the school attended and that they received free transport under the Council's former transport policy as living in one of the contributory parishes for the school. The

Committee was informed that this discretion had been removed for new pupils starting at the school from September 2015. The Committee noted that the other sibling did not currently attend the school but according to the foster carer would be transferring there in two years time (September 2017).

With regard to the foster carer's point in relation to the pupil's friendship groups, the Committee noted the upheaval the pupil had experienced with changing schools. However, it was noted that the pupil since attending their last primary school had made many friends with many of them transferring to the school attended. The Committee felt that whilst this may have been a valid reason in expressing a preference for the school attended it did not mean that the Council was required to meet the cost of travel.

Whilst the Committee acknowledged the foster carer's desire in that all the siblings should attend the school attended, it was noted that this was only a desire and did not mean that the Council was required to meet the cost of travel either.

It was reported that the Council had acknowledged that it might be helpful for the pupil to travel with their foster sibling to the school attended in view of their health problems. However, it was noted that the Council was not preventing this from happening as the pupil could still travel with their sibling but that the foster carer would be required to pay for the transport.

The Committee felt that it was not clear from the information provided by the foster carer whether the pupil met the denominational criteria for admission to the school. It was reported that if they did then they would receive some transport assistance to the school but that the appellant would be required to contribute the £505 denominational contribution towards the full cost.

The Committee noted the foster carer had indicated the similarity in the cost of travelling to both the school attended and the nearest school. The Committee was advised that the Council had to make their transport assessment on distance and not cost.

In considering the financial circumstances of the family, it was reported that the foster carer had provided no financial information to indicate that they were unable to meet the cost of the pupil's transport to the school. Furthermore, it was reported that the Council understood that where children are fostered the foster carer would receive a financial allowance and that some of this allowance was meant to be used for school transport costs. The Committee noted that if the foster carer was in receipt of the maximum amount of working tax credit then the pupil would qualify on the extended provisions made for low income families which allowed the Council to pay the cost of transport for pupils from low income families if they attended one of their nearest three school between two and six miles which the pupil did. However, no evidence had been provided to substantiate or clarify this point.

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 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 3783 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 2015/16.

### **Appeal 3847**

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 1.6 miles from their home address, and instead would attend their 17th nearest school which was 7 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the mother's appeal the Committee noted the incident as referred to in her appeal and the impact this would have had on the pupil's welfare. The Committee noted the letter from the pupil's headteacher at the primary school previously attended before transfer to secondary education. However, the Committee noted that the mother had also made reference to evidence supplied in support of the family's admission appeal to the school attended. As this was a successful admission appeal and given the severity of the incident as referred to by the mother, the Committee felt that it had should have sight of all of this information in order to determine the full extent of the situation regarding the pupil and the suitability of the nearer schools. The Committee also noted that no evidence had been supplied to suggest that the family were unable to fund the cost of transport. It was therefore suggested that the appeal be deferred in order for the missing information to be obtained and for the appeal to be brought back to the Committee at the earliest opportunity.

**Resolved:** That Appeal 3847 be deferred in order for the Committee to:

- i. Request the evidence that was presented for the family's school admission appeal for the school attended; and
- ii. Receive evidence relating to the family's financial situation.



## Appeal 3850

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 was within statutory walking distance, and instead would attend their 2nd nearest school which was 3.3 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the mother's appeal the Committee noted that the pupil transferred to the same school as their elder sibling for which they received a free travel pass. However, the pupil had been refused transport on the basis that there were nearer schools. The mother felt that the changes in the Council's Home to School Transport Policy should have been widely advertised, so that families affected could have made fully informed choices not only about their children's education but also about the impact on family budgets of this unexpected expense. Furthermore, both the headteachers at the school attended and the pupil's primary school did not know about the change in the Council's transport policy, neither did the Council contact the family to advise of the change.

It was reported that prior to September 2015, the Council exercised discretion within its home to school transport policy and allowed the payment of travelling expenses to other than the nearest school if the school attended was the nearest geographical priority area (GPA) school. The Committee noted that the family resided in a village, which fell in the GPA for the school attended. However, from September 2015, this discretion had been removed from the Council's transport policy for new pupils starting year 7. The Committee was informed that when making their transport assessment for this pupil, the Council had determined there was a nearer school and this was why the application had been refused. The Council had agreed in line with Government advice that existing pupils who have qualified for free travel would continue to receive this concession until they left the school. This would include the pupil's elder sibling who was in Y10 at the school.

It was reported that the Council had taken the view that the changes to the Home to School Policy were widely advertised. Schools were initially consulted, and then informed of the impending changes, and parents were informed via the local media. The changes were also recorded in the admissions literature which was produced for parents at the time they would have made their preference of secondary schools for their children.

In considering the appeal further the Committee noted that the mother felt it was essential the pupil attended the same school as their elder sibling. Parents work and the logistics of having three children at three different schools would be impractical for the family. In addition the walking route to the nearest school was unsafe and local transport was poor. The Committee was informed that the

mother had stated it was too late to obtain a place on the dedicated school bus to the school attended and that alternative transport arrangements would have to be made. Other parents would also have to do this leading to an influx of cars converging on the area with negative environmental effects.

The Committee acknowledged the mother's desire that both children should attend the same school and it was reported that the Council were not preventing from this happening, but as there were closer schools to the family home, the Council could not make an award of travelling expenses for the pupil. The mother had provided no information to indicate that the family were unable to fund the cost of the season ticket to travel on the school bus. The Committee was informed that the Council could still offer places on the school bus to the school.

The Committee was informed that the Council had acknowledged the walking route to the nearest school might be unsuitable but this was not a factor the Council needed to take into account of when assessing claims for transport as the pupil do not attend this school. If the pupil attended the nearest school and the walking route was deemed to be unsuitable the Council would make transport arrangements to ensure that the pupil travelled to this school safely.

The Committee acknowledged that if parents chose not to utilise the school bus service and drive their children to school and that this could have environmental effects. However, the Committee felt this would be parental preference. It was suggested by the Council that they felt they were absolved from perpetuating this situation since they could still offer the mother of travelling on the more environmentally friendly means of travel on the school bus.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3850 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 2015/16.

### **Appeal 3864**

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 1.56 miles from their home address and was within statutory walking distance, and instead would attend their 11th nearest school which was 5.37 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its

discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the father's appeal the Committee noted the family were unaware of the new Home to School Transport Policy as they were living in a different County at the time their application was made. The Committee noted that the family were previously Lancashire residents and that they moved to the County as mentioned in the appeal to take up employment there. The Committee noted that the mother's health had deteriorated and subsequently the family moved back to Lancashire to be near family and friends who could offer the support needed. As a result the mother was no longer able to work and due to the medical circumstances, the family were now living on a reduced income from benefits.

The Committee felt that there was sufficient reason to approve a temporary bus pass for the remainder of the academic year to help stabilise the family's circumstances.

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 the 2015/16 academic year to support the family in the interim to be reviewed.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3864 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 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2015/16 academic year (Year 7) only.

### **Appeal 3868**

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 was within statutory walking distance, and instead would attend their 10th nearest school which was 3.63 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the mother's appeal the Committee noted she was unaware of the change to the Council's Home to School Transport Policy. The Committee also noted that the pupil's primary school was a feeder school to the secondary now attended and that the family also lived within the parish for the school. The family were therefore requesting travel assistance on the grounds that they were on a low income.

The Committee was advised that at the time parents were making their preferences for secondary school in September/October 2014, the Council had produced two documents to assist parents in making these preferences. These admission booklets made reference to the fact that the Council's policy was changing.

In noting the above, it was reported that pupils who attended the school and lived in the town where the family resided had not qualified for free transport to the school since September 2011. The Committee was informed that from September 2011, all new pupils were required to meet the denominational contribution which from September 2015, was £505pa, where this was not their nearest school. From September 2015, this entitlement to pay the denominational contribution was withdrawn on the basis that the change in the Council's transport policy was to restrict assisted travel only if the pupil attended their nearest school of their faith. Prior to September 2015, pupils such as in this case who lived in a specific parish were granted assistance to the school attended even though this was not their nearest school of a particular faith on the basis that this school shared this parish with the nearest school of the family's faith, in their respective admission policies.

The Committee noted that the above change in policy though did not prevent pupils from attending the school of their preference but it had stopped them from receiving transport assistance, albeit if this required them previously to pay the denominational contribution, if they wished to obtain transport assistance to this school.

The mother had indicated that there was low income in the household. The Committee was advised that the Council did make provision in its home to school transport policy for parents with low incomes. However, this was restricted for pupils who only attended one of their three nearest schools. As the pupil attended their 10th nearest school, it was reported the Council could not offer this concession. However, in considering the financial information provided in the appeal, the Committee noted that the mother was not in receipt of the maximum amount of working tax credits. No further information had been provided to allow the Committee to assess whether she was unable to fund the cost home to school travel.

The Committee noted the mother's comment that both the elder siblings received free bus passes to attend a specific college. It was reported that this provision was subsidised by the college and not the Council.

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 3868 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 2015/16.

### **Appeal 3870**

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 2.8 miles from their home address and was within statutory walking distance, and instead would attend their 3rd nearest school which was 3.9 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the mother's appeal the Committee noted she was unaware of the change to the Council's Home to School Transport Policy and that she would have difficulty with the school run with two children attending two different educational establishments. The Committee also noted that the nearest school was not on a bus route from the village where the family lived and that the walking route to that school was via unlit country lanes.

The Committee was advised that the admissions literature the Council had produced for parents in September 2014, made it clear that there were changes to the home to school transport policy. Furthermore, it was reported that the changes were advertised in the local media and that schools were also notified and were asked to circulate this information to parents via appropriate channels.

With regard to the lack of transport to the nearest school, the Committee was advised that if the pupil attended that school then the Council would make suitable arrangements for them to travel to that school.

The Committee was also advised that the Council was not required to take account of the suitability of the walking route for a school that a pupil does not attend. In addition, had the pupil attended their nearest school, the Committee again noted the above point that the Council would make suitable travel arrangements.

The Committee was informed that the child's application for a bus pass could not be processed as the bus service had been identified as potentially fully subscribed. However, there was a tenuous possibility that a place might become available at the end of October. The mother was concerned about the repercussions of these circumstances. It was reported that the Council had regretted that at the time the mother had made her request for a season ticket to travel on the school bus, the Council had not released any spare places. The Committee was informed that this matter had now been resolved and pupils could now purchase season tickets to travel on the school bus.

In considering the family's financial circumstances, the Committee noted that there was no evidence to suggest that the family was on a low income as defined in law. Neither had any evidence been supplied to demonstrate that the family were unable to fund the cost of home to school transport.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3870 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 2015/16.

### **Appeal 3871**

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 4.41 miles from their home address, and instead would attend their 6th nearest school which was 5.58 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the mother's appeal the Committee noted that the family, the pupil's school attended, the pupil's primary school, parish and local Councillors were unaware of the change to the Council's Home to School Transport Policy and were also unaware that out of County schools would be considered against their application for transport. The family chose the school attended because it was their closest Lancashire school to their home address. The family felt that the policy change was not circulated widely enough.

The Committee was advised that parents were advised of the changes to the home to school transport policy through the admission booklets which were

available to parents when they were expressing preferences for secondary schools in September 2014. This information was also available to schools, parents and councillors on the Council's website. Schools were also made aware of the changes in February 2014, following the Council's decision to withdraw the discretionary transport for pupils attending their geographical priority area (GPA) school. Schools were asked to share these changes with parents.

The Committee was informed that the Council appreciated that parents would have expressed a preference for the school attended since they reside in the GPA for the school and would receive a higher priority for admission to the school than those pupils who did not reside in the GPA. However, for new pupils starting from September 2015, the Council's policy stipulated that this would no longer bring with it an award of free transport.

It was reported that the Council had accepted that the family might not have been aware of schools outside of the County's boundary. However, the Committee was informed that the Council's admission literature did explain that parents were free to express a preference for any school and the responsibility for ascertaining what schools are available rested with the family.

In considering the appeal further the Committee noted that the family did not follow a specific faith and felt that they would not have qualified for a place at either those schools. The family also did not consider a specific school as it was not in the information they received. The school was outside the County's boundary and the family did not live in the catchment area. In addition the family paid their Council tax to a specific borough and not to the borough outside of the County's boundary.

The Committee was advised that not following the same faith as a particular school did not preclude parents from applying for places at such schools. In addition, faith schools continued to admit pupils who did not follow a particular faith or followed a different faith.

Whilst the Council had accepted that the family might not reside in the GPA's for the out of county schools. However, this would not have precluded the pupil from gaining a place at those schools. It was reported that there were places available at those schools.

It was reported that the Council had accepted that the mother paid her Council Tax to a specific borough council. However, this in itself did not give them any more priority for places at schools in that borough nor did it preclude them from attending an out of county school. The Committee noted that parents were free to express a preference for any school regardless of local authority boundaries.

The Committee was informed that the mother had stated a letter received from the Council was contradictory, where it had stated the family could have selected the school attended [which they did]. The Committee was also informed that the family also felt that as the bus was already operating to the school attended, it

would not cost the Council any more money to allow the pupil to travel on the bus.

It was reported that the Council had apologised for the misleading information in their refusal of travelling expense letter. However, the Committee was advised that this did not in the opinion of the Council affect the decision not to award traveling expenses as the letter named other nearer schools.

Whilst the Committee acknowledged that it would not cost the Council any more money to allow the pupil to travel on the school bus free of charge, it was reported that this would not be fair to other families as the pupil would be gaining a concession for which they were not entitled to.

In considering the family's financial circumstances, the Committee noted that there was no evidence to suggest that the family was on a low income as defined in law. Neither had any evidence been supplied to demonstrate that the family were unable to fund the cost of home to school transport.

The Committee acknowledged that if the pupil had attended their nearest school they would have qualified for free transport to that school. However, the Committee was advised that this concession was not transferable when a pupil did not attend their nearest 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 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 3871 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 2015/16.

### **Appeal 3872**

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 3.44 miles from their home address, and instead would attend their 2nd nearest school which was 3.51 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the mother's appeal the Committee noted she felt it would be impracticable to walk to either the nearest school or the school attended and that



she felt both schools were 3.6 miles from the family home and would take an hour and ten minutes to complete each way if the pupil walked to school. Furthermore, the mother felt that the routes to both schools were unsafe and that as both were over three miles from the home they should qualify for free transport to either school. In addition, the mother stated that whichever school the pupil attended they would board and alight at the same bus stops.

It was reported that the Council was not required to take account in their transport assessments the time it would take for a pupil to get to school if they did not attend their nearest school. The distance criterion was used to determine whether the Council would meet the cost of travel or whether the parent should. The Committee was informed that in those cases where a pupil did not attend the nearest school the responsibility for transport costs rested with the parent and not the Council.

The Committee acknowledged that in this case as both schools were in close proximity that whichever school was attended the pupil would board and alight at the same bus stop. However, the Committee was informed that this was not something the Council was required to undertake in their transport assessment, as purely only the shortest walking distance from home to the nearest school was the determinant factor that the Council was required to do by law. In addition, it was reported that the Council was not required as part of their transport assessment to take account of the suitability of the walking route to a school that a pupil was not attending.

The Committee was informed that whilst the Council had accepted that the distance to both schools were over the three mile qualifying limit and that this might be the case. However, the Council was only required to meet the cost of travel if a pupil attended their nearest school. If a pupil chose to attend a more distant school, then they would lose their entitlement to travel that they would have had, had they attended their nearest school.

In considering the family's financial circumstances, the Committee noted that there was no evidence to suggest that the family was on a low income as defined in law. Neither had any evidence been supplied to demonstrate that the family were unable to fund the cost of home to school transport.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3872 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 2015/16.

## **Appeal 3875**

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 was within statutory walking distance, and instead would attend their 3rd nearest school which was 3.6 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the mother's appeal the Committee noted that due to recent changes to the family's circumstances she was no longer able to collect the pupil from school. The Committee was informed that the pupil enjoyed school and was making excellent progress and would like to remain on roll there. The mother stated in her appeal that the bus pass was needed for one year only whilst she was in full time education. The mother respectfully requested that her application be considered.

The Committee was informed that the mother had recently moved to their current address from a previous address, where the school attended was the nearest school. However, the Committee noted that no information or evidence had been provided to confirm what the reasons were for the house move.

The Committee acknowledged the mother's desire that the pupil should remain at their existing school with the friends they would have made. However, the mother had provided no specific educational reasons why the pupil should not transfer to the nearer school or remain at the school attended. Whilst the mother had indicated the unsuitability of the nearest school due to its educational performance, the Committee noted that this was one of their preferences of school when the pupil was transferring to secondary school.

The Committee noted that the mother was asking for transport assistance for one year whilst she attended full time education and that the Council had presumed that this was due to the potential low income in the household. From the information provided it looked like the pupil would only need to use public transport for their homeward journey, as the mother seemed to be able to transport them to school in the morning. However, the mother had provided no financial information to indicate the severity the payment of the bus fares would have on their family income. The Committee noted that if the mother met the criteria as a low income family with the pupil being eligible for free school meals or the mother was in receipt of the maximum amount of working tax credit, then the pupil would qualify for free transport to the school attended on the extended provisions that were made in the Council's home to school transport policy for pupils from low income families.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3875 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 2015/16.

### **Appeal 3879**

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 2.96 miles from their home address and was within statutory walking distance, and instead would attend their 2nd nearest school which was 3.11 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the father's appeal the Committee noted that both the school attended and the nearest school were practically equidistant and that there should be no difference in the cost for the provision of the transport. Furthermore, the family did not follow the faith as the nearest school. In addition the elder sibling received a free bus pass to the school attended.

The Committee acknowledged the distances between the two schools were minimal but the fact remained that a particular school was the nearer of the two schools. And whilst the Committee accepted that the children travelled on the same bus route and for the same length of time on the bus service, it was reported that these were not factors the Council was able to take into account in their transport assessment, which was purely based on distance.

The Committee further acknowledged that the nearest school was a specific faith school. However, it was reported that this school accepted all pupils regardless of faith. The Committee noted that the Council did not say that the pupil had to attend this school, but had said that if the family chose a more distant school, then they did so at their cost, as this was not the nearest school when assessed against the distance criterion in law. The father had provided no information to substantiate their belief that the nearest school was an inappropriate school for the pupil. However, the Committee noted that if the father could provide this information then they would be required to contribute towards the total cost of travel by paying the denominational contribution.

The Committee also acknowledged that the pupil's elder sibling received free transport to the school. However, this had been awarded under the Council's former transport policy which allowed the Council to pay travelling expenses to other than the nearest school, if this school was the nearest geographical priority area (GPA) school. It was reported that this policy change came into force for all new pupils starting year 7 from September 2015.

In considering the family's financial circumstances, the Committee noted that there was no evidence to suggest that the family was on a low income as defined in law. Neither had any evidence been supplied to demonstrate that the family were unable to fund the cost of home to school transport.

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 3879 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 2015/16.

### **Appeal 3889**

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 3.57 miles from their home address, and instead would attend their 2nd nearest school which was 3.63 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the family's appeal the Committee noted the parents were unaware of the Council's new Home to School Transport Policy until July of this year when their initial application was refused. The Committee acknowledged the evidence received in support of their case and that they were supported by their local MP. The Committee also noted that families from the village where the family resided had not been made aware of the change.

The Committee was advised that the Council had suggested that they believed this information was in the public domain through the provision of the admission literature which the Council produced to assist parents in making their preferences of secondary schools back in September 2014. This information advised parents of the changes in the transport policy and at this time the Council's Home to School Transport Policy for 2015/16 was also available on the

Council's website. Whilst the family had chosen their nearest geographical priority (GPA) school, the Committee was informed that as of September 2015, the Council's policy stipulated that attending this school would no longer bring with it an award of free transport for all new pupils starting year 7. It was reported that in accordance with advice from central government that suggested when Council's change their transport policy they should 'phase in' the arrangements, the Council had chosen to follow this advice which meant that the elder sibling would still qualify for free transport to the school until they left the school.

The Committee acknowledged the support the family had obtained from their MP. It was reported that the Council had corresponded on numerous occasions with the MP explaining the reasons why this policy change came about. However, the Committee noted that this was a discretion that the Council previously offered in its transport policy but was identified and removed as a significant saving in the Council's budget due to a reduction in central government funding. This decision had been taken following the correct democratic processes within the Council.

It was reported that the family in their appeal referred to the admissions booklet entries for both the school attended and the nearest school and that the village where the family resided appeared in the school attended entry for both geographical priority area (GPA) and transport whereas this was not mentioned in the entry for the nearest school. Furthermore, the family were not invited to view the nearest school as they had been with four other schools.

It was reported that the Council did not concur with the family's view that the admissions literature was misleading. The Committee noted that in the family's case this would suggest that the nearest school was their nearest. The leaflet also stated that it was only a guide and that parents were encouraged to read the Council's full transport policy.

With regard to the map on Page 7 of the specific area insertion within the admissions literature, it was reported that the village where the family resided was situated in the borough where the family resided. The Council had drawn to the Committee's attention to the footnote at the bottom of the map which showed that this was only intended to show the general location of the schools and did not form part of the admission process. The note also advised parents to check each individual school's pages for more details.

With regard to Page 22 of the specific area insertion which related to the school attended, the Committee's attention was drawn to the transport statement at the foot of the page which made it clear that children living in the village where the family resided would not qualify for transport assistance to the school attended.

The Committee was informed that the Council had accepted that the insertion relating to the nearest school did not specifically name the village where the family resided as one of the qualifying areas where transport expenses would be paid. However, it was reported that these insertions were again only provided as a guide and that there was a note encouraging parents to check whether they

may be entitled to free transport, if this preference was an important factor in their choice of schools.

With regard to the family's indication that they were not approached to visit the nearest school, the Committee was advised that parents were free to express a preference for any school and that the onus was on the parents to seek out their desired preference of school. The Committee was informed that the pupil's elder sibling already attended the same school and that it was unlikely that parents would have considered the nearest school as an option. However, it was suggested that this would have been parental preference.

The Committee noted that the family felt the walking route to the school attended was unsafe. The Committee was informed that this was not something the Council needed to take account of when a pupil did not attend their nearest school. Whilst the Council had acknowledged that as the distance to both schools was over three miles and that it was unlikely that any pupil would walk these distances the Council when undertaking their assessments has to measure the distance by shortest walking route to determine the nearest school. The Committee therefore felt that the family's basis for appeal related to who should meet the cost of transport - the family or the Council. The Committee was informed that had the pupil attended the nearest school the Council would have met the cost of travel and ensured that the child travelled to and from the school safely. However, as the pupil was not attending their nearest school the responsibility for the safe travel to and from school rested with the family.

It was reported that the father had enclosed a feedback form from the Council's webpage which offered feedback from the consultation on the then proposed changes to the transport policy with regard to GPA schools and quoted that 64% of the respondents disagreed with the proposal. The father also quoted that only twenty pupils would be affected by the decision and that he knew of eight people from their village alone who were affected and was aware that the Council was inundated with calls in relation to this matter.

With regard to the consultation the Council undertook in the Autumn of 2013, which resulted in the change of transport policy which affected the family, the Committee acknowledged that the number of pupils the Council had estimated as being affected by the change of policy might have been understated but the response to this and all the other changes that were being proposed was significantly negative which was to be expected, as all these proposals resulted in a reduction of pupils qualifying for free travel. Whilst the family had indicated that they were not consulted on the proposals to change the school transport policy directly, the Committee was informed that the Council had contacted schools and urged them to share the information with parents and that a considerable number of parents had responded to the consultation. The Council was of the view that had more parents responded, it was unlikely that the Cabinet Member who took the decision on the policy change would have made a different decision. The Committee felt that the Council had taken reasonable steps to make the changes to the transport policy known to parents.

In considering the family's financial circumstances, the Committee noted that there was no evidence to suggest that the family was on a low income as defined in law. Neither had any evidence been supplied to demonstrate that the family were unable to fund the cost of home to school transport.

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 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 3889 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 2015/16.

### **Appeal 3905**

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 4.03 miles from their home address, and instead would attend their 2nd nearest school which was 4.79 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the father's appeal the Committee was informed that he was querying the minimal difference of 0.7 miles between the qualifying (nearest) school and the school attended and therefore could not see a significant saving being made with that difference in mileage. The father felt that the decision was arbitrary, illogical and wholly without reason or justification. Furthermore, there was already a bus in operation. The father felt that there would be no extra cost if the pupil took a seat on it. The Committee also noted that an elder sibling was entitled to a bus pass. The father also pointed out that pupils who attended a school 7.2 miles away received free transport.

It was reported that the Council did not accept that 0.7 miles was a minimal distance when they were required to enforce the distance measurements stringently so as to be fair and equitable to all families. The Committee felt that had the difference in distance been just a few metres then this point might have been more relevant. Furthermore, the Council was not required to take cost into account when undertaking their transport assessment as by law the Council must undertake their assessment on distance and not cost.

The Committee acknowledged that the pupil's elder sibling still qualified for a bus pass to the school. However, it was reported that this was because the Council when implementing their new policy for the 2015/16 academic year, chose to only apply this policy change for new pupils starting at the school from September 2015. The Council could have chosen to implement the policy change so as to affect all pupils but decided to follow central government advice on these matters which suggested that any policy changes should be phased in.

With regard to the father's point in that there was a bus already operating to the school and that there would be no extra costs involved if the pupil was to travel free on this service, the Committee noted that whilst this was factually correct, it would not be fair on other families if the pupil was to travel free on this service for which they had no entitlement to do so.

With regard to the father's point that pupils living in their village qualified for free transport to a specific school, it was reported that this was not correct. The Committee was informed that pupils living in the same village as the family would qualify for transport assistance to this school provided they met the denominational criteria for admission as this would be their nearest school of their faith. However, parents would be required to contribute to this cost if they required transport assistance. Families of pupils who met the admission criteria to attend this school would therefore have to pay the parental contribution which for the present academic year was £505 per year.

In considering the family's financial circumstances, the Committee noted that there was no evidence to suggest that the family was on a low income as defined in law. Neither had any evidence been supplied to demonstrate that the family were unable to fund the cost of home to school transport.

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 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 3905 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 2015/16.

### **Appeal 3906**

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 3.56 miles from their home address, and instead would attend their 2nd nearest school which was 4.03 miles away. The pupil was therefore not entitled to free transport



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

In considering the mother's appeal the Committee was informed that the parents were unaware of the Council's new Home to School Transport Policy and that an elder sibling had a free bus pass. The mother stated that the family would qualify for transport assistance to both the school attended and the nearest school as they were both over three miles. In addition there were seats available on the school bus.

The Committee was also informed that the family were unable to walk the pupil to the school attended safely and that the parents felt they may opt to transport their children to school themselves which was not good for the environment. The family were supported by their local MP.

It was reported that the Council produced its admission literature in September 2014 to assist parents in making their preferences of school. This literature explained that there had been many changes to the Council's home to school transport policy and parents were encouraged (as they are every year) to check they still qualified if the cost of transport was an important factor in their decision to express a preference for any particular school.

The Committee acknowledged that the pupil's elder sibling attended the school and still qualified for free transport to the school. However, this was because the Council had made the decision following advice from central government which suggested that Councils were encouraged when making their change to their home to school transport policy that they 'phase-in' the arrangements so as to prevent awards being withdrawn for pupils who had previously qualified. This was a discretion that legally the Council did not need to do. The Committee noted that the Council had presumed that as the mother already had a child at the school, it was unlikely they would have sent their child to an alternative school.

The Committee acknowledged that there were spare seats on the school bus. However, it was reported that it would not be fair or equitable to allow pupils to travel free on this service if they did not have an entitlement to free travel.

The Committee noted the support the mother had obtained from their MP. It was reported that the MP was aware of the financial situation the Council found itself in, which had resulted in the Council having to make these reductions in their home to school transport budget in an effort to keep frontline services running.

The Committee noted that the mother had indicated that had the pupil attended their nearest school they would have qualified for free transport. The Committee was informed that this was true, but unfortunately awards were not transferable. If parents chose not to send their child to their nearest school then they lose their right to entitlement if they chose to attend a more distant school.

With regard to the suitability of the walking route, it was reported that the Council was not required to consider the suitability of a walking route when the pupil did not attend their nearest school.

The Committee accepted that parents might opt to transport their children to and from school themselves rather than using the school bus. However, it was reported that the Council had stated that this was their choice, but the Council could offer a more environmentally friendly mode of travel.

In considering the family's financial circumstances, the Committee noted that there was no evidence to suggest that the family was on a low income as defined in law. Neither had any evidence been supplied to demonstrate that the family were unable to fund the cost of home to school 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 3906 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 2015/16.

### **Appeal 3914**

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 3.55 miles from their home address, and instead would attend their 2nd nearest school which was 3.81 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or in law.

In considering the mother's appeal the Committee was informed that she was unaware of the changes in the Council's Home to School Transport Policy and felt that information should have been filtered down through the schools. However, this did not happen. In addition people living in the same village as the family were also unaware of the changes. The mother also mentioned that the majority of the respondents heavily disagreed with the consultation on the proposed changes relating to the geographical priority area (GPA) schools.

It was reported that the admissions information provided by the Council for parents when they were expressing their preferences for secondary schools back

in September 2014, drew parents' attention to the changes in the transport policy. At the same time, the Council's website also displayed the Council's new home to school transport policy.

The Committee also noted the mother's additional point in that she was only provided with invitations to open evenings from two specific schools. The Committee felt that it was down to parents to seek out open evening events for potential schools before making their preferences.

The Committee was informed that schools were notified of the changes in February 2014 and were asked to share this information with parents. The Committee was informed that schools were informed via the schools' portal which was the established method of communication between the council and Lancashire schools and that the Council could not be held responsible if schools did not take the appropriate action that was being requested of them. Furthermore, information had been circulated to the press. The Committee therefore felt that the Council had undertaken reasonable steps to make this information known.

The Committee acknowledged the fact stated by the mother that when the Council consulted on the changes it was proposing to its home to school transport policy in the Autumn of 2013, that the results of the consultation showed a high volume of consultees who were against the proposals. However, the Committee was advised that as the majority of the proposals were looking at cutting Council policies this was to be expected and this fact was reflected in the report which the Cabinet Member considered when he made the decision to proceed with many of the proposals.

The Committee acknowledged that the mother as part of her appeal submission had included the Council's 'Guide to Home to school Transport' leaflet and stated that this leaflet was dated May 2015 which meant the leaflet was produced after parents had expressed their preferences for secondary schools. However, it was reported that this leaflet was printed and made available on the Council's website on an annual basis. The previous leaflet stated that travelling expenses were only paid to the geographically nearest school. The mother has also highlighted the clause on the leaflet which reminded parents that if transport costs were an important factor in their preference to check whether they would qualify for transport assistance before making their preferences. The mother had stated that the first time she had access to this leaflet was when it had been included with the letter of rejection. However, the Committee noted that this information would have been available in the Council's admissions booklet which was available to all parents before they made their preferences for secondary schools in 2014.

The Committee was informed that a place was sought at the secondary school attended as it was seen as a feeder school from the primary school attended and also because the family paid their Council tax to the borough in which they resided. In addition the mother felt that as Council tax evidence was requested it indicated to them that they were only likely to have a child accepted into a school

in that borough. Furthermore, the village where the family resided was in that borough. The family's local MP was in support of their appeal.

The Committee acknowledged that pupils who attended the primary school where the pupil transferred from might transfer to the secondary school attended. However, the Committee was informed that attending that school did not give pupils a greater priority for admission unless they lived in the GPA. And whilst the Council had accepted that pupils living in the village where the family resided fell in the GPA for the school attended, it only gave these pupils a greater priority for admission to the school than they would receive if they did not. The Committee noted the mother's additional point in relation to pupils automatically applying to the school attended without the need to seek other information about other schools and would not be considering looking for information about a change in transfer policy. However, the Committee was informed that there hadn't been a change in the transfer policy, just that the Council would no longer pay for free transport to attend that school.

With regard to the mother's point in relation to where they paid their Council Tax to, it was reported that the Council requested this information from parents so as to confirm which area a pupil lived. It was reported that this was crucial information for pupils who lived close to boundaries, especially Lancashire boundaries, as this would enable the Council to check that the applicant resided in the County. The Committee noted that there were cases where parents lived in a different area to the area they wished their child to attend school. Furthermore, parents were free to express a preference for any school regardless of local authority boundaries.

The Committee noted that the family lived in a specific borough and that they desired a school in that borough. However, the Committee was informed that whilst the Council had been able to meet this preference, it no longer brought with it an award of travelling expenses, as a result of the changes to the Council's home to school transport policy.

The Committee acknowledged the letter of support that the mother had provided from her local MP. However, it was reported that the Council had to make savings in its home to school expenditure due to central government funding reductions to local councils in an effort to retain frontline services.

It was reported that the borough where the family resided was not included in the nearest school's area and that this particular school was never a consideration of the family's. The mother felt that based on the admissions criteria for the nearest school, the pupil would not have been accepted there. Furthermore, the mother stated that both the admissions and transport policy contradicted themselves as eligibility for transport was assessed on shortest walking distance, whereas admissions to schools was based on straight line measurements and GPA.

It was reported that the Council had accepted that the village where the family resided was not covered in the GPA for the nearest school. However, this did not preclude parents from expressing preferences for this school or being offered a

place at this school. Information was available which showed which schools did not meet their published admission number in previous years. This was true of the nearest school.

Whilst the Committee noted the Council's response to the mother's point about the discrepancy between the Council's admissions and transport policy, it was reported that the Council was required by law for admissions purposes to measure in a straight line to determine the nearest school whereas for transport purposes the Council was required by law to measure the distance using the shortest walking route to determine the nearest school.

In considering the appeal further the Committee was informed that there would be financial issues for the family if they had to pay for school transport. However, no information or evidence had been provided to substantiate this point or to demonstrate that the family were unable to fund the cost of home to school travel. In addition, there was no information to suggest that the family were on a low income as defined in law. Neither could the Committee determine the extent of the mother's financial hardship.

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 3914 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 2015/16.

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