

Lancashire County Council

Student Support Appeals Committee

Monday, 5th September, 2016 at 10.00 am in Room B56, County Hall - County Hall, Preston

Agenda

Part I (Open to Press and Public)

No.	Item
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1.	Apologies
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2.	Disclosure of Pecuniary and Non-Pecuniary Interests
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Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.

3.	Minutes of the meeting held on 18th July 2016	(Pages 1 - 22)
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4.	Urgent Business
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An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

5.	Date of the Next Meeting
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The next scheduled meeting of the Committee will be held at 10.00am on Monday 3rd October 2016, in room B56, 1st Floor, County Hall, Preston.

6. Exclusion of the Press and Public

The Committee is asked to consider whether, under Section 100A(4) of the Local Government Act 1972, it considers that the public should be excluded from the meeting during consideration of the following item of business on the grounds that 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 and that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Part II (Not open to the Press and Public)

7. Student Support Appeals

(Pages 23 - 430)

(Not for Publication – Exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interests in disclosing the information).

Please note that due to the confidential nature of the information included in this report it will not be published on the website.

I Young
Director of Governance,
Finance and Public Services

County Hall
Preston

Lancashire County Council

Student Support Appeals Committee

Minutes of the Meeting held on Monday, 18th July, 2016 at 10.00 am in B15 - 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;
Mr G Halsall, Business Support Officer, Legal and Democratic Services; and
Mrs I Winn, Business Support Officer, Legal and Democratic Services.

1. Constitution: Chair and Deputy Chair; Membership; Terms of Reference and Programme of Meetings

Resolved: That;

- i. The appointment of County Councillor S Pryn and County Councillor C Dereli as Chair and Deputy Chair of the Committee for the remainder of the 2016/17 municipal year be noted;
- ii. The membership of the Committee following the County Council's annual meeting be noted; and
- iii. The Terms of Reference of the Committee be noted.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None were disclosed.

3. Minutes of the meeting held on 25 April 2016

Resolved: That; the Minutes of the meeting held on the 25th April 2016 be confirmed as an accurate record and be signed by the Chair.

4. Urgent Business

It was noted that the paperwork for appeals 4044 and 4048 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 4044 and 4048 as circulated to the Members of the Committee, be considered alongside other appeals at the meeting.

5. Date of the Next Meeting

It was noted that the next meeting of the Committee would be held at 10.00am on Monday the 5th September 2016 in Room B15b, County Hall, Preston.

6. 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.

7. 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 16 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 Policies for 2015/16 and 2016/17, and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

Appeal 3999

At its meeting held on 29th February 2016, the Committee resolved:

"That Appeal 3999 be deferred in order to obtain:

- i. Evidence from the Carer's Team to confirm the family's circumstances and the support provided to the elder sibling and how this might impact on the pupil if they took over as a young carer;
- ii. Medical evidence in relation to the mother's health problems;
- iii. Financial evidence in relation to the mother's household income and carer's allowance;
- iv. Availability of a car and evidence of bus tickets;
- v. Details of school attendance for the pupil since September 2015."

In considering the appeal further the Committee noted the information and the evidence supplied in relation to the 1:1 support provided to the pupil's elder

sibling. However, the Committee noted that there was no information or evidence to support the parent's claims that the pupil might need this support at some point in the future. The Committee also noted the parent's statement in that the pupil's elder sibling would start university. There was no detail as to when this would commence or where they would be attending university. The Committee in considering this point further noted that the letter from the organisation supplied in support of the appeal was a generic letter informing parents/guardians of developments between the organisation and the Council. The Committee could therefore not determine whether the pupil concerned would or might act as a young carer in the future as there was no confirmation of their carer status.

In considering the mother's health problems, the Committee noted that no current professional medical evidence had been provided to support the appeal. However, the Committee noted that one piece of evidence relating to a Tribunal Hearing in February 2016, made reference to the mother's health problems and how this impacted on her daily life and ability to work. The Committee acknowledged the mother's health problems.

However, the Committee in considering the remaining points for deferral when the appeal was last heard in February 2016, felt that with 97% attendance record for the pupil at school demonstrated that there was no real issues with them getting to school. The Committee noted the point that the mother did not have access to a car.

In looking at the copies of bus tickets provided the Committee noted that there was no consistency with them. Tickets provided were a mixture of singles and returns and were to and from various locations and the majority of which were dated from 2015.

The Committee felt that given bus fares were being paid for, it should consider the family's financial situation to see if they could make an exception and award transport on this basis. In considering the evidence provided in support of the mother's financial circumstances the Committee, whilst noting that the mother's outgoings were significantly higher than her incomings, had also noted that there was a surplus in her account. The Committee also noted that the mother was in receipt of discounted Council Tax and house rent. In addition the Committee could not determine whether the father was contributing anything to the family's budget or indeed whether he was providing any support to the pupil.

The Committee in considering the denomination of the school attended and the family's faith noted that the nearest school was of the same denomination. The Committee felt that there was no evidence or information to demonstrate that the nearest school was unsuitable 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 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 on the information provided. However, the Committee felt that if the mother could evidence provide further evidence in relation to all of her points then she 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 3999 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 4021

The Committee was informed that a request for transport assistance had initially been refused as the pupils concerned would attend a school 7.36 miles from the home address as opposed to the nearest suitable school which was 0.906 miles away. The Committee noted that the nearest school was also within the statutory walking distance. The two pupils were therefore not entitled to free transport in accordance with the Council's policy or the 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 the law.

In considering the appeal the Committee noted the family had experienced significant upheaval for the reasons as set out in the appeal and that the elder pupil and a younger sibling not concerned in this appeal were now living with the mother. The Committee also noted that the younger pupil of the two concerned in this appeal was due to transfer to the same secondary school as the elder sibling in September 2016 and that the family dynamic and circumstances would likely change again. The Committee also noted that the mother was currently receiving legal support and was applying for a full residency order. The Committee also noted that there was a fourth sibling who was not of school age.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupils up to the end of 2016/17 academic year to support the family in the interim. Should the mother reapply for transport assistance the Committee felt that the mother should provide an update regarding the elder sibling's health problem. Therefore, it was;

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4021 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 2016/17;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2016/17 academic year only and for both pupils.

Appeal 4025

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 2.72 miles from their home address and was within the statutory walking distance, and instead would attend their 9th nearest school which was 5.89 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the 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 the law.

In considering the appeal the Committee was informed that the pupil transferred to the school attended in September 2014, as it was their nearest geographical priority area (GPA) school. However, in March 2016, the family moved address just 300 yards away from their previous address. The Committee was then informed that the mother in her appeal had stated that she had been initially advised this should not affect her circumstances. However, the mother was then subsequently advised through correspondence that the pupil's bus pass had been cancelled with immediate effect and that the application for assistance with home to school transport had been unsuccessful. The Committee noted the mother's point that she did not apply for transport but was merely notifying the Council of her change in address. In addition the mother felt that it was not appropriate to cancel a child's bus pass at any stage without prior warning.

In considering the appeal further the Committee noted the mother appreciated that as of September 2015, the County Council's policy regarding free transport had changed in respect of new starters. However, the mother felt that as the pupil had been granted free transport under the terms of the previous policy arrangements and, despite the change of address, the school attended remained the nearest GPA school and therefore felt that support should remain in place. Furthermore, the mother felt that a move to the nearest school would not be appropriate given the family circumstances and that it would be detrimental to the pupil's education.

Whilst the Committee expressed some concern regarding initial advice given to the mother when she informed the Council of her change of address being only 300 yards away from her previous address, the Committee was advised that when anybody moved house their entitlement to free transport is reassessed from the new location in accordance with the criteria as set out in the Council's Policy and the law. In addition, the Committee was informed that distance was not the defining factor for the initial refusal for assistance with transport costs, but that the assessment had been carried out under the Council's Transport Policy that was in force at the time of notification. Furthermore, the Committee was advised that since September 2015, living in a GPA for a GPA school only allowed greater priority for admission to the school and no longer brought with it an award of free transport.

The Committee in considering the mother's points in relation to changing schools, the Committee noted that no information or evidence had been provided to

support the mother's claims. The Committee also noted that the pupil was due to commence year 9 in September 2016.

In considering the appeal further the Committee noted the mother's comment in relation to another family whose child transitioned to the same school in September 2014, and who subsequently moved home to the same village from a non-GPA area in August 2015. The Committee was advised that details relating to someone else's appeal could not be revealed. However, it was reported that if someone moved in August 2015, then they would have been considered under the previous transport policy where the discretionary entitlement was still available.

No information had been provided to suggest that the family was on a low income as defined in law. Neither had any information or evidence been provided to suggest that the family was unable to fund the cost of transport.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 4025 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 4026

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 1.34 miles from their home address and was within the statutory walking distance, and instead would attend their 18th nearest school which was 2.41 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the 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 the law.

It was reported that the father following advice from the Council had contacted a number of schools to enquire about the availability of places for the pupil. After a number of unsuccessful attempts at establishments closer to the family home and having left the pupil's name on the waiting list at the other schools he had contacted, the father accepted a place at the school now attended. The father claimed that records of all his discussions with the Council should be available.

The Committee was informed that many of the schools in the area where the family resided were full in the pupil's year group and that at the time the family moved in to the area the six closest schools to the new address had no places in

year 2. It was reported that records held at the Council demonstrated that the father was advised that places were available at schools 1.34 miles and 1.94 miles away and that the father had made contact with the office at the nearer school. However, the Committee was informed that the headteacher of the school was out of school and that the father did not receive an immediate response to his request for a place at the school. When the father was contacted by the school he had already obtained a place for the pupil in the school now attended. The Committee was advised that telephone calls to the Area Office within the Council were not recorded. However, staff at the nearer school had a record of the contact with the father.

As there was no detailed information as to when all the events had taken place and over what time frame they had occurred the Committee could not fully determine the situation the father faced at the time of applying for school places. In addition there was no information to state when the house move took place or to suggest how long the pupil had been attending the school now attended. The Clerk suggested that a short adjournment should take place in order to ascertain when the family moved in to the area and when the pupil started at the school. The Committee agreed a short adjournment in order for the Clerk to make a telephone call to the Central Pupil Access Team.

The Committee then reconvened whereupon the Clerk informed the Committee that the pupil started at the school on 22 March 2016 and that this was also the date they had on record as to when the family moved to their new and current address. In addition the Clerk reported that there were now no places available at the nearer school as the last one had just recently been taken. The Committee felt that it could not properly determine the time frame the father had or gave to find a school place. In addition the Committee was informed that schools across Lancashire had staggered the Easter holidays which would have occurred for some schools around the 22 March 2016. The Committee felt that it should defer the appeal in order to ascertain the timeframe with which the father had and used to obtain a school place along with evidence from the two nearer schools as to when he made contact and when the schools made contact in return to discuss the availability of school places.

In considering the appeal further the Committee noted that the father claimed that he would receive help with the pupil's transport costs in view of his health problems and the distance between his home and the school attended but having followed the application process was advised to the contrary and was finding it difficult to cope financially. The father felt that the school attended was the closest establishment to the family home and that the pupil was settled there. The father also claimed that the walk to school and back took an hour each way and involved a number of hills.

In considering these points the Committee noted that no current professional medical evidence had been provided to support the father's appeal. In addition there was nothing to suggest that the pupil was unable to walk. No evidence had been provided to substantiate the father's claims that he was finding the school run difficult to fund. Furthermore, there was no information about other family members who might be able to assist with the school run. There was also nothing to suggest that the pupil's school attendance was affected in any way. The

Committee therefore felt that in view of the lack of evidence provided in support of the appeal, it should be deferred. Whereupon it was;

Resolved: That Appeal 4026 be deferred until the next scheduled meeting of the Committee in September 2016, in order to;

- i. Obtain medical evidence relating to the father;
- ii. Obtain evidence relating to the family's financial situation;
- iii. Obtain information regarding the father's partner and any other family members who might be able to assist with the school run;
- iv. Ascertain which waiting lists the pupil's name was down for; and
- v. Ascertain the timeframe with which the father had and used to obtain a school place along with evidence from the two nearer schools as to when he made contact and when the schools made contact in return to discuss the availability of school places.

Appeal 4028

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 0.72 miles from their home address, and instead would attend their 2nd nearest school which was 0.77 miles away. Both schools were within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the 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 the law.

In considering the mother's appeal the Committee noted the mother's health problem and how this affected her daily life. The Committee was informed that as a result the mother was no longer able to drive. In addition the mother was unable to walk the distance to school and back and look after the pupil at the same time. The Committee was also informed that the mother's family had been able to help in the past by doing the school run on a rota basis. However, their own life circumstances had changed and could no longer be relied upon. The mother stated in her appeal that she was prepared to make a contribution to any costs, despite being of limited means.

The Committee was advised that the Council's Transport Policy did not make any provision whereby parents could contribute towards the total cost of transport. There was no information or evidence to suggest that the family was on a low income as defined in law. Neither was there any evidence to suggest that the mother was unable to fund the cost of transport herself given that she had already proposed to contribute given her limited means.

In addition there was no information in relation to the father and what support he could provide or provided with the school run or to the family. Furthermore, there was no information or evidence to substantiate the mother's claims that her family was no longer able to assist with the school run or to detail what the changes in circumstances were.

The Committee noted the officer's point in that the mother could explore the option of whether there were other children at the school attended who lived in the neighbourhood and whom the pupil could walk or travel with to school.

The Committee also noted that the Council did provide some assistance with travel for pupils whose parents were unable to accompany their children to school due to a medical condition. However, the provision was only available for pupils who qualified for free school meals or if the parent was receiving the maximum amount of Working Tax Credit and where the child was attending the nearest school. The Committee was advised that irrespective of the pupil being in key stage 1 and being automatically given free school meals, the Council would still have specifically stated in the Appeal Schedule that the pupil was entitled to free school meals in accordance with the law. The Appeal Schedule did not indicate that the pupil was entitled to free school meals and neither was there any information to suggest that the mother was in receipt of the maximum amount of Working Tax Credits. Furthermore, the school attended was not the nearest. It was reported that had the mother applied for a place at the nearest school she would have been successful.

Given the short distance away the school was from the home, the Committee could not fully determine the family's full circumstances or the issues faced with the school run. The Committee therefore felt that the appeal should be deferred in order to obtain supporting evidence and information from the mother at the earliest opportunity. Whereupon it was;

Resolved: That Appeal 4028 be deferred until the next scheduled meeting of the Committee in September 2016, in order to;

- i. Obtain financial evidence including details of any benefits received;
- ii. Obtain information on the father and what support he could provide or provided; and
- iii. Ascertain what's changed with the mother's family's circumstances.

Appeal 4032

The Committee was informed that a request for transport assistance had initially been refused as the pupils concerned would attend the nearest school of a particular faith which was 17.059 miles away. The Committee noted that there would be many nearer schools to the family home. Information on distances and places available relating to three nearer schools were provided in the Appeal Schedule for the Committee to consider. However, it was reported that the pupils were not entitled to free transport in accordance with the Council's policy or the 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 the law.

In considering the mother's appeal the Committee noted that when she applied for a place for her elder sibling at the school attended, she was informed that the

family home was situated 14.7 miles from the school as the crow flies. The school attended was the nearest school of the family's faith and the mother felt that she was being penalised because of their faith. The Committee was advised that the Council when determining the distances from home to school must measure them by walking route in accordance with the law. The "as the crow flies" measurement was used to determine distances to schools for admission purposes and not for transport purposes – again in accordance with the law. The Committee was advised that the denominational criterion for transport assistance in this case had been correctly applied. The Committee noted that the elder pupil was due to start their GCSEs.

In considering the mother's appeal further the Committee noted that the school bus commenced its journey from a different village and that the elder sibling caught the bus at its second stop which she claimed was 3.6 miles from the family home. The mother on this basis could not understand the relevance of the home to school distance criterion. Furthermore, the younger sibling was due to transfer to the same school in September 2016. The mother stated that she could not afford the increase in school transport costs and suggested that as a compromise, the pupils could be picked up from the fifth collection point and for them to pay the same price as the other children catching the bus at this point, which was £540pa. The Committee noted that the cost of a season ticket for journeys over 8 miles on a school bus service for the 2016/17 academic year would be £714 each.

The Committee felt that given the location where the family resided and the fact that she already had to travel some distance in order for the children to catch the bus in the first instance, they could make an exception in this case and agree to the mother's proposal whereby the pupils catch the bus from the fifth collection point on route to school and for the mother to pay the denominational contribution at the rate calculated for distances below 8 miles. The Committee also felt that this award should remain in place until the end of each pupil's secondary education.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form the Committee was persuaded that there was sufficient reason to uphold the appeal and provide travel assistance in the form of the denominational contribution payable at the rate calculated for distances below 8 miles and from the fifth collection point on the school bus journey to the school attended for the pupils up to the end of their secondary education 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 4032 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 in the form of the denominational contribution payable at the rate calculated for distances below 8 miles and from the fifth collection point on the school bus journey to the school attended which was not in

- accordance with the Home to Mainstream School Transport Policy for 2015/16 and 2016/17;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2017/18 academic year (Year 11) only for the elder sibling; and
 - iii. The transport assistance awarded in accordance with i. above be up to the end of the 2020/21 academic year (Year 11) only for the younger sibling.

Appeal 4034

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 2.39 miles from their home address and was within the statutory walking distance, and instead would attend their 10th nearest school which was 5.19 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the 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 the law.

In considering the mother's appeal the Committee noted that in June 2015, the mother along with her children moved home to be nearer to family. As a consequence, the pupil changed schools. However, the mother reported allegations of bullying to the point where the pupil was referred to CAMHS for the reasons as set out in the appeal. The Committee was informed that the mother subsequently removed the pupil from school and educated them back at home until the family moved to the town where the family currently reside. It was reported that the mother was then able to secure a place following a successful appeal to return to their former secondary school. The mother felt that to move the pupil again at this point would be severely detrimental to their health.

The Committee in noting that the mother had had a successful appeal for the pupil to return to their former school, noted that this school was situated in a different town to where the family currently resided but was where the family previously resided before the initial house move. The Committee was advised that parents are not given the reasons why their admission appeal was successful. No evidence was provided to confirm why a place was awarded on appeal. The Committee also noted that from where the pupil now resided there were nine nearer secondary schools.

However, in considering the appeal further the Committee noted that no current evidence had been provided by the mother in support of her points in relation to the referral to CAMHS. The only evidence supplied was from a medical professional at a medical centre from November 2015. The Committee felt that it should defer the appeal in order for the mother to provide current evidence in relation to the pupil's referral to CAMHS and any developments since the referral.

In addition the Committee noted that the Appeal for admission to the school now attended was submitted in January 2016 and the appeal application for transport was submitted at the end of May 2016. The Committee felt that the pupil must have attended school in-between this timeframe. The Committee noted that no

evidence had been supplied to demonstrate that the mother was unable to fund the cost of transport herself. However, the Committee noted that the pupil was in receipt of free school meals. The Committee felt that the appeal should again be deferred in order to ascertain the family's financial situation. Therefore, it was;

Resolved: That Appeal 4034 be deferred until the next scheduled meeting of the Committee in September 2016, in order for the mother to provide;

- i. Current evidence from CAMHS; and
- ii. Financial evidence including details of benefits received.

Appeal 4038

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 the statutory walking distance, and instead would attend their 12th nearest school which was 8.5 miles away. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the 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 the law.

In considering the mother's appeal the Committee was informed that the mother sent the pupils to the school attended as it was the nearest school of the family's faith and that she wanted the pupils to have a faith based education. The Committee recalled that it had previously considered and awarded temporary transport assistance for the previous academic year to support the mother in the interim in the hope that her financial circumstances would have improved during this time. The Appeal was considered at the Committee's meeting in October 2015.

The Committee noted the mother's point that her outgoings still exceeded her income even with the transport assistance in place. The mother also stated that her financial circumstances had not changed since the last year except that she was probably working an hour or two longer each week to try and bring in more money. The Committee also noted that the mother received no financial support from her partner towards the cost of the house or the pupils. The mother reported that the house was expensive to maintain and that it was currently on the market for sale. A potential buyer had emerged for the property but until the sale had been finalised and a financial settlement had been agreed between both parties the mother was still continuing to struggle financially. In addition the mother felt that she would get in to debt without the Council's support for the pupils' travel costs. The mother also stated she was hopeful that once she had financial resolve following her divorce she would be in a position to contribute to the pupils' travel expenses.

However, in considering the financial situation further the Committee noted that the mother's balance in her bank account was quite substantial noting that the mother had previously stated that she had moved some savings in to the account

in 2015. However, the bank statement provided was incomplete with the mother only providing 1 page out of the five for the period she had disclosed. The Committee also noted from the previous appeal paperwork that the bank statement provided at that time suggested that the mother was in receipt of Working Tax Credits. The Committee acknowledged that lots of families were experiencing financial hardship in the current economic climate. The Committee noted that the mother was not 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 it was no longer persuaded that there was sufficient reason to uphold the appeal and to continue providing assistance.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4038 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 4039

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 3.8 miles from the home address as opposed to the nearest suitable school which was 3.65 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the 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 the law.

In considering the mother's appeal the Committee noted that the current offer for a school place to start in reception was for a specific school that was not one of the preferences expressed at the time of application. The mother reported that she had withdrawn her appeal for her first preference of school due to the current change in circumstances and stated that the appeal was no longer relevant. The mother had supplied further comments in relation to the appeal schedule which she requested the Committee to consider as she did not agree with the Council's summary of the parental appeal. The mother stated that points two and four of the parental summary no longer applied. Whilst the mother didn't specifically reference point 3, 5 and 6 in her reply to the appeal schedule, the Committee noted the mother's comments in relation to the suitability of the nearest school, why she disagreed with the Council's Transport Policy and that the provision of free transport was of great importance to her.

The mother stated that she would like to have seen some reference made to transport sustainability and utilising existing methods of transport to the school to be attended from their area as she felt this was an important factor she had raised, "especially as it would appear that this may actually prove to be more cost

effective to LCC than separate taxi provision". The Committee noted that transport provision by law was not about cost but a person's eligibility in accordance with criteria set out in law and in accordance with the Council's Transport Policy. The type of transport provision was at the discretion of the Council in accordance with need. If a taxi or bus was put in place it would be likely that other pupils who lived in the area and were entitled and required such transport, would share the same vehicle rather than take separate provision. The mother also stated in her appeal that there was no public transport provision in their area, she also stated that she would have to rely solely on own car use. The Committee felt that there was no evidence to suggest that the family would be unable to carry out the school run. The Committee acknowledged that many parents who appeal for school transport do not own or have the use of a car.

The mother also stated "the fact that by road routes (which will in fact be the distance travelled) [the nearest school] is actually further in distance than [the school to be attended] due to the town centre one way systems, is a more important factor to point out than the safety of taxi provision in this summary schedule". The Committee noted that the safety of taxi provision was a point stated in the mother's appeal application form on the continued sheet. The mother also felt that the discrepancy in the distance between home and the nearest school and home to the school to be attended being only 0.15 miles was minimal. The Committee was advised that distance measurements were calculated by the use of walking routes as this was the criteria set in law. Walking routes would invariably lead to a shorter route than a route which followed roads and in particular any one way systems that circumnavigated an area. And whilst the Committee acknowledged the distance between the two schools was minimal, the Committee also acknowledged that there has to be a threshold for entitlement and was advised that the pupil would therefore not be entitled to free transport to the school attended as the Council had determined that there was a nearer school. No evidence had been provided to suggest that the nearest school was unsuitable for the pupil.

The Committee was reminded that if free transport was an important factor in the selection of a school that parents should contact the Council to find out which school they can receive such provision as stated in the Council's admissions literature and as signposted on the Council's website. The Committee noted that the mother acknowledged the website was clear. However, the mother felt that it was "less clear to determine what happened when you fail to be awarded your first choice". The Committee also noted the email the mother had provided as evidence which demonstrated when she was intending to alter her school place she questioned how this would affect the transport provision and that she was given no response. The Committee felt that the mother should not have assumed she would have received free transport and that a follow up email or phone call would have perhaps been an appropriate measure given that the Area Office Teams around the County would be dealing with thousands of parents at this time of year for reception and year 7 intakes for approximately 600 schools across the County.

The Committee noted the mother's comments in relation to financial constraints. However, no evidence was provided to demonstrate that the family was unable to fund the cost of transport. The Committee also noted that residing in a

neighbouring parish would not bring with it an award of free transport to 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 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 4039 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 2016/17.

Appeal 4040

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 2.37 miles from their home address, and instead would attend their 18th nearest school which was 8.04 miles away. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the 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 the law.

In considering the appeal the Committee noted the mother's health problems, how this impacted on her daily life, her ability to work and the support she was in receipt of. The Committee also noted the family's circumstances. In noting that the elder pupil was due to commence their final year of GCSE studies from September 2016 and that the younger sibling would be commencing year 9, the Committee felt that it should offer a temporary award in order to support the mother and the pupils in the interim.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupils up to the end of 2016/17 academic year to support the mother and the pupils in the interim.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4040 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 2016/17 academic year only for both pupils.

Appeal 4041

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 1.1 miles from their home address, and instead would attend their 2nd nearest school which was 1.7 miles away. Both schools were within statutory walking distance.

In considering the mother's appeal for the continuation of taxi transport for the pupil, the Committee in noting the pupil's health problems felt that it should award the continuation of taxi transport until the end of the pupil's primary education.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide travel assistance for the pupil up to the end of 2020/21 academic year to support the pupil.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4041 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 2020/21 academic year (Year 6) only.

Appeal 4042

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 2.35 miles from their home address.

In considering the appeal the Committee noted the pupil's health problems and that they were due to commence their final year of GCSE studies. The Committee felt that it should make an award in order to support the pupil during their final year of secondary education.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of 2016/17 academic year to support the pupil.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4042 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 2016/17 academic year (Year 11) only.

Appeal 4043

It was reported that a request to waive the denominational contribution had initially been refused. The Committee was informed that the pupil would not be attending their nearest suitable school, which was 0.65 miles from their home address, and instead would attend their nearest school of a particular faith which was 5.17 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the 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 the law.

In considering the mother's appeal the Committee noted that she had requested the summary of the parental appeal be amended in accordance with her email dated 4 July 2016. The Committee noted the family's present circumstances and that they did not receive any child maintenance payments from the father. The matter had been passed over to the Child Maintenance Enforcement Team, who advised that they couldn't guarantee the money owed would be collected in this case. The Committee noted that the payments in arrears had been calculated based on the father's last tax return from 2012 at £20.48 per week. Due to the family's financial situation it was reported that the mother and pupil led a "very financially, careful life. Treats were kept to a minimum and a holiday was taken once per year with grandparents in their touring caravan so as not to personally incur any site fees". The mother further stated that she would be truly grateful for any financial assistance which could be offered to support the pupil's journey to and from school.

The Committee in considering the mother's financial situation further, noted that she had included an additional point in her appeal. The mother felt that the criteria used to determine exemption from the denominational charge was not wholly reasonable as child maintenance was not taken into consideration when HMRC calculated working tax credits. The mother stated that another single parent in the same circumstances as her who did receive their child maintenance payments would be at least £97.80 better off if they too only received the absolute minimum in child maintenance payments and that their circumstances might also have meant that they were entitled to other benefits such as free school meals for which she did not qualify for. The Committee acknowledged the mother's point around fairness. However, the Council was not responsible for

HMRC policy and therefore could only determine exemption based on Working Tax Credits Awarded.

Whilst the Committee noted the evidence supplied in relation to the mother's Tax Credits Award Notice, no evidence had been supplied to demonstrate that the mother was unable to fund the monthly cost of the denominational contribution. The Committee could therefore not fully determine the mother's financial plight in relation to the payment of the contribution.

In considering the appeal further the Committee noted the mother's health problems both past and present and that she had no extended family beyond her brother and parents (pupil's grandparents). The Committee noted their age and the grandfather's health problems. However, in considering this point against the mother's preferences expressed at the time for application for transfer in to year 7, the Committee noted that all three preferences were very distant schools, two of which were situated in a more distant town than the one to be attended. The Committee felt that if the provision of free transport was an important factor given her financial situation the mother should have considered this aspect as advised in the Council's admissions literature as there would be no real guarantee a place would have been offered for the first preference. However, the Committee acknowledged that two of the school preferences were of the same faith with the third being an independent approved (Free) school.

The Committee noted that faith was important to the mother and the pupil as they felt if offered an additional layer of grounding, stability, safety, security and a sense of belonging and that the allocation of the school to be attended has helped reduce some stress and anxiety for the mother. The Committee felt that these factors were parental preferences and that all schools provided such an ethos for their pupils.

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 4043 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 2016/17.

Appeal 4045

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 2nd nearest school which was 1.22 miles away. Both schools were within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the

Council's policy or the 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 the law.

In considering the appeal the Committee noted the mother's point that the pupil was disabled, had a disabled badge and was eligible for disabled benefits. The Committee also noted how this affected their daily life and their ability to walk. A note from the family's GP was also provided along with copies of three appointment letters. A copy of the family's tax credit award notice for the previous financial year was also provided.

It was reported that the Council did provide transport provision where a pupil was physically unable to walk to school. However, this was not normally offered unless a pupil attended their nearest school. The Committee noted that the pupil did not have an EHC Plan and was advised that even if the pupil had a Plan they would have to attend their nearest school in order to qualify for free transport under the current Transport Policy for Children and Young People with Special Educational Needs. School to be attended was not the nearest.

In considering the appeal further the Committee noted the handwritten remarks on the signed appeal schedule stating that the family had selected the school to be attended because class rooms were on the ground floor which would assist the pupil in getting around and that the nearest school featured staircases. In considering the suitability of the school, the Committee was advised that there was no evidence to suggest that the nearest school could not have made any reasonable adjustments to accommodate the pupil had they transferred there.

No information had been provided to suggest that the family were unable to commit to the school run. No evidence had been provided to suggest that the family were unable to fund the cost of travel.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, 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 on the information provided.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4045 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 2016/17.

Urgent Business Appeals:

Appeal 4044

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 0.4 miles from their home address, and instead would attend their 3rd nearest school which was 0.9 miles away. Both schools were within statutory walking distance. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the 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 the law.

In considering the appeal the Committee noted that it had previously considered an appeal for the elder sibling at its meeting held in December 2015. The Committee noted that the mother had experienced further upheaval and was in need of further support. The Committee noted that the mother had also changed address recently for the reasons as set out in the appeal. The Committee felt that given the deterioration in the mother's circumstances it should continue to support the mother and provide temporary transport assistance for another academic year.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupils up to the end of 2016/17 academic year to support the family in the interim.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4044 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 2016/17;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2016/17 academic year only for both pupils.

Appeal 4048

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 3.15 miles from their home address, and instead would attend their 3rd nearest school which was 4.07 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the 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 the law.

In considering the mother's appeal, the Committee noted that the mother disagreed with the Council's Home to School Transport Policy and stated that the family lived over the three mile limit and was within the 'catchment' area for the school to be attended. The mother had been informed by the Council that a school in a different town was the nearest suitable school to the family home. However, the mother stated that she did not apply to this school as it was not in the catchment area for the village where the family resided and because they were residents of a specific borough and not residents of the neighbouring borough where the nearest school was situated. The mother also stated that it seemed absurd that the nearest school was not in their catchment area, and also did not have transport going from or to that school. In addition there was not a bus from the village where they resided to the nearest school. The Committee also noted the mother's comment that they paid their Council Tax to a specific borough and that she expected the pupil to attend a school within the borough.

The Committee was advised that the Council had no statutory duty to provide transport assistance in circumstances where pupils did not attend their nearest school. From September 2015, the Council's Home to School Transport Policy had removed most of the discretionary elements whereby transport assistance for pupils was only paid if they attended their nearest school and lived more than three miles away from it. The Committee was informed that residence within a geographical priority area (GPA) for a school was removed from the Council's Home to School Transport Policy for 2015/16 for all new starters from September 2015 and that living in a GPA for a school now only provided pupils with a greater priority for admission to the school and therefore no longer brought with it an award of free transport.

Whilst the Committee acknowledged the nearest school was situated in a neighbouring borough, there still remained the fact that it was nearer to home than the school to be attended. The Committee was informed that assessments for transport eligibility were purely based on distance and could not take into account the availability of bus routes or to which borough council a parent paid their Council Tax to. The Committee was advised that parents were free to express a preference for any school regardless of local authority boundaries. Furthermore, it was reported that paying your Council Tax to a specific borough did not entitle a resident to a place at a school within that borough.

With regard to transport provision to the nearest school, it was reported that had the pupil transferred to the school, the pupil would have received free transport in accordance with the Council's Home to School Transport Policy as the school was over the three mile limit.

In considering the appeal further the mother felt that the walking route to the school to be attended was unsafe and not a suitable one and felt that the roads out of the village were unsafe too. The Committee was advised that the suitability of the walking route could not be taken in to consideration as the pupil was not attending their nearest school.

No evidence had been provided to suggest that the family were unable to fund the cost of transport. Neither was there any information or evidence to suggest that 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 4048 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 2016/17.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston

Agenda Item 7

(NOT FOR PUBLICATION: By virtue of paragraph(s) 1,3 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered that all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information)

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