

Lancashire County Council

Student Support Appeals Committee

Minutes of the Meeting held on Monday, 13th July, 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

D Stansfield

C Dereli

*County Councillor Stanfield replaced County Councillor Perks for this meeting only.

Also in attendance:

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

1. Disclosure of Pecuniary and Non-Pecuniary Interests

No disclosures of interests were made at the meeting.

2. Minutes of the meeting held on 1st June 2015

Resolved: That; the Minutes of the meeting held on the 9th March 2015 be confirmed as an accurate record and be signed by the Chair.

3. Urgent Business

It was noted that the paperwork for appeals 3764, 3771, 3772 and 574700 had only been finalised after the agenda had been circulated. As a result, the Chair had been consulted and had agreed that these appeals could be presented to the meeting under urgent business in order to avoid any delay in determining them.

Resolved: That, appeals 3764, 3771, 3772 and 574700, 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 Thursday the 3rd September 2015 in Room B15b, County Hall, Preston.

5. Exclusion of the Press and Public

Resolved: That the press and public be excluded from the meeting under Section 100A (4) of the Local Government Act, 1972, during consideration of the following item of business as there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated against the heading of the item.

6. Student Support Appeals

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

A report was presented in respect of 18 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 3745

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 0.3 miles from their home address, and instead would attend their 27th nearest school which was 4.5 miles away.

In considering the appeal the Committee recalled the family's house moves and the mother's health problems along with the reasons for wanting the pupil to remain at the school attended. The Committee also recalled that it had previously awarded temporary transport to the pupil.

The Committee noted that the family had moved to a cheaper housing association property. The Committee also noted that as the family were on a low income they were struggling to fund travel expenses.

However, in considering the appeal further the Committee noted that after it had awarded free transport for the remainder of the 2014/15 academic year, the

mother decided to utilise the award by using her mobility car to take the pupil to and from school in return for a transport allowance from the Council. From the previous address where transport was awarded from the school attended was 1.6 miles away, whereas from the new address it was 4.5 miles away. The Committee in noting these points also noted the mother's claims in respect of the family's outgoings to run their mobility car. The Committee felt that the cost of running their mobility car through the Motability scheme was significantly high. However, no evidence had been provided by the mother to substantiate why it cost so much to run their mobility car when the hire payments which normally included routine maintenance, insurance, renewal of vehicle excise duty (car tax) and breakdown cover for it would be met by the mother's qualifying benefits.

Furthermore, it was reported that the Council could offer the pupil a place at their nearest school which was 0.3 miles away from their new home. Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was not persuaded that there was sufficient reason to uphold the appeal.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 3745 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 3753

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 1.9 miles from their home address, and instead would attend their 42nd nearest school which was 4.6 miles away.

In considering the appeal the Committee noted that the father worked abroad, whilst the mother, who did not drive, looked after their four children. The Committee was informed that three siblings attended the same school whilst the fourth sibling attended a special school. The Committee was also informed that the family had recently moved home and wished for their children to remain at their present schools. Furthermore, the mother could neither walk nor take the children by public transport due to the logistics of travel in relation to the fourth sibling's special educational needs. In addition the family felt that the children were settled at the school and that it would be irresponsible of the Council to force them to change schools.

It was reported that the family moved to England in July 2014, and that they had managed to secure a property and places for three of their children at the school currently attended as at the time this was their nearest school that could accommodate all these three siblings and their needs. The school was their 40th

nearest school and was 3.1 miles away from this address. Their nearest school at this time was 0.3 miles away but had no places. The Committee was informed that taxi transport was therefore provided for all the children from this address to the school attended. The Committee noted that the fourth sibling was entitled to free transport to the special school attended due to their needs in relation to their Statement of Special Educational Needs (SEN).

Subsequently, it was reported that once the family had moved in to their first rented property, they realised there were some issues with it and that whilst the father was back working abroad he found it difficult to relocate his family to more suitable accommodation due to the distance and rental contractual difficulties. When the father returned to England, he was then able to secure a more suitable property for his family which they moved to in March 2015. However, he was not aware that such a move would have affected the transport assessment for the children. The Council being required to reassess the family's transport application from their new address found that the school attended was no longer the nearest school they could offer all the three children places. The Council could in fact offer these children places at their 7th nearest school which was 1.7 miles from home and within statutory walking distance. The Committee noted that the fourth sibling was still entitled to free transport in the form of a taxi to the same special school based on their needs in relation to their Statement of SEN. However, it was reported that the Council were not saying that the three children must change schools but that they were not entitled to free travel when assessed against the Council's Home to School Transport Policy. Furthermore, there was no evidence to substantiate the father's claims in relation to the reasons for the house move.

The Committee acknowledged that as a result of the house move the mother might find the logistics of the school run more difficult. However, there was no detail to state when the fourth sibling was actually picked up from home or whether they had an assistant on the taxi negating the need for the mother to be on the taxi with the fourth sibling. Whilst the Council had suggested details of convenient bus services to the father through the appeal schedule and that a family pass could be purchased to cover the cost of the various services, the father had stated in his appeal that he was prepared to bear the cost of the transport and insurance of the transport provided by the Council for the three remaining children, if it would help resolve the matter.

Whilst the Committee acknowledged the evidence supplied from the Deputy Headteacher and SENCo and the father's desire for the three children to remain at the school attended due to the difficulty they had in settling in, the Committee felt that if the parents chose to move the three children to an alternative school then these difficulties may be overcome in time.

With regard to the youngest sibling's ability to walk, the Committee was informed that the Council was unable to take this point into account in their transport assessment when the child does not attend their nearest school. Furthermore, no evidence had been provided to substantiate this point or to substantiate that they would be unable to walk the distance to their nearest school should they attend.

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 3753 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2014/15.

Appeal 3755

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 4th nearest school which was 2.9 miles away and was within the statutory walking distance.

In considering the appeal the Committee noted that the father transferred the pupil to their current school due to incidents of bullying at their previous school. The Committee was informed of the allegations as set out in the appeal and that according to the father the pupil's previous school did not resolve the matter. In addition the father did not wish for the pupil to attend the nearest school as he felt the pupil would experience the same difficulties they experienced at their previous school. Furthermore, the Committee noted the contents of the letter as written by the pupil in support of their reasons for not wanting to attend the nearest school. The Committee also noted that the father felt it would not be safe for the pupil to walk to the school now attended as they would have to walk past their previous school in order to get there which could give rise to further incidents from the perpetrators.

In considering the appeal further the Committee noted the evidence provided by the father in correspondence with the previous school which dealt with the steps taken by the school and the father following the pupil's wrongful exclusion from the school. The Committee was informed that from the information provided it appeared that the school had rescinded the information they held on the incident which led to the pupil's exclusion and that they had instead accepted the pupil had acted in self-defence. Furthermore, the Committee acknowledged that from the information provided the allegations made by the pupil were accepted and that the school dealt with the matter by excluding the perpetrator. The Committee in noting the above points felt that the previous school did not do enough to support the pupil and that these incidents should have been recorded appropriately by the school and reported to the Council. The Committee expressed concern how the school dealt with these issues.

No information had been provided to suggest that the family were unable to fund the cost of home to school travel costs. Whilst the Committee acknowledged the pupil would have to walk past their previous school in order to get to their current school, it was reported that there were a number of alternative routes the pupil could use to avoid their previous school. In addition, if they were to travel by public transport the potential risk from perpetrators might be alleviated.

Therefore, having considered all of the father's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was not persuaded that there was sufficient reason to uphold the appeal.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 3755 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2014/15.

Appeal 3758

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 instead would attend their 2nd nearest school which was 1.7 miles away and was within the statutory walking distance.

In considering the appeal the Committee recalled the family's circumstances, the younger sibling's health problems and that the younger sibling was awarded free transport to the school attended in the form of a taxi. However, the Committee was informed that since the taxi transport began the elder sibling also travelled in the taxi but the appellant was required to purchase a season ticket for the elder sibling. It was reported that the mother was struggling to fund the cost of the season ticket which amounted to £55 per month.

In considering the appeal further the Committee felt that it should make an award for the younger sibling to continue to support them at this time in their education. However, with regard to the elder sibling the Committee felt that it could not make an award of free travel given that there was no evidence to suggest that the family was on a low income neither had any evidence been provided to substantiate that they were unable to fund the cost of a season ticket which amounted to £38 per month for ten months. The school attended was within the statutory walking distance and the Council believed that the walking route to the school met the criteria for a suitable walking route. However, the Committee once again noted that regardless of school attended the younger sibling would not be able to walk to and from school and that the Council might have to provide taxi transport for them.

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 younger sibling up to the end of 2015/16 academic year to support them in the interim and for the mother to reapply for assistance for the following academic year. However, in regard to the elder sibling the Committee was not persuaded that there was sufficient reason to uphold the appeal and provide travel assistance. The Committee suggested that if the mother could provide evidence to demonstrate that she was unable to fund the cost of a season ticket at £38 per month for ten months and not £55 as stated in her appeal then she should be allowed to have a re-appeal on that basis.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3758 in respect of the younger sibling be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2014/15;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2015/16 academic year (Year 1) only; and
- iii. Having considered all of the circumstances and the information as set out in the report presented, appeal 3758 in respect of the elder sibling be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2014/15.

Appeal 3759

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 1.2 miles from their home address, and instead would attend their 2nd nearest school which was 1.7 miles away and was within the statutory walking distance.

In considering the appeal the Committee noted the situation the family now found themselves in regarding the school run for the pupil. The Committee also noted the pupil's special educational needs and in particular their vulnerabilities. Given that the pupil was due to return to school without their elder sibling and the problems they faced with not having a bus pass to get to school, the Committee felt that it should make a temporary award in the form of a bus pass to support the pupil in the interim whilst being mindful that the pupil would need to gain independent travelling skills for their future.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of 2015/16 academic year to support them in the interim with a view towards the pupil gaining independent travelling skills. The Committee suggested that should the mother reapply for transport from September 2016, then she should supply supporting documentation to substantiate the pupil's SEN needs at that time.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3759 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2014/15;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2015/16 academic year (Year 8) only

Appeal 3761

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 2.3 miles from their home address, and instead would attend their 2nd nearest school which was 3.2 miles away.

In considering the appeal the Committee noted that the parents claimed they were not advised of the policy change which related to geographical priority area (GPA) schools, in sufficient time for them to make their decision regarding the pupil's school preferences. In addition they claimed that schools were not aware of these changes including the pupil's primary school and prospective secondary school and that neither school had read the Schools' Portal. Furthermore, parents suggested that the Council failed to send individual emails to each school. The mother also stated that she did not read local or national media and was unaware of the Council's proposals to change its Home to School Transport Policy.

The mother felt that the information provided in the Secondary Schools Admissions literature was misleading and was at odds with the Council's Transport Policy as the pupil would still be attending their GPA school. However, they were being refused free travel to their GPA school. The mother also queried why only new year 7 pupils were affected by the policy change. The mother also felt that the Council's policy was discriminatory as pupils attending faith schools continued to receive subsidised transport.

It was reported that the Council produced its Admission information prior to the time parents were expressing preferences for secondary school places for

September 2015 in September 2014. In particular the Council had specifically drawn to the attention of the mother the information contained in Section E starting on page 16 of the General Admissions Booklet which related to home to school travel which specifically mentioned the policy change relating to geographical priority areas.

With regard to the issue over schools not using the Schools' Portal, the Committee was informed that the Portal was the established method of contact for the Council to communicate with schools in Lancashire and that the Council could not be responsible for schools who did not access information in this way. All schools were advised of the results of the consultation regarding proposed changes to the transport policy in January 2014 and were asked to share this information with parents therefore providing adequate notice for parents to re-consider their options for secondary school places, especially if transport was an important factor in their preference of schools. The Committee was informed that changes to the transport policy were covered by most of the local media. The Committee felt that the Council could not be held responsible if parents had not seen these articles in the press. Furthermore, the Committee felt that the Council had followed the correct democratic steps to implement the policy change.

With regard to the mother's point in that the Council should have emailed all the schools individually, the Committee was informed that the Council's Schools' Portal was the normal way of contacting schools as this was a safe and secure way of communicating with schools which operated in the same way as email communication.

With regard to the mother's point in relation to the Admissions literature being misleading, the Committee was informed that the Admissions booklet made it clear that pupils living in the area where this family resided, would not qualify for transport to the school to be attended. In addition the Committee was informed that the Council in its Admissions literature made it clear to parents that if transport was an important factor in their preference of schools, to check with the Council whether or not their child would qualify for assistance before submitting their preferences.

Whilst the Council had acknowledged that with the recent change in the Council's transport policy, there was now a discrepancy between GPAs and the transport policy in some areas including where the family resided. It was stated that this was not illegal as prior to September 2015, the Council had exercised discretion within its transport policy and allowed the payment of travelling expenses to other than the nearest school, where the school attended was the nearest GPA school. The Committee was informed that this discretion had now been removed for new pupils starting year 7 in September 2015 and that in order for new secondary aged pupils from non-low income families to qualify for transport assistance must attend their nearest school and live more than three miles from it.

With regard to the mother's statement that the Council's transport policy was discriminatory, it was reported that the Council had chosen to exercise discretion within the transport policy, as legislation allowed, to grant some concessions to

parents of pupils who choose to attend a school on denominational grounds other than their nearest school. Guidance from central government had suggested that Council's should try and offer such concessions. Furthermore, the Council was bound by law to grant a more generous transport policy for those pupils from low income families. No evidence had been provided to substantiate the mother's claims in relation to their financial standing.

The Committee was informed that the mother had made a "mystery shopper" call to the Council and stated that she was again given contradictory and insufficient information. It was reported that the mother was advised to apply for her nearest GPA school and that this advice was correct as the mother would have stood a better chance of obtaining a place at their GPA school, if it was oversubscribed. The Committee was informed that the Council would not normally offer advice on transport unless it was asked for.

It was reported that the mother had requested the Council to use its discretion and postpone any changes to the transport policy until everyone had been made aware of the changes. The Committee was informed that the Council was unable to postpone the changes to the transport policy as it had been approved following the correct democratic processes within 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 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 3761 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 3763

It was reported that a request to refund travel costs from the date the pupil started at the school (December 2014) had initially been refused.

In considering the appeal the Committee was informed that the family came from abroad and, not knowing the systems and procedures, had accepted that they would have to pay for the pupil's travel on the school bus, based on the information given to them. No one from the Council had informed the family that the pupil was entitled to free transport and that it took the family a while, during which they were paying for a season ticket, to find this information out. The family were now requesting a refund of their payments for the season ticket from December 2014 until May 2015, being the point when the free bus pass was issued to the pupil.

It was reported that the family came to live in Lancashire in November 2014, and that the pupil began to attend their nearest school which was 2.3 miles away from their home. The Committee was informed that pupils who attended this school from the area in which the family resided received free transport to the school, even though it was less than the statutory walking distance from the school on the grounds that the walking route to the school met the criteria as an unsuitable walking route.

The Committee was informed that when contacting the Council the mother applied for a season ticket to travel on the school bus presuming that the pupil would not be entitled to free home to school transport. However, the Council had not been able to establish whom the mother contacted at the Council and could only presume that the mother had spoken with staff at the Council's Customer Service Centre. And as the mother was unable to recall when the telephone call was made it had not been possible for officers to listen in to the call. Furthermore, it was possible that with the time that had elapsed since, this information might not have been retained. The Committee was informed that the Customer Service Centre staff had a script to follow when processing transport enquiries which would assist them to determine how the call should be handled. And as the mother had enquired about a season ticket, the call would have inevitably been passed through to the season ticket team to process the request. The Committee was informed that the Season Ticket team were not knowledgeable on the Council's home to school transport policy as this team were not based in Children's Services. The Season Ticket team would not have known about the unsuitable routes criteria given that the school attended was less than the statutory walking distance.

The Committee was informed of the circumstances which led the mother to discover that the pupil should have qualified for free transport to the school attended. The Council was therefore of the opinion that home to school transport was an entitlement to be claimed and would not reimburse parents where they had not previously made a claim for free home to school travel. Furthermore, no financial information had been provided to indicate that the family had incurred significant financial difficulties by having to fund the cost of the season ticket until the bus pass was issued.

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 3763 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 refund travel costs from the date the pupil started at the school (December 2014) that is not in accordance with the Home to Mainstream School Transport Policy for 2014/15.

Appeal 3765

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 3.7 miles from their home address, and instead would attend their 2nd nearest school which was 4.5 miles away.

In considering the appeal the Committee noted that the mother claimed the school to be attended was the nearest to the family home and contested the shortest walking route. The Committee also noted that the parents were not advised of the policy change in relation to geographical priority area (GPA) schools in sufficient time for them to make their decision regarding their child's school preferences. Parents had already determined their preferences for the pupil, as they were already aware that they lived in the GPA for the school to be attended, whereas if their second preference of school was to be oversubscribed, they were not confident the pupil would have been offered a place there. Parents felt that the admissions policy and the transport policy contradicted each other.

The Committee was informed that the Council when calculating the shortest distance to school would normally measure this using the shortest walking route. The Council had confirmed that in this case the measurements stated had used the shortest road routes. Whilst the Council accepted that the mother had identified an alternative route to the school to be attended using bridleways which when measured would produce a shorter route than the measurement the Council had used to determine distance, the Committee was informed that a portion of the route as identified by the parent was deemed by the Council to be unsuitable for walking. It was reported that when all routes to schools are unsuitable the Council would normally use road routes to determine the nearest school.

The mother stated that everyone who lived in the GPA for the school to be attended had always known that, if you lived in the GPA, in choosing your GPA school you obtained free transport to that school. The mother also stated that she did not receive notification of the change in the transport policy and that neither had the school to be attended of the pupil's primary school. Furthermore, no one in their village and surrounding areas was aware of the policy change – nor existing pupils. The mother queried the low number of responses to the consultation and argued that this made the consultation neither legal nor fair.

The Committee was informed that the Council produced its Admission information prior to the time parents were expressing preferences for secondary school places for September 2015 in September 2014. In particular the Council had specifically drawn to the attention of the mother the information contained in Section E starting on page 16 of the General Admissions Booklet which related to home to school travel which specifically mentioned the policy change relating to geographical priority areas. Furthermore, the Council felt that parents should not make presumptions on previous policies.

Whilst the Council had acknowledged that with the recent change in the Council's transport policy, there was now a discrepancy between GPAs and the transport policy in some areas including where the family resided. It was stated that this was not illegal as prior to September 2015, the Council had exercised discretion within its transport policy and allowed the payment of travelling expenses to other than the nearest school, where the school attended was the nearest GPA school. The Committee was informed that this discretion had now been removed for new pupils starting year 7 in September 2015 and that in order for new secondary aged pupils from non-low income families to qualify for transport assistance must attend their nearest school and live more than three miles from it.

It was reported that all schools were advised of the consultation via the Schools' Portal and that this was the established method of contact for the Council to communicate with schools in Lancashire and that the Council could not be responsible for schools who did not access information in this way. All schools were advised of the results of the consultation regarding proposed changes to the transport policy in January 2014 and were asked to share this information with parents therefore providing adequate notice for parents to re-consider their options for secondary school places, especially if transport was an important factor in their preference of schools. The Committee was informed that changes to the transport policy were covered by most of the local media. The Committee felt that the Council could not be held responsible if parents had not seen these articles in the press. Furthermore, the Committee felt that the Council had followed the correct democratic steps to implement the policy change.

In addition the Council did encourage parents in its Admissions literature they produced to contact the Council, if the award of travelling expenses was an important factor in their preference of schools, to check their possible entitlement before they make their preferences.

With regard to the mother's query in relation to the Council's consultation, the Committee was informed that the Council felt a response of over 1000 responses to the consultation was not insignificant and did not take the view that the consultation was illegal and unfair. The Cabinet Member when he took the decision had to take account of the consultation but also had to take into account the financial situation of the Council. The Council had they not proceeded with these potential savings, which were discretionary on the part of the Council, would have been required to look at making savings in other areas of their expenditure and possibly reducing front line services, which the Council were keen to avoid.

The Committee was informed that the mother had queried why only new year 7 pupils were affected by the policy change and not existing pupils. It was reported that the Council had chosen to phase the introduction of the new policy starting with new year 7 pupils commencing their secondary education from September 2015. Guidance from central government had suggested that this was good practice, when implementing home to school transport changes.

The Committee noted that the mother had stated that pupils who attend faith schools continued to receive subsidised travel and that parents in receipt of working tax credit had a wider choice of schools to which to send their children and would receive free travel. The mother felt that the Council's transport policy was discriminatory. It was reported that the Council had chosen to exercise discretion within the transport policy, as legislation allowed, to grant some concessions to parents of pupils who choose to attend a school on denominational grounds other than their nearest school. Guidance from central government had suggested that Council's should try and offer such concessions. Furthermore, the Council was bound by law to grant a more generous transport policy for those pupils from low income families. No evidence had been provided to substantiate the mother's claims in relation to their financial standing.

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 3765 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 3768

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 0.4 miles from their home address, and instead would attend their 8th nearest school which was 3.4 miles away.

In considering the appeal the Committee noted the family's circumstances and the upheaval they had experienced. The Committee also noted that other agencies had become involved with the family and that the support of the school attended had been crucial for the pupil's wellbeing and development. The Committee was informed that for a time the school had provided a free bus pass. However, this was not sustainable and the family's financial circumstances are such that they were unable to fund the cost of transport. Furthermore, the pupil's attendance had deteriorated. The Committee was also informed that the headteacher had taken a strong view that it would be detrimental to the pupil's wellbeing if they had to transfer to another school due to the stability the school had provided and the distress the pupil had witnessed.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient

reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of 2015/16 academic year to support the family in the interim.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3768 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 2) only.

Appeal 487512

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable generic learning difficulties (GLD) school, which was 2.3 miles from their home address, and instead would attend a school which was 5 miles away.

In considering the appeal the Committee noted that the pupil currently received transport to a school which was not their nearest GLD school. However, in readiness for their transition in to secondary education the pupil has chosen to go to an alternative school than their nearest. The pupil chose the school to be attended on the grounds that they wished to transfer with their peer group and that they did not know anyone who would be attending their nearest school.

The Committee was informed that the pupil's headteacher, deputy headteacher and doctors all supported the move to the school to be attended as this would give the pupil the best chance to cope with the change. Concerns regarding transport were raised at the last Review meeting where full support was given at that meeting.

It was reported that the pupil had previously attended a different primary school and had link support sessions at the GLD school they would be transitioning from. At that time the GLD school was the nearest to the family home. However, in February 2010, the family moved house and in April 2010 the pupil commenced their placement at the GLD school on a full time basis. The Committee was informed that the pupil continued to receive transport from the start of this placement which was not the nearest GLD school. It was not clear in the appeal schedule why the pupil continued to receive transport to a GLD school that was not their nearest.

Whilst the Committee noted the pupil's health problems and their desire to transfer with their peers to the school to be attended, there was no professional medical evidence to support the move to the school to be attended over and above the nearest school.

With regard to the statement made in relation to the last Review meeting, it was reported that the Statement Summary section from that Meeting held in December 2015 did not outline support for the school to be attended. This section was quoted in the appeal schedule for the information of the Committee. Furthermore, the Committee noted that the family appeared to have moved house again as their current address differed to the one they would have moved to back in February 2010. No reasons were set out in the appeal to clarify why they moved house.

The Committee was informed that the pupil had a recent diagnosis of a specific health problem. It was reported that the pupil's health problem was well controlled and that no rescue medication was prescribed.

The Committee was also informed that both parents worked, the father worked shifts and the mother worked in a different town to where the family resided. Current transport arrangements allowed the mother to work, but could not take the pupil to school before their shift started. The mother was also the pupil's main carer. In addition there were three other children in the household. Furthermore, the family could not afford expensive travel fees as they were currently not claiming any other benefits and the mother wished to sustain her career.

Whilst the Committee had noted the family's circumstances, there was no evidence to suggest or demonstrate that the parents had requested flexible working from their respective employers to assist with the school run. Furthermore, no information had been provided detailing the ages of the three other siblings, where they went to school (if they did) and the family's financial situation. In addition the Committee was informed that in accordance with the Council's Home to School Transport Policy the Council could not take into account attendance by siblings at other schools when considering home to school transport entitlement. Neither could the Council take into account parent's work or other commitments. Responsibility for transport arrangements in these cases would be the sole responsibility of the child's parent or carer. The Committee also noted that in the pupil's Education Health and Care Plan and in particular Section I Education Placement, it stated that parent's had expressed a preference for the school to be attended which had been agreed. However, in accordance with the Home to School Transport Policy the parents would be responsible for transporting the pupil to and from school.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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, if the mother could provide the necessary supporting evidence that was not available in the appeal the Committee would be willing to consider a re-appeal on this occasion.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 487512 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 504785

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a secondary school 5.05 miles from the home address as opposed to the nearest suitable school which was 4.62 miles away.

In considering the appeal the Committee noted the pupil's background, health problems and how these affected them in their daily life. The Committee also noted the concerns the parents had in relation to the pupil's safety and the bus journey to and from home if the pupil was to attend their nearest school in comparison to the more convenient bus service to and from the school to be attended. Parents were also concerned about the additional walking that the pupil would have to undertake if they attended their nearest school. Furthermore, they were also concerned about the constant roadworks/maintenance in and around the bus station in the city and how this would impact on the pupil's routine and behaviour.

The Committee was informed that the pupil was already anxious about travelling on the bus and had shared these concerns with their support worker. In addition, parents felt that if the pupil attended the school of their choice, school staff would be able to meet them at the end of the bus journey therefore providing a supported and supervised journey whilst promoting their independence with travel. Furthermore, if the pupil attended their nearest school they would not be able to take their medication on time with the appropriate supervision. The bus journey for the school to be attended would enable the pupil to take their medication supervised at the appropriate time.

It was reported that the pupil's final Education Health and Care Plan (EHCP) had confirmed the nearest school, as the nearest suitable school which was in the view of the Council able to offer a place and to meet the pupil's needs. Whilst the Council had accepted parental preference for the school to be attended, specific wording within the EHCP had indicated that this was not the nearest most appropriate school and that the parents would be responsible for making transport arrangements for the pupil to travel to school. Furthermore, it was reported that parents throughout the Annual Review process were reminded of the Council's Home to School Transport Policy and that the responsibility for making transport arrangements to the school to be attended would lie solely with the parents.

The Committee was informed that if parents were to accept the place for the pupil at the nearest school and submit a transport request to the Council, then a

thorough evaluation of the pupil's needs would be undertaken. In addition, arrangements for transport would take into account the pupil's special educational needs and would also take into account their ability to cross roads safely and how they were able to independently manage themselves in the community. Furthermore, officers anticipated that the transport arrangements would also take into account the concerns raised by the parents and other professionals.

The Committee felt that the provision of a bus pass to the school to be attended would not resolve parents' concerns surrounding the pupil gaining independence skills. Also, it was reported that school transport arrangements would be reviewed at least annually and that there would be an expectation that the pupil would be supported in developing their independence skills further as they progress through school. In addition, it was reported transport arrangements could therefore be reviewed and amended as the pupil's needs changed.

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 504785 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 517033

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 11.8 miles from the home address as opposed to the nearest suitable school which was 4.8 miles away.

In considering the appeal the Committee noted that the parents felt the nearest school was unable to meet the pupil's special educational needs and were requesting that the Council provide transport to and from the school to be attended as they believed that school offered the most appropriate approach to meet the pupil's special educational needs. In addition, the headteacher of the nearest school had openly admitted in a meeting with the mother that they could not meet the needs of the pupil.

Whilst it was reported that both the nearest school and the school to be attended were both registered as Community Special Schools and that both were Generic Learning Difficulties Special Schools that could meet the pupil's needs, the Committee was informed that following conversations between the SENDO at the

Council, the headteacher at the nearest school and the parent partnership officer, it had been confirmed that the headteacher could not meet the mother's needs and provide what she wanted for the pupil, and not that the headteacher was unable to meet the pupil's needs. The Committee noted that the mother disputed this statement. However, there was no professional medical evidence to substantiate why the school to be attended could meet the needs of the pupil over and above the nearest school.

The Committee was informed that the pupil needed to keep home and school as separate entities in order to help keep their anxieties and challenging behaviour at a manageable level and that the mother would find it difficult to transport the pupil to and from school because of their behaviour. The mother also suggested that she might have to give up work which would have an impact on her family's wellbeing. The Committee was also informed that the mother worked at a Special School that was the nearest GLD school to the pupil's home address. However, given the pupil's difficulties and the need to separate home from school it had been deemed that an alternative school was the nearest school that could meet the pupil's special educational needs. However, the Committee noted that there had been no reported incidents on the local authority transport to and from their current school, other than what was stated in the mother's appeal submission.

It was also reported that for entitlement to transport the Council were not able to take into account matters surrounding parents' work or other commitments or if a parent chooses to send their child to a school that is not the nearest appropriate school to the home address and that in these instances, transport arrangements would be the sole responsibility of the child's parent or carer. The Committee noted that the family were not on a low income and had also expressed the offer to contribute towards the cost of the transport to the school to be attended. Furthermore, under Section I: Education Placement in the pupil's Education Health and Care Plan it stated that parents had expressed a preference for the school to be attended which had been agreed but in accordance with the Council's home to school transport policy, parents would be responsible for the transport and costs of their transport to and from the school to be attended.

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 517033 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 518575

It was reported that a request to amend free home to school transport already awarded so that the pupil was picked up from and dropped off at an address other than the home address was initially refused.

In considering the appeal the Committee noted that the parents had requested the pupil to be collected and dropped off from an address other than their home being the mother's place of work. Parents had said that they both work and could not be at home when the pupil is collected or dropped off. The Committee also noted that the parents had stated that the school to be attended reported that other pupils were picked up and collected at different drop off points and that the parents had contacted the Council's transport team who had said that this would not be a problem for the pupil. Parents had also provided a letter from the headteacher of the mother's place of work who agreed that the pupil could be collected and dropped off in accordance with the parents' desire. Furthermore, the parents referred to the frequently asked questions section in the Council's SEN transport policy stating that decisions would be made on an individual basis, family circumstance, though not of primary consideration, would be borne in mind when a decision was being made, that the child should be received by a responsible adult on their return home, or pick up point, and transport might be provided from the door or a specified pick up point nearby.

It was reported that the Council had agreed transport for the pupil from their home address to the school to be attended in line with its SEN transport policy. The Council was not aware of the pupils the parents referred to who received amended transport. However, it was suggested that if this was the case then there might have been extenuating circumstances surrounding those pupils receiving such support or they might have had the amended transport agreed through the appeal process. However, no evidence had been provided to substantiate the parents' claims in order for the Committee to ascertain the background in relation to any such awards of amended transport. In addition, the Committee was informed that both the school to be attended and the transport team within the Council confirmed that they had cases where they had amended transport to a place of work but stressed that this was only agreed if there was no additional expense to the Council. Furthermore, if changes to pick up points had been agreed for other pupils then this was a decision made by the SEND team manager and was not a decision made by the school or the transport team and would have been agreed in extenuating circumstances.

The Committee was informed that the parents felt that the difference in distance being 2.2 miles each way was not that great. However, it was reported that in accordance with the Council's transport policy the decision to provide transport was based on the pupil's needs and that the Council were not able to take the following into account when considering home to school transport entitlement:

- Parents' work or other commitments
- Attendance by siblings at other schools

- If a parent chooses to send their child that is not the nearest appropriate school to the home address
- A journey from one educational establishment to another
- Ad hoc visits to other schools, colleges or other establishments
- Out of hours clubs (breakfast club, after school activities)

And that in these instances, transport arrangements would be the sole responsibility of the child's parent or carer. Whilst the pupil was entitled to transport from the home address to the school to be attended and that this had been agreed, it was reported that the decision to not provide transport from and to the requested pick up/ drop off point was made by both the SEND officer and the SEND team manager and that this decision along with the reasons were communicated to parents via email and in a telephone conversation with the mother and was explained to them in line with the transport policy.

The Committee was informed that agreed pick up points were nearby to pupil's homes as often these pupils were developing independent travelling skills and were deemed mature enough to be able to make their way home which was nearby. However, such provision was not agreed for those children who were younger of whose SEN suggested that they needed a particular level of support on the vehicle. The Committee felt that the pick up/drop off point suggested by parents was not nearby.

Financial costings were provided in the appeal documentation for the difference in cost. And whilst the family had been awarded transport in line with the Council's transport policy, the Committee felt that the additional expense was significant especially when the Council was under financial pressure in the current climate. No evidence had been provided to suggest that the family were unable to fund this additional cost, neither was the family on a low income.

Therefore, having considered all of the mother's and father's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was not persuaded that there was sufficient reason to uphold the appeal.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 518575 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 532090

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 27.58 miles from the home address as opposed to the nearest suitable school which was 0.45 miles away.

In considering the appeal the Committee commended the family for taking on the children they had and noted the circumstances in particular relating to the pupil concerned for this appeal. The Committee noted the pupil's health problems and the circumstances which led to them being electively home educated for the remainder of their primary education. The Committee also noted both the pupil's and the mother's wishes to attend a secondary school that was fully supportive, aware and equipped to help the pupil thrive and that the family, with the support of Parent Partnership, visited a number of secondary schools and had met with special educational needs co-ordinators. The mother stated that she had a positive meeting with the headteacher at the school to be attended and that the pupil was keen to attend the school after a trial there.

The mother stated in her appeal that she would have liked for the pupil to attend a school within walking distance but that the ones they visited showed a lack of understanding of the pupil's needs, or were simply too big for them. In noting the pupil's health problems again, the Committee was informed that the mother felt the nearest school was not the most appropriate one for the pupil and reported a disappointing and upsetting meeting with the school. The mother disputed that the nearest school was the most appropriate school for the pupil. In addition the mother felt that her experience of the school to be attended couldn't have been more different than that of the nearest school.

It was reported that during the statutory assessment process, parents were asked by the Council to consider the option of a special school setting for the pupil due to their needs. However, whilst parents considered the special school option for the pupil, the Committee was informed that after careful consideration the parents had confirmed that their preference for the pupil was for a mainstream secondary school. The Council therefore accepted the parental preference for mainstream schools and subsequently advised parents to visit local secondary schools. According to the Council parents were reminded of its transport policy which was that a transport request would only be considered to the nearest appropriate school.

The Committee was informed that the parents confirmed that they understood this policy, but decided that in their view the school to be attended was the most appropriate for the pupil. The Council were able to name the school to be attended as the school for the pupil from September 2015, in line with parental preference, but with specific wording which indicated that this was not the nearest most appropriate school and that parents would be responsible for transporting the pupil to school. Parents were issued with the Final version of the pupil's Education Health and Care Plan which confirmed the above details at Section I: Education Placement.

The Committee was also informed that it was anticipated that the nearest school would be able to provide the pupil with the necessary level of support in order to meet their special educational needs. The level of funding agreed would enable the nearest school to provide the pupil with adult support across the school day so that the pupil was able to manage the demands of the curriculum and their emotional, social and behaviour needs. The provision that the pupil would require was clearly outlined in the pupil's Education Health and Care Plan, and it was anticipated that the nearest school would be able to provide this. No evidence had been provided by the parents to suggest otherwise.

Whilst the Committee noted the educational psychologist's report and the reasons why the mother wished for this to be taken into account in considering the appeal for transport, it was stated that this report would have been taken into consideration when formulating the pupil's Education Health and Care Plan.

The Committee noted the mother's statement that the journey to the school to be attended would take half an hour and that they had undertaken the journey together and were confident that it was a journey they would enjoy. Whilst no evidence had been produced to substantiate the time taken on their journey, the Committee felt that a school nearly 28 miles away from the home would take longer than thirty minutes to 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 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 532090 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 3764

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 8.1 miles from their home address, and instead would attend their 4th nearest school which was 11.4 miles away.

In considering the appeal the Committee noted that the mother disagreed with the Council's decision to refuse transport assistance on the grounds that there were nearer suitable schools for the pupil. The mother also stated that they did not live in the catchment area for a particular school, and that as they did not follow a particular faith, they would not have been offered a place at the pupil's

nearest school. Furthermore, the mother did not want the pupil to attend a school of a particular faith. In addition the mother was told that another particular school could have offered the pupil a place. However, she was surprised to discover that the Admissions literature stated that pupils from the area where the family resided would not be eligible for transport assistance to that school. The mother also stated that this particular school and the school to be attended, being non faith schools, were her only choices for secondary school and that he family had long lived in the catchment area for the school to be attended. The Council was not sure what relevance this had to the mother's appeal.

The Committee was informed that the Council's home to school transport policy had changed for new pupils starting schools from September 2015, in that the Council would for non low income families, now only meet the travel costs if a pupil attended their nearest school and lived more than three miles from it. From the family's address the pupil would have been awarded travelling expenses to what was their nearest school had they secured a place there. However, from the family's address from September 2015, the pupil would not have been offered a place there due to the distance they lived from the school. It was reported that the Council could have offered the pupil a place at their third preference of school for which they would have been awarded free travel.

Whilst the Council had acknowledged that the family had lived in the area for many years, prior to this September (2015), pupils living in the area would have qualified for free transport to the school to be attended on the basis the Council offered discretion within its home to school transport policy by allowing free transport to other than the nearest school, when the more distant school was the geographical priority area (GPA) school. The Committee was informed that this policy change for new pupils from September 2015 was made clear to parents in the Council's Admissions literature before they made their preferences of secondary school placements. Parents are advised through the Admissions literature to contact the Council to check whether their children would qualify for transport to a particular school, before making their preferences, especially if this is an important factor in their decision. No information had been provided to suggest that the family were unable to fund the cost of transport to and from school.

The mother stated in her appeal that two specific schools were not in the district where the family resided and therefore were led to consider the section in the Admissions literature that related to the district in which the family resided. The mother also questioned why the Council would pay transport costs to their nearest school being a faith school and the fact that had the family been on a low income the Council would not have forced the family to attend this school for transport purposes and believed that this was discrimination.

The Committee was informed that the Council acknowledged that the family did not reside in the GPA for the schools the Council had said where their nearest, however, this did not preclude the Council from naming those schools for transport purposes. The Council was also not saying that the pupil had to attend the faith school. However, the Committee noted that this school and another faith

school were both the family's second and third preferences at the time of application for school places. Furthermore, the Council was bound by law to grant a more generous transport policy for those pupils from low income families.

The Committee was appraised of the reasons for why the family expressed the preferences they did and the schools they had considered as part of the process. However, the Committee was informed that this did not mean there was any onus on the Council to meet transport costs unless the pupil was attending their nearest school. The school attended was their fourth nearest school.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was not persuaded that there was sufficient reason to uphold the appeal.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 3764 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 3771

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 1.5 miles from their home address, and instead would attend their 80th nearest school which was 4.8 miles away.

In considering the appeal the Committee noted the pupil's behavioural problems and that due to incidents of bullying the family transferred the pupil to the school now attended where upon it took the pupil some time to settle in. The Committee also noted that the pupil was receiving a lot of support at the school attended and that the mother felt that it would be detrimental to her wellbeing and education if the pupil had to change schools again.

It was reported that the Council's records indicated that the pupil transferred schools in November 2013, due to the alleged bullying incidents. However, the allegations of bullying had not been substantiated. In addition the Committee was informed that the family had subsequently moved home since the transfer and that the Council had been advised that the family had to move from their address in one estate, first to temporary accommodation, and now to permanent accommodation. It was reported that the Council were not aware of the reasons for the house moves. No evidence had been provided to substantiate the reasons for the house moves either. From the information provided it was suggested that these house moves appeared to have contributed to the problems the family were now having with transport and the pupil's behaviour. The mother provided no information as to her family/friend support network who might be able to assist

with the transport arrangements. The Council could only presume that the mother did not drive. Furthermore, there was nothing to suggest or substantiate that the mother was unable to fund the cost of transport.

The Committee noted the evidence provided from the psychologist, however, the Committee felt that it was not possible to gauge from this information how significant a change of schools again would have on the pupil. In addition it was not clear whether similar support provided by the school attended could be provided in any other school. No supporting evidence had been provided from the school.

The Committee also noted that the Council could offer the pupil a place at a nearer school that was within the statutory walking distance from their new home. However, the Council were not suggesting that the pupil should transfer schools but that in accordance with its home to school transport policy it could not make an award of travelling expenses to the school attended.

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 3771 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 3772

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 instead would attend their 9th nearest school which was 6.1 miles away.

In considering the appeal the Committee noted the family's circumstances and the situation the mother now found herself in. The Committee also noted that due to her precarious financial situation she was now unable to fund the cost of the pupil's bus fares which she had funded for the past four years. It was reported that the pupil would commence their final year of GCSE studies from September 2015 and that the mother felt it would be detrimental to the pupil's education and their future prospects if they could not get to school. The school were in support of this case.

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

supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide travel assistance for the pupil up to the end of 2015/16 academic year to support them in their final year of GCSE studies.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3772 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 2015/16 academic year (Year 11) only

Appeal 574700

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

In considering the appeal the Committee noted that the appeal schedule whilst stating that the pupil's Statement of SEN did not record any physical difficulties that would prevent them from walking the distance to school, there was now evidence to suggest that the pupil could not walk this distance when accompanied by an adult. However, the appeal schedule went on to state that the pupil did not therefore meet the criteria for transport on SEN grounds. The Committee felt this advice on the schedule was conflicting and felt that the pupil should meet the criteria for transport on the basis that they could not walk the distance to school when accompanied by an adult. However, there was no evidence in the appeal documentation to substantiate the pupil's inability to walk the distance to school when accompanied by an adult. It was therefore suggested that the appeal be deferred until the next scheduled meeting in September in order for this matter to be clarified and evidence produced.

In considering the appeal further the Committee also felt that they should receive further information/evidence in relation to the family's financial standing, information as to who currently resided at the family home along with a map showing the routes the mother would have to take on the school run complete with distance measurements. It was therefore;

Resolved: That Appeal 574700 be deferred until the next scheduled meeting of the Committee in September 2015, in order for the Committee to receive:

- i. Advice on a discrepancy in the Appeal Schedule relating to the pupil's ability to walk when accompanied by an adult;
- ii. Information on the family's financial standing;
- iii. Information as to who currently resided at the family home; and

- iv. A map showing the routes the mother would have to take on the school run complete with distance measurements.

I Young
Director of Governance, Finance
and Public Services

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