

Lancashire County Council

Student Support Appeals Committee

Monday, 7th November, 2016 at 10.00 am in Room B15b, County Hall

Agenda

Part I (Open to Press and Public)

No.	Item
------------	-------------

1.	Apologies
-----------	------------------

2.	Disclosure of Pecuniary and Non-Pecuniary Interests
-----------	--

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 3rd October 2016	(Pages 1 - 36)
-----------	--	-----------------------

4.	Urgent Business
-----------	------------------------

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
-----------	---------------------------------

The next scheduled meeting of the Committee will be held at 10.00am on Monday 12th December 2016 in Room B15b, 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 37 - 438)

(Not for Publication – Exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972.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Please note that due to the confidential nature of the information included in this report it will not be published on the website.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, 3rd October, 2016 at 10.00 am in Former County Mess - The John of Gaunt Room, County Hall, Preston

Present:

County Councillor Sue Prynn (Chair)

County Councillors

A Cheetham
C Dereli

D Stansfield

Also in attendance:

Ms L Brewer, Solicitor, Legal and Democratic Services;
Mr G Halsall, Complaints and Appeals Officer, Legal and Democratic Services;
and
Mrs I Winn, Complaints and Appeals Officer, Legal and Democratic Services.

1. Disclosure of Pecuniary and Non-Pecuniary Interests

None were disclosed.

2. Minutes of the meeting held on 5 September 2016

Resolved: That; the Minutes of the meeting held on the 5th September 2016 be confirmed as an accurate record and be signed by the Chair.

3. Urgent Business

It was noted that the paperwork for appeals 4053, 4061, 4070, 4083 and 4085 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 4053, 4061, 4070, 4083 and 4085 as circulated to the Members of the Committee, be considered alongside other appeals at the meeting.

4. Date of the Next Meeting

It was noted that the next meeting of the Committee would be held at 10.00am on Monday the 7th November 2016 in Room B15b (unless notified otherwise), 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 22 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 2016/17, and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

Appeal 4102

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 2.6002 miles from their home address, and instead would attend their 6th nearest school which was 4.409 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 her grievance in relation to not being eligible for a free bus pass as she was a single parent with four children, two of which were two year old twins. The Committee heard that this made it difficult for her to get around and that she was unable to drive. It was reported that the mother thought the school now attended would be the best for the pupil as there were silly children within the pupil's primary school setting. The mother felt that in order for the pupil to reach their potential, it was important to avoid those children when the time came for transfer in to secondary education. The Committee noted that the pupil had a grandparent who worked close to the school now attended and would be available for support if needed.

In considering the appeal further the mother had claimed that if the pupil had attended the local school of the same faith as the school now attended this would have been the "feeder school" and that having attended a different school of a different faith which was not too distant from the "feeder school" she felt that there was not much difference.

Whilst the Committee noted the officer's comments in relation to the mother's three preferences for transfer and that the pupil would have been offered a place at all three schools had any of them been put down as their first preference, it was reported that the mother's second preference was a school of the same faith as the school now attended and was nearer to the family home. The Committee was informed that the pupil was prioritised on that school's admission criteria as baptized to the specific faith. The third preference was for a non-denominational school. However, the Committee noted that all three preferences were to more distant schools than the nearest. It was not clear from the information provided whether the pupil would have received transport assistance to any of the remaining preferences as the family was on a low income as defined in law.

Whilst the Committee appreciated the mother's concerns for wanting her child to transfer to a different school than their peers, it was reported that any secondary school could take the necessary steps when organising classes to keep children who might be a negative influence on each other separated. However, no information had been provided in relation to the pupils the mother referred to in her appeal for officers to check on where these pupils had transferred to. Neither was there any letter of support from the school to corroborate the mother's claims.

In considering the family's circumstances, the Committee noted the mother had twin children who were not of school age. However, there was no information about the fourth child or any other family members who might be able to assist with the school run or to confirm whether there was a partner living in the household. The Committee could therefore not determine the full extent of the mother's circumstances or issues with the school run.

In considering the mother's financial situation, the Committee again noted that the mother was on a low income as defined in law and that this would provide her with extended rights to free transport. However, the school attended was the sixth nearest school and therefore did not meet the criteria afforded to families on a low income.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4102 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 4086

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 2.6762 miles from their home address, and instead would attend their 2nd nearest school which was 2.8812 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 was informed that whilst the mother was aware that a specific school was closer to the family home, the decision to send the pupil to the school now attended had been taken for a number of reasons including: the belief that the nearest school did not have a good reputation and that the mother's sister also attended that school and was bullied there; the school now attended had a better Ofsted report than the nearest school; and that the majority of the pupil's friends would be attending the same school as them. The mother felt that it was important for her child to have a solid network of friends at the new school.

In considering the appeal further the mother had questioned why people who lived across the road from her home received a free bus pass to the school attended by the pupil. Furthermore, the mother had consulted an online mapping tool to measure the distance from the bus stop on particular road to the school attended using a route which she felt was the shortest route which came out at 3.1 miles.

The Committee in considering the suitability of the nearest school, felt that there was no evidence to suggest that that school was unsuitable for the pupil to attend. Furthermore, the Committee was advised that the Council's Transport Policy was based on Department of Education statutory guidance that required local authorities to base school suitability on the nearest school with places available that provided an education appropriate to the age, ability and aptitude of a child. The Committee concurred with the Council's view that the nearest school was a suitable school. The Committee in noting the mother's three preferences for transfer in to secondary education noted that the remaining two preferences were more distant schools than the nearest school and that free transport would not have been awarded to any of those schools.

The Committee was informed that assessments for eligibility to receive transport assistance are based on a measurement by walking route from the home address to the school gate only and not from bus stops. It was reported that the Council had two pieces of bespoke mapping software both of which confirmed that the school attended and the nearest school were under the three mile

threshold from the pupil's home by a walking route. Irrespective of the mother's findings regarding her distance measurement to school attended, the school was not the nearest even if it had been determined by the Council that it was over the three mile threshold. The Committee noted that the school attended was the second nearest and was within 2 to 6 miles of the home address. However, it was reported that the family was not on a low income as defined in law and were therefore not eligible for extended rights to transport assistance that were afforded to such families. No evidence had 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 and application form the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4086 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 4093

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 1.1461 miles from their home address and was within the statutory walking distance, and instead would attend their 10th nearest school which was 5.9409 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 noted that the pupil had made allegations of bullying and harassment over a number of years and that professionals within the school had acknowledged the mother's belief as outlined the appeal documentation. The mother stated that with the school in question being unable to stop the bullying incidents the pupil was forced to change schools twice in their final year of primary education. The mother reported that this had been a distressing and traumatic period for the pupil and the family and that she was concerned about the pupil's emotional wellbeing. Following an incident which happened at the family home, the family felt that it would be in the best interests of the pupil to attend a high school out of the local area. The Committee noted that the local police department had been advised of the situation relating to the pupil and had kept a log of events.

In considering the appeal further the Committee noted that the pupil was initially allocated place at a local high school. However, it was reported that an admission

appeal to the school now attended had been successful. In addition the local parish priest was also fully supportive of the admission appeal for a place at the school now attended. The Committee was informed that there was a bus route running through the village where the family resided that would take the pupil to school. Whilst the mother acknowledged that there were schools closer to the family home than the one attended, she felt that in the interests of the pupil's peace of mind, and based on the issues outlined in the appeal the mother requested that the appeal be given a favourable outcome.

Whilst the Committee was informed that the Council was able to confirm that the pupil changed schools twice following allegations of bullying no evidence had been provided to substantiate the mother's claims. No information or evidence had been submitted by the mother from the schools previously attended or to confirm that the allegations had been substantiated. No evidence had been provided in respect of the professionals the mother referred to in her appeal nor from the police involvement that was mentioned. The Committee noted that the perpetrator might be attending another local school and that even if they took this school out of the equation had it been one of the nearer schools; there would still remain eight nearer schools to the family home. There was no evidence to suggest that these schools would not be suitable for the pupil to attend. In addition three of the nearer schools were under the statutory walking distance of three miles from the pupil's home. Furthermore, there was no information to confirm where the perpetrator would be attending school.

The Committee acknowledged the Independent Admission Appeal Panel's decision to allow the family's appeal for a place at the school now attended. However, the Committee was advised that this decision did not mean that all nearer schools were unsuitable for the pupil to attend.

In considering the issues faced with the school run, the Committee had already noted that there was a bus route running through the village where the family resided that could take the pupil to the school attended. The Committee therefore felt that the only issue remaining was whether or not the family were able to fund the cost of transport or not. The Committee was advised that the family were not on a low income as defined in law. No evidence had been provided to suggest that the family was unable to fund the cost of transport to school. Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal on the information provided.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4093 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 4082

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 2.1342 miles from their home address, and instead would attend their 2nd nearest school which was 2.5148 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 that the father had stated that a specific school was the nearest for the pupil and was only a ten minute walk away from the family home. The Council had confirmed that this school was 1.1901 miles from the home address. However, after looking round at the school, the father stated that he was advised that unless his family attended church it would not be worth their while applying for a place there. The father therefore felt that it was not appropriate to force people to go to church in order to attend a particular school. The father had also indicated in his appeal that the next nearest school was the school now attended. However, he felt this would involve a 52 minute walk from the family home and would involve walking through a park and on roads where there were no houses. The father therefore felt that the route was unsafe for the pupil to use daily given the pupil's age and life experience. The Committee noted that from starting primary school until leaving, the father had reported that he walked the pupil to and from school each day.

In considering the appeal further the Committee was informed that the father had not worked since 2014 due to the health problems as referenced in the appeal. The father stated that he was in receipt of a Personal Independence Payment, Industrial Injury Benefit and Child Tax Credit. The father also stated that having just paid £115 for the pupil's school uniform, he could not afford to pay for school trips or the cost of a season ticket. In addition to the father's health problems, the father stated that his partner also suffered from severe planta facia in both feet which made it impossible for them to walk the pupil to school and back each day. Furthermore, as a non season ticket holder, the father reported that the pupil would have to pay each day to catch the bus service to school. The father believed that season ticket holders were given priority on the school bus service and that there might be times when there were physically not enough seats available for those who pay daily. The father was therefore concerned that this could result in the pupil being unable to get to school, missing out on education in the process. In addition the father stated that travelling to school by public transport would involve the pupil being alone on the bus station. The father expressed concern about this and the potential for the pupil to be late due to bus times. In conclusion, the Committee was informed that the father was requesting temporary support for the forthcoming academic year as he had advised the Council that his position might be different in twelve months' time when he might be working or the family might have moved house to an estate to be nearer to the pupil's school.

Whilst the Committee was informed that the nearest school as referred to by the father was often heavily oversubscribed and that the governors gave priority to families that were regular church attenders, the Committee noted that the family had placed this school as their second preference for transfer in to year seven. The Committee was advised that this school had not been considered by the Council when undertaking the assessment to receive home to school transport assistance. It was not clear in the appeal documentation why this was the case. However, the Committee noted that whilst there were no places available at the school it was more than likely that the pupil did not meet the denominational criteria for admission to that school. The Committee noted that the school the Council had determined as the nearest was 2.1342 miles from the home address and was of a different denomination to the physically nearest school as referred to by the father. It was not clear from the information provided whether the pupil would have received a place there had they put this down as a preference for transfer. From the information provided the Committee felt it could not take into account the suitability of the walking route to the school attended as the Council had determined that the school attended was the second nearest school. Had the pupil been attending the nearest school as determined by the Council, then the Council would have had to determine the suitability of the walking route in accordance with its Unsuitable Routes Policy. The Committee could therefore not take into account the father's concerns in respect of the walking route to the school attended.

The Committee noted both the father's and his partner's health problems. However, no evidence had been supplied in respect of these. It was not clear how far away the primary school was from the family home. However, the Committee felt that the father's comments in relation to the time taken to walk to the school did not concur with each other in that the father claimed the nearest school being 1.1901 miles away would take 10 minutes to walk to whereas the school attended being 2.5148 miles away – just over twice the distance away in comparison to the nearest school would take 52 minutes.

In considering the family's financial circumstances, the Committee noted that no evidence had been supplied to substantiate the father's claims that they were unable to fund the cost of a season ticket. The Committee noted that a season ticket could be purchased at a cost of £410 per year or be paid for by direct debit over 10 months at a cost of £41 per month. Whilst the Committee noted that the father was in receipt of certain benefits, no evidence had been supplied to substantiate this point, the Committee also noted that the family were not on a low income as defined in law. In addition there was no information about the father's partner and whether she worked or was unable to assist with the school run. However, notwithstanding these points the Committee was advised that the school transport team had confirmed that there was plenty of capacity for the pupil to travel on the school bus.

In considering the father's request for temporary support, the Committee noted that there was no information or professional medical evidence to suggest or state when or what timeframe the father would likely return to work. It was not clear whether the family home was a rented property or whether the family had currently put their house up for sale on the market. Therefore, having considered

all of the father's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal on the information provided.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4082 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 4098

It was reported that a request for transport assistance had initially been refused as the pupils would attend a school, which was 2.09 miles from their home address and was within the 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.

The Clerk to the Committee reported that as no information had been supplied in relation to nearer schools with places available, a supplementary sheet had been compiled by the Council giving details of the availability of places at all 18 nearer schools. A copy of the sheet was handed out to the Committee for their consideration.

In considering the appeal the Committee was informed that the father was not in a position to take his children to school due to work commitments. The father also advised that his partner was unable to take them as she looked after their youngest child who attended nursery. The father advised that the only way he could get the children to school was via transport provided by the Council. In addition none of the nearer schools had places for his children.

It was reported that the family moved to the area in the Spring Term 2014 and that at that time the school attended was the nearest school that could offer places to all three children. As the family lived over the two mile threshold there was a statutory entitlement for the two youngest children to receive free transport as the shortest suitable walking route between home and school was over two miles. As the youngest child was only in year one, a taxi was provided and a parent acted as the passenger assistant. However, the Committee was informed that as the youngest child had turned 8 years old in August 2016, there was no longer any statutory entitlement for transport assistance to continue, as the statutory requirement for children aged 8 or over only applied when the pupil lived over the three mile threshold from the school unless the family was on a low income. The Committee was advised that the family was not on a low income as

defined in law. No evidence had been supplied to suggest that the family was unable to fund the cost of transport to school. No information or evidence had been provided to suggest that the mother was unable to assist with the school run especially as she acted as passenger assistant, nor any confirmation that the father was unable to assist with the school run.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4098 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 4113

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 2.858 miles from their home address and was within the statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or 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 whilst the measurement from the family home to school was 2.8 miles away, the mother felt that the distance would extend to in excess of three miles when taken from the point at which the pupil would get on the bus to school at a specific bus station. The mother also felt that it was unreasonable, unsafe and unfair for the year 7 pupil to be expected to walk almost six miles each day getting to school and back, via a main road into a specific town which had a speed limit of 60 mph, was unlit and was used by very few other pedestrians. The mother would be extremely concerned for the pupil's safety during the winter months.

In addition to the safety concerns, the Committee noted that the mother had explained in her appeal that the pupil was profoundly dyslexic and could not read fluently and also struggled with sequences and remembering the order in which they were supposed to do things. The mother further explained that the pupil required a lot of support and advised that the thought of getting on a bus alone would cause the pupil extreme anxiety – something which they had a history of. The mother also explained that the pupil had self-esteem issues which were a further aspect of their condition and that the pupil relied heavily on close friends for support. The mother reported that the pupil was very upset at the thought of not being able to catch the bus to school with their friendship group. In addition in the event that the pupil was unable to get the bus with their friendship group, the

mother expressed concern that this would have a detrimental effect on the pupil's emotional wellbeing which she felt would leave them depressed. The mother in conclusion stated that given the pupil's difficulties, transferring to high school was a significant ordeal irrespective of transport complications. The mother believed that free transport would help in settling the pupil into their new school and would negate the need for her to consider home educating the pupil.

It was reported that eligibility to receive transport assistance was based on a home to school distance measurement and that it would not be in line with statutory guidance to consider individual pupil's journey to school when looking at whether help with travel costs should be provided. Furthermore, the Committee was advised that the Council was not stating that the pupil must walk to school, but that transport had been refused as they lived under the three mile threshold as set in law. The distance measurement to school was purely to ascertain that in order to determine eligibility for transport. In addition it was also reported that the family was not on a low income as defined in law so were unable to meet that statutory requirement to receive additional assistance available for those who did. The Committee was advised that the main road as referred to by the mother had been assessed against the Council's Unsuitable Routes Policy and that it had been deemed safe for a child to walk accompanied, where necessary by a parent or other responsible parent. Irrespective of whether the parent was actually unable to accompany the pupil, the Committee was reminded that this aspect of the Unsuitable Routes Policy was merely a criterion of the assessment process for a given route. As the family did not qualify for the free transport to the school attended the Committee was advised that it was parental responsibility to ensure that the pupil arrived safely to school and back. The Committee noted that the mother had two other children, one of which currently attended a primary school. However, no information or evidence was provided to suggest that the father or other family member was unable to assist with the school run, where the primary school aged child attended primary school and the distance this was from home, or whether the family had considered the use of before and after school clubs to alleviate pressures and whether these were free or to be paid for and whether the family was unable to fund such provision. The Committee could not determine the full extent of the issues faced with the combined school run.

In considering the pupil's learning difficulties the Committee felt that there should have been some level of support whilst at school given that the mother had referred to the difficulties as being profound. However, no recent information or evidence had been provided to substantiate the level of support that may or may not have been provided by the pupil's previous primary school or indeed what was being put in place at their new school. The Committee noted that the evidence supplied was from five years ago. The Committee recognised that the pupil had only recently commenced secondary education and that support at the school now attended might not be fully in place. However, no recent evidence had been supplied by the mother to assist the Committee in determining the mother's points in relation to the pupil's problems. The Committee noted the letter from the headteacher at the pupil's previous primary school and that it referred to the pupil's SEN and how this affected them. However, the Committee felt that there was no information or evidence to demonstrate the level of support provided by that school. The Committee felt that if the pupil's learning difficulties

were so profound that the pupil might have been in the process of or had an Education Health and Care Plan (EHCP) in place. However, there was no information in the appeal to confirm whether this had been sought or was in place.

In considering the mother's concerns with the pupil not being able to catch the bus with their friendship group, it was reported that there were places available on the school bus service that operated from the specific bus station and that the School Transport Team had confirmed that parents would be able to buy a season ticket and pay by ten direct debit monthly payments. Whilst the Committee had already noted that the family was not on a low income as defined in law, no evidence had been provided to suggest that the family was unable to fund the cost of the season ticket.

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. However, the Committee felt that if the mother could provide evidence that demonstrated the pupil was in receipt of SEN support or had or was in the process of obtaining an EHCP, along with a letter from the primary school previously attended and the school now attended detailing the level of support both recently provided and imminent to the pupil then the mother should be allowed to have a re-appeal.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4113 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 4097

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school of a specific faith being 3.1429 miles from the home address as opposed to the nearest suitable school of the same faith which was 2.459 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 advised that it was not clear from the information which school the pupil attended out of all those that were nearer per se as the Council had merely referenced faith schools in the appeal schedule. The Committee was advised that the pupil for one particular nearer school listed in the appeal schedule would not have met the admissions criteria for entry to that school and that this school should be discounted from those that were

nearer. The Committee was advised that it should take advice as the family were on a low income as defined in law and that as the school attended was within the two to six mile distance restriction there could be a possibility that the school attended was one of their three nearest as well and that the pupil would therefore become an eligible pupil. The Committee agreed to adjourn the meeting to allow the Clerk to the Committee to investigate the matter with the Council's Pupil Access Team. Whereupon it was confirmed that the pupil was attending their third nearest school and that the pupil was therefore an eligible child for transport assistance. Therefore, it was;

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4097 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 2016/17;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2020/21 academic year (Year 11) only.

Appeal 4092

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 5.1194 miles from their home address, and instead would attend their 2nd nearest school which was 6.8401 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 noted that the family had relocated from abroad to the area where they now resided and that prior to purchasing the family home, the father had been informed by a number of people that the property was situated on a route served by both the school attended and a specific primary school with a bus stop located directly outside the front door. By the time the family had submitted applications for school places for their children, the school now attended by the pupil had already reached its full intake capacity. The father stated that following a successful admission appeal the pupil had been granted a place at the school now attended by the County Council on the grounds of special circumstances including the points that the school was similar in size, values and holistic approach to the pupil's previous school. The father was of the opinion that the school now attended was the only school that could provide a suitable level of education and learning environment for the pupil, making the transition from life abroad to the UK as smooth as possible for them.

In addition it was reported that the family had three younger children who would attend the specific primary school and that two of these qualified for assistance

with travel based on the fact that they were under eight years of age resided over two miles away from the nearest primary school. The father reported that the family home was situated on a busy and hazardous main road containing no public bus stops or footpaths that lead to a specific village which the father claimed was two and quarter miles away. The father felt that it was impossible to reach the school without supporting transportation. The father felt that the eldest of the three siblings was awarded transport due to the unsuitability of the route to school.

Furthermore, the father had checked an online mapping tool and determined that the journey to the school attended was only 0.4 miles further than the nearest school from the family home. The father had determined that the school attended was 7.1 miles away (12 minutes by car – 10 minutes without traffic) and that the nearest school was 6.7 miles away (14 minutes by car – 12 minutes by car without traffic).

Whilst the Committee noted the family's desire for the pupil to transition to a school similar in ethos and size, and that the nearest school was slightly smaller in size than the school attended, there was no evidence to suggest that the nearest school was unsuitable for the pupil to attend. The Committee also felt that there might be distinct differences between the curriculums provided in the family's former country of residence in comparison to the UK. However no evidence was provided to corroborate the father's claims.

And whilst the Committee noted that the family had spent a considerable amount of time searching for a property in the locality where the family now resided and had been informed about the availability of bus routes to particular schools, the Committee felt that the father should have enquired with the Council about the availability of school transport if this was an important factor in deciding on which schools to apply for rather than relying on hearsay in order to confirm eligibility. The Committee acknowledged that having moved from a different country the family might not have known or have been informed of the process. However, the Committee noted that the family had gone through the admissions appeal process that was co-ordinated by the Council. The Committee felt that this could have been an opportunity to enquire about transport especially as the family had spent such a long time (two years) searching for a property and that they had four children to find schools for and in the knowledge that the area was rural. For clarification, the Committee was reminded that the family's successful admission appeal was granted by an Independent Admissions Appeal Panel and not the Council.

With regard to the suitability of the route to the school attended, the Committee was advised that had the pupil attended their nearest school, then home to school transport would have been organised. However, in accordance with the Council's Unsuitable Routes Policy, the Council could not take the route to the school attended into account as the pupil was not attending their nearest school and that the responsibility for the pupil to get to school and back rested with the parents. The Council in accordance with its Transport Policy and the law could not take into consideration the availability of public service or school buses when assessing eligibility to receive help with home to school transport.

The Committee acknowledged that the three younger siblings who attended a specific primary school that was 2.41 miles away from the family home were in receipt of free travel. Due to a lack of information the Committee could only presume that the eldest of these siblings was in receipt of free travel because the younger two siblings were eligible as they were under the age of 8 years and the distance to school was over two miles and that perhaps the eldest could still take advantage. The Committee noted that transport assistance to this school would cease once the youngest child reached the age of 8, as the qualifying distance criterion would change to three miles.

In considering the issues faced with the school run, there was no information or evidence to suggest why the father or his partner or other family member could not assist with the school run. The Committee noted that the family was not on a low income as defined in law. No evidence or information had been provided to suggest that the family was unable to fund the cost of school transport.

With regard to the father's findings in relation to the distance measurements, the Committee was informed that the Council had its own bespoke measuring software and that the distances had been determined as 5.1194 miles to the nearest school and 6.8401 miles away to the school attended. However, even if the Council had been incorrect, the Committee noted that the father's measurements still proved that the nearest school was the nearer school irrespective of whether there was such a short distance between them. The Committee noted that the length of a time a journey took could not be taken into account when assessing eligibility for transport.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4092 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 4107

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 0.266 miles from their home address and was within the statutory walking distance, and instead would attend their 2nd nearest school which was 4.40 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 noted the mother had stated she was not in a position to pay for the cost of a season ticket to take the pupil to school due to the fact that she was on a low income. The Committee also noted that the mother had advised the school attended was 6.3 miles away from the family home and that under the terms of Section 508B of the Education Act (1996), outlining the duty placed upon local authorities to make appropriate travel arrangements to facilitate school attendance for all eligible children, she believed this entitled the pupil to free transport to the school attended. Furthermore, to give full clarification of her point the mother also quoted Schedule 35B of the Education Act (1996) which defined eligible children as those of compulsory school age in an authority's area whose nearest school was beyond 3 miles away from the home address (if aged between 8 and 16).

In considering the appeal further the Committee was informed that the pupil was unable to attend school nearer to the family home due to problems with bullying allegations. The mother therefore felt that the school attended was the nearest suitable school for the pupil.

Whilst the Committee noted the mother's quotations from legislation, they were advised that the pupil previously qualified for assistance with school transport on low income grounds as defined in law. However, it was reported that it appeared the mother was no longer in receipt of those qualifying benefits to continue to receive assistance with transport costs. The Committee noted that the Council had determined the distance to school attended as being 4.40 miles away and that the school was the second nearest. However, no information or evidence had been supplied to confirm that the mother was in receipt of the qualifying benefits as the pupil might have been eligible for assistance under the extended rights for low income families. The Committee could therefore not see the full relevance of the mother's findings that the school attended was 6.3 miles away from the family home as this distance would mean that the pupil would not be eligible for assistance with travel under the extended provisions for low income families.

In considering the suitability of the nearest school, the Committee noted that no information or evidence had been supplied to corroborate the mother's claims in relation to the bullying allegations or to confirm that any perpetrator attended there. The Committee could therefore not determine the mother's point in relation to this matter.

In considering the mother's ability to fund the cost of the season ticket, the Committee noted that no information or evidence had been provided to substantiate that the mother or the family was unable to fund the cost of a season ticket even if paid by direct debit over ten monthly instalments.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form the Committee felt that the school the pupil would attend was a matter of parental preference

and was not persuaded that there was sufficient reason to uphold the appeal on the information provided.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4107 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 4101

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 2.237 miles from their home address and was within the statutory walking distance, and instead would attend their 13th nearest school which was 6.1275 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 noted the mother's statement that she was a resident of a specific district and therefore paid her Council Tax to that district council and that she felt the school attended was the nearest school within the district. In addition the mother explained that she had another child who caught the school bus and wished for both children to catch the same bus, to the same school together. The Committee also noted the mother's concerns that a possible separation would add to the pupil's worries about the transition to secondary school in travelling alone. Furthermore, the mother stated that if another bus was caught, it would not drop pupils outside the school and that this was a concern for her as the pupil would have to cross busy [unnamed] roads. Additionally, the mother also had a concern about the crossing of a very busy [unnamed] road on the return journey from school which the mother did not want the pupil to do alone. The Committee also noted the email from the mother which detailed problems so far faced with catching the school bus resulting in family members having to take them to school and that the pupil had to walk after school to another bus stop further into the town to secure a place.

However, in considering the appeal the Committee was advised that the Council's assessment process for eligibility with transport costs did not take into account which district the pupil resided in or where the family paid Council Tax to as parents had the right to choose any school for transfer irrespective of local authority boundaries. The Committee was also advised that district councils did not have a statutory duty to provide transport assistance and therefore would not meet the costs of home to school transport.

The Committee was informed that the Council had refused transport assistance as the pupil did not attend their nearest school. It was reported that since

September 2015, the Council had removed discretionary elements of its Home to School Transport Policy and that all new pupils starting at the school attended were only paid transport assistance if they attended their nearest school and lived more than three miles away. When undertaking assessments the Council no longer gave any consideration of which Geographical Priority Area (GPA) a pupil lived within and that schools in neighbouring districts and local authorities were now also considered as part of the assessment process. The Committee was informed that the older sibling retained their award as they started at the school when the Council's Transport Policy was more generous and provided assistance with travel costs to children who lived within a GPA for a school but was over three mile threshold.

The Committee in considering the appeal further noted that the parents would be required to pay for a bus pass for the pupil to catch the same school bus as their older sibling. The Committee noted that the family was not on a low income as defined in law. Furthermore, no information or evidence had been supplied to suggest that the family was unable to fund the cost of school transport.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4101 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 4090

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 1.4581 miles from their home address and was within the statutory walking distance, and instead would attend their 3rd nearest school which was 3.3407 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 pupil's elder sibling received a bus pass to attend the same school and that based on this and her understanding that it was common for children living in the area where the family resided who attended the school to receive a bus pass and that the pupil concerned in this appeal would also be granted this provision.

In considering the appeal further the Committee noted the pupil's learning difficulties and how this affected them in their daily life. The mother reported that these difficulties were apparent in the pupil's key stage 2 SATs results where their reading and comprehension scores were below the national average, in contrast to mathematics and grammar scores which were well above. The Committee also noted that the pupil had undergone a diagnostic assessment whereupon the Educational Needs Specialist had recommended support strategies to assist with their learning, including access to suitable Information Technology. The mother explained that at the pupil's primary school prior to transfer, the pupil was afforded staff time and additional resources such as an iPad with specialist reading software once their difficulties had been identified. The mother felt that with e-learning forming a part of its culture, she believed that the school now attended offered an IT infrastructure which would meet the pupil's needs including full time access to an iPad equipped with specific software to enable them to maximise their learning opportunities both at home and at school. With every other child at the school now attended allocated their own iPad, the mother believed that the pupil's confidence and self-esteem would be enhanced by the fact that they would be taught in exactly the same way as their peers and not requiring separate equipment.

The Committee was informed that before deciding upon the school now attended as the pupil's next school, the mother had also considered the nearest school. However, after visiting both schools the mother confirmed that she was encouraged by the level of support that was on offer at the school now attended. Furthermore, she had also met with the pupil's teachers in an attempt to ensure that the pupil's transition into year 7 would be a smooth one.

It was reported that the pupils elder sibling was in year 11 and transferred to the school at a time when the Council gave transport assistance to children who lived within the Geographical Priority Area (GPA) for a school but over three miles away. The Committee was reminded that from September 2015, the Council had removed this discretionary element of its Home to School Transport Policy and that all new pupils starting at the school were only paid transport assistance if they attended their nearest school and lived more than three miles away. The Committee was informed that the pupil's elder sibling continued to receive the entitlement in line with government guidance. The Committee was also informed that if transport was an important factor in deciding on which school to put down as a preference for transfer then parents should contact the Council to discuss their eligibility. It was reported that the Council's admissions literature available to all parents stated this point.

In considering the pupil's learning difficulty and their ability to make the journey to school, whether by bus or by walking the Committee acknowledged the pupil's learning difficulty and all the evidence supplied by the mother in relation to this. However, the Committee felt that there was no evidence to suggest that the pupil could not catch a bus or travel by any other means. As the pupil did not have an Education Health and Care Plan, the Committee felt that it could not determine the learning difficulty as being profound or severe to warrant the pupil who would benefit from receiving transport assistance.

The Committee was informed that the Council considered that all state funded schools should be able to meet the pupil's additional needs and that all schools received extra funding in their budgets to provide the appropriate support necessary for pupils to fully access the curriculum. The Committee was also informed that any school the pupil attended would have to make reasonable adjustments in line with the pupil's needs such as following the advice as given in the report supplied with the appeal documentation and the provision of necessary equipment.

The Committee noted that as the elder sibling was entitled to transport assistance, the pupil concerned in this appeal could still catch the same bus. However, the family would be required to pay for the service. The Committee noted that the family was not on a low income as defined in law. No evidence had been provided to suggest that the family would be unable to fund the cost of transport. However, it was noted that no information was supplied by the Council in relation to how much a season ticket would cost in this particular case. The Committee could therefore not fully determine the issues the family faced with the school run as no information or evidence had been supplied in relation to either parents or other family members being unable to assist.

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 4090 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 4100

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 1.8585 miles from their home address and was within the statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or 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 after applying for a free bus pass, the application was refused because the family home was 1.9 miles away from the school attended. The mother stated that by road route the school was 2.4 miles from home. The mother also stated that the school was 'in

the middle of nowhere' and feared for the pupil's safety particularly during the winter mornings and evenings when it is dark.

The Committee was informed that the pupil previously attended a specific school prior to its closure and that the family was offered a place at the school now attended. The mother stated that she currently received ESA, which she felt automatically qualified her for a free bus pass on low income grounds.

It was reported that the closure of the school previously attended was outside of parental control as was the necessity for the pupil to change schools. The Committee was informed that whilst the previous school closed for most pupils in the summer of 2015, special arrangements had been put in place for pupils who were in years 8 and 10 to complete their respective key stages at that school. However, the Committee noted that the pupil was in year 10 and felt that it could not properly determine where the pupil was studying – whether it was still at the previous school or at their new school. The Committee felt that it should defer the appeal for clarification on this point.

In considering the appeal further the Committee could not determine whether there was a school bus service that the pupil could use or whether the pupil would have to walk or travel by other means to school. The Committee noted that the mother had challenged the distance to school. However, no evidence was provided by the mother to substantiate her point. In considering the walking route, the Committee felt it needed clarification as to why reference was only made to walking from the previous school to the school now attended and why the whole route was not referred to. The Committee could not determine whether the pupil would have to walk to school would involve walking to the previous school in order to get there. The Committee felt that it should again defer the appeal for clarification on this point.

In considering the circumstances of the family and their ability to assist with the school run, the Committee noted that the family was on a low income. However, no evidence had been provided to confirm whether they were unable to fund the cost of school transport – if there was a bus they could catch. Neither was there any reference to a partner or father in the house and if there was why neither the mother nor the father could assist with the school run. There was no information to suggest that the pupil was unable to walk to school and back or whether they had any learning difficulties. Therefore it was:

Resolved: That Appeal 4100 be deferred until the next scheduled meeting of the Committee in November 2016, in order to clarify:

- i. Where the pupil was currently undertaking their studies;
- ii. Whether there was a school bus operating in the area or whether the pupil would be required to walk to school;
- iii. Whether the pupil had any physical disability that would prevent them from walking the distance to school;
- iv. Whether the parents were unable to fund the cost of school transport if a bus service was in operation;
- v. Whether there was a father who lived in the household, if so why both parents could not assist with the school run; and

- vi. The full walking route to the school attended and whether this was deemed suitable.

Appeal 4084

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 3.91 miles from their home address, and instead would attend their 3rd nearest school which was 4.933 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 father claimed his application to secure the pupil's place at the school attended followed the Council's guidelines, with the school being the nearest non-faith school in the catchment area. Additionally, the father stated that the school attended offered a bus service to and from school which was another contributory factor for the father in deciding upon the school for transfer. The Committee was also informed that whilst the father recognised that two specific schools were closer in proximity to the family home, he indicated that those schools were never presented as options, given they were not in the appropriate catchment area. The father also advised that neither of these schools offered bus services covering the area where the family resided.

The Committee was advised that had the father followed the Council's guidelines when applying for school places, then he should have contacted the Council as advised to do so in the Council's Admissions Literature to discuss eligibility for transport assistance to their preferred schools for transfer if this was an important factor in determining their preferences for transfer. It was reported that since September 2015, all new pupils starting school would only be paid transport assistance if they attended their nearest school (per se) and lived more than three miles away. The Committee was advised that the Council when undertaking its assessments no longer gave any consideration of which Geographical Priority Area (GPA) a pupil lived within and that schools in neighbouring districts and in neighbouring local authorities were also considered as part of their assessment process. The Committee was reminded that parents had a right to choose any school they wish for transfer regardless of district boundary, catchment area or local authority boundary. The Committee also noted that the remaining two preferences for transfer were for schools more distant than the school attended and were situated in different districts and that free transport would not have been awarded to any of those schools either.

The Committee was informed that as there was a bus service operating to the school attended the family would be required to pay for the service as the pupil was not eligible for free transport in accordance with the Council's policy and the law as there were two schools closer to the family home than the school attended. The Committee noted that neither of the two nearer schools were faith

schools. Whilst the Committee noted that the family was not on a low income as defined in law, no evidence had been provided to suggest that the family were unable to fund the cost of transport.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4084 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 4105

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 7th nearest school which was 8.86 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 noted that the pupil's elder sibling attended the same school and would be in year 9 and that the family were happy with the support, education and care that they received. It was reported that due to revised working commitments, the elder sibling might be required to care for the pupil until the father and his partner returned home from work. If the pupil was required to attend a different school, this would impact on the family financially. The father explained that the pupil had strong links with friends and older students at the school now attended and felt that attending a different school could potentially impact upon their educational and social development. In addition given the parents' work commitments, it would be difficult for both parents to take both the pupil and their sibling to school and back. The father stated that with the elder sibling being in receipt of a free bus pass he felt that the situation would be replicated for the pupil and that both parents working commitments had been scheduled on this basis. The father also stated that if the pupil was not granted a bus pass, such a decision would impact on both parents' working arrangements and their financial situation. Furthermore, the father stated that it was important for the pupil to access the same bus service to school as their elder sibling, advising that the bus service would pick up and drop off both the siblings at a point where they would not need to cross a busy dual carriageway.

It was reported that since September 2015, the Council had removed discretionary elements of its Home to School Transport Policy and that all new pupils starting at school would only be paid transport assistance if they attended their nearest school and lived more than three miles from it. The Committee was reminded that one of the discretionary elements removed from the policy was the payment of transport assistance to children who lived within a Geographical Priority Area (GPA) for a school but was over three miles away. As a result, the Council now no longer considers which GPA a child lives in to determine eligibility for transport assistance and that schools in neighbouring districts and in neighbouring local authorities were now also considered. The Committee was also reminded that pupils who received assistance under the Council's previous more generous Transport Policy would continue to receive this support in line with government guidelines and that this was why the pupil in transferring to the same school now was not eligible for assistance. Furthermore, the Committee was informed that parents had a right to choose any school they wish for transfer irrespective of district and local authority boundary.

Whilst the Committee had noted the father's concerns in relation to their ability to assist with the school and fund the cost of school transport along with the reasons for choosing the school attended, no evidence had been provided to suggest that ultimately the family were unable to fund the cost of school transport. The Committee noted that the family was not on a low income as defined in law. Furthermore, no evidence or information had been provided to suggest that the pupil was a vulnerable child and no evidence or information had been provided to substantiate that both parents were unable to assist with the school run.

In considering the appeal further the Committee was informed that the father had challenged the Council's measurement from the family home to the school attended. The father stated that he had driven the route and come to the conclusion that the distance was 4.4 miles away rather than the 8.86 mile route stated by the Council. The father also stated that even if the distance had been measured "as the crow flies" the distance would be even closer. Furthermore, the father in view of his findings felt that a specific school was not closer to the family home than the one attended.

The Clerk reported that he had asked the Council's Pupil Access Team to clarify its distance measurement in this case. It was reported that the Council had deemed a section of a specific road to be unsuitable and that the walking route to the school attended had been plotted to avoid this road. A copy of the route plotted by the Council was provided and demonstrated that the walking route was much further than the father's findings by driving. Whilst the Committee was advised that distance measurements were calculated by walking route in accordance with the Council's Policy and the law and that driving routes and "as the crow flies" measurements were not taken into account, the Committee questioned why that road had been determined as being unsuitable given that a cycle path/shared path ran the whole length of the road and that there was a crossing point at a set of traffic lights. The Committee was also advised that even if the Council measured the route to school attended by road routes, the nearest

school still remained the nearest school to the family home but the school attended became the second nearest.

However, the Committee felt that there needed to be a revised assessment/explanation on the suitability of the road in question. The Committee also wondered whether there was any school crossing patrol points along the road. The Committee requested to receive a report in relation to the concerns it had about the suitability of the route to the school attended.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4105 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 4091

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 5.2068 miles from their home address, and instead would attend their 2nd nearest school which was 5.2826 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 noted that the pupil's elder sibling was in receipt of a free bus pass to take them to and from the same school. The mother advised that having checked her post code in the government's website www.gov.uk/findschool it had been determined that the distance between home and school attended was 4.19 miles and was therefore closer than the 4.64 miles to a specific school in a neighbouring borough to which the Council had cited as the nearest to the family's home address. In addition the mother had also cited that the distance if measured by "as the crow flies" was still further away than the school attended with the Council's established nearer school being 4.716 miles away and the school attended being 4.003 miles away from the home address.

It was reported that the Council had two different pieces of bespoke mapping software that were used to undertake home to school distance measurements. Both showed that the nearest school was over 100 metres closer to the family home than the school attended. Whilst the Committee noted the officer's comments about a different online measuring tool, the Committee was advised

that the mother had used a beta service on the department for education's website to obtain her measurements. The website did not mention how distance measurements were calculated. However, it was reported that eligibility to receive transport assistance was based on a home to school distance measurement based on the shortest suitable walking route and that this was a statutory requirement upon the Council. Therefore, the Council could not measure distances by road routes only, or "as the crow flies" or from a particular bus stop when carrying out its assessments. As the mother did not provide any evidence of her findings in respect of her measurements obtained, the Committee could not determine the mother's point in relation to this matter.

With regard to the elder sibling, it was reported that they transferred to the school attended at a time when the Council gave transport assistance to children who lived within a Geographical Priority Area (GPA) for a school and was over three miles away. From September 2015, the Council removed this discretionary element of the policy and that all new pupils starting at school were only paid transport assistance if they attended their nearest school and lived more than three miles away. However, for those pupils who started the school prior to September 2015, they would retain their entitlement in accordance with government guidance. The Committee was informed that the Council no longer considered which GPA a pupil lived within and that schools in neighbouring districts and neighbouring local authorities were also considered. The Committee noted that the mother's other preferences for secondary transfer were to schools in a neighbouring district.

In considering the appeal further the Committee was informed that the pupil was baptised and confirmed and that the mother stated the pupil would not attend a specific faith school that had come up as one of the closer schools to the family home than the one attended. In addition the mother stated that the pupil's former primary school was not a feeder school for the nearest school and that she was not aware of any other children who lived in their village who would attend that school which was in another county. The mother therefore felt that there was little basis in providing transport to the nearest school when she estimated that the bus stop for the school attended was only 100 yards from the family's front door. In addition, the mother stated that a precedent had been set with a close neighbour winning an appeal for transport whose situation was identical to hers and that she had also involved her local MP with her appeal. Furthermore, the bus stop was used by eight other children from the village whom were all in receipt of free bus passes and attended the same school as the pupil.

Whilst the Committee had already noted that bus stops were not a criteria as part of an assessment for eligibility for transport, it was reported that had the mother expressed a preference for the nearest school then transport would have been awarded to this school. The Council when undertaking its assessments did not take into account the financial implications as entitlement was based on whether they attended the nearest school which was more than three miles away. The Committee noted that parents had a right to choose any school they wish for transfer irrespective of district or local authority boundary. The Committee noted the mother's point about the nearer faith school.

With regard to the close neighbour the mother referred to as having a successful appeal for school transport, it was reported that there was no record of that child having had an appeal but that the application for free travel had been awarded because they were eligible for transport assistance in the first place. The Committee noted that whilst there were eight other children using the same bus service and catching the bus from the same bus stop, it was reported that home to school entitlement was calculated by the distance from the family home to the school attended and that all those other pupils either lived closer to the school than the pupil or were entitled to free transport assistance under the Council's previous more generous transport policy, hence why the elder sibling still retained their free pass.

In considering the appeal further the Committee noted that the mother had stated she was unable to take the pupil to work as she worked shifts and that the pupil would be accompanied to the bus stop by their elder sibling who was in year 10. The Committee noted that no information or evidence had been provided to suggest that the mother was unable to assist with the school run. The Committee noted that there were other children at the bus stop and that according to the mother the bus stop was only 100 yards away from the front door. The Committee also noted that the elder sibling must have walked to the bus stop on her own for the previous years she was attending the current school. Furthermore, there was no information or evidence to suggest that the pupil was vulnerable, neither was there any information to suggest that there was a partner or other family member who could assist with the school run.

The Committee noted that the family was not on a low income as defined in law. No evidence had been provided to suggest that the family was unable to fund the cost of school transport. Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4091 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 4112

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 0.59 miles from their home address and was within the statutory walking distance, and instead would attend their 3rd nearest school which was 4.1 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 that the mother had recently started work and that she no longer qualified for support. The mother stated that after paying the household bills, the cost of two bus passes would stretch the family's budget which would them hardship. The Committee was informed that initially the mother wanted to send her children to the nearest school. However, due to alleged bullying incidents by neighbouring children, she was denied this option. The mother reported that the offending family had since moved. However, the pupils were both nicely settled at the school attended but when the topic of changing schools was raised, they were deeply upset. The mother also stated that the pupils were progressing nicely and did not want to move them. The mother requested that this issue be looked into again and that consideration should be given to her children's welfare as opposed to the Council's budget.

It was reported that both pupils previously received assistance with home to school transport based on the fact that they were entitled to free school meals. As this entitlement is checked on an annual basis, it had been established that both pupils were no longer entitled to receive free school meals and as a result their entitlement to receive assistance with home to school transport also ceased in accordance with the Council's Home to School Transport Policy. Copies of the mother's tax credit award statements were supplied to the Committee for their information. However, no other information or evidence relating to the family's incomings and outgoings had been supplied to confirm that the mother was unable to fund the cost of transport.

With regard to the alleged bullying incidents, no evidence or further information had been supplied in connection with these. Neither had any evidence been supplied such as police reports given that the incidents involved a neighbour. The Committee noted that the children/perpetrators went to the nearest school. However, no time frame was given in respect of the incidents as the Committee also noted that the mother had put the nearest school down as one of the three preferences for transfer for both pupils. Furthermore, no information had been provided about the wider family support including any partner. Neither was there any information to suggest that the mother could not assist with the school run or to confirm her work commitments and family's circumstances.

The Committee was informed that the Council did not take its budget into consideration when undertaking assessments for eligibility for free transport, but whether a pupil met the criteria for transport assistance in accordance with its Home to School Transport Policy and the 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 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 4112 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 4087

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 5.7968 miles from their home address, and instead would attend their 6th nearest school which was 9.7789 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 irrespective of the fact that the family had moved home, the mother would like to retain the bus pass for the pupil on the basis that the route they would take to school would not alter. The Committee was informed that the mother's younger child attended a primary school in the village where the family moved from and took that child to the breakfast club each morning whilst dropping the pupil off at the bus stop in the same village, on route.

It was reported that whilst the mother was aware that a specific school was now the nearest to the family's new home and that if the pupil attended that school they would be entitled to free transport. However, the mother did not want to move the pupil to a different school. The Committee was informed that the pupil was brought up and previously educated in a different country and that they joined the school now attended midway through year 7. The mother therefore felt that the pupil had already experienced a significant amount of change in their academic life. In addition, the mother advised that catching the school bus had helped improve the pupil's confidence levels and giving them the opportunity to make new friends. The mother wished for the status quo to continue.

However, it was reported that from the pupil's previous address they were entitled to receive assistance with home to school transport to the school attended due to the fact that the school was their nearest and residing over the statutory walking distance of three miles. Since the house move, the pupil had lost their entitlement as assistance with home to school transport is assessed from the pupil's home address and not from any pick up/drop off point. The Committee was informed that this was Council Policy and the law. No information or evidence was provided to suggest that the family were forced to move home.

In considering the appeal further the Committee was informed that there was a Council subsidised service to the school attended from where the family now resided. However, the mother did not wish for the pupil to be stood on a specific

busy main road in waiting for the bus. It was not clear whether other pupils from the area would catch the same bus at the same stop or to suggest what other dangers there were in getting to the stop, particularly if the mother drove the pupil to the bus stop. Also, the Committee was informed that there two subsidised services from the village where the pupil previously lived to the school attended that the pupil could still travel on if the mother continued to drop the pupil off at their original bus stop when they lived there but again the cost of this transportation would be the parent's responsibility.

In considering the parent's financial circumstances, the Committee noted that the family was not on a low income as defined in law. Furthermore, no evidence had been provided to suggest that the family were unable to fund the cost of transport whether it was by purchasing a season ticket or daily fare.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4087 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 4053

At its meeting held on 5th September 2016, the Committee resolved:

"That Appeal 4053 be deferred so that officers can respond to the following points in full to confirm:

- i. Whether the route to the nearest school as currently identified by the Council is a suitable one when assessed against the Council's Suitable Routes Policy;
- ii. Whether the route used to calculate the distance to the school attended used the specific road as referred to in the mother's appeal;
- iii. If the specific road as referred to by the mother would meet the criteria as a suitable one in accordance with the Council's Suitable Routes Policy
- iv. Final distance measurements and provide necessary maps to demonstrate the route identified by the Council; and
- v. For officers to present the appeal to the Committee at the earliest opportunity."

In considering the appeal further the Committee noted both the officer's confirmations in relation to each of the Committee's points it had raised at the last

meeting and also the mother's conclusions that the suitable walking route to the school attended was shorter than the suitable walking route to what had been deemed the nearest school by the Council. However, the Committee noted that the Council when determining the nearest suitable school for transport purposes would, in the knowledge of an unsuitable walking route for a particular area, determine the nearest school by measuring the distance from the home address to schools in the area using road routes instead of by shortest walking route. The Committee therefore felt that this point had not been referenced as clearly as they would wish in the Council's Transport Policy. In noting the delay that had been caused in this appeal and the fact that officers had failed to correct the mother's assumptions in the course of correspondence the Committee felt that it should make an award in this case only and that immediate action be taken to clarify the difference for future applicants as regards the determination of the nearest school and the determination of statutory walking distance. Therefore, it was;

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4053 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 2016/17;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2018/19 academic year (Year 11) only.

Appeal 4061

At its meeting held on 5th September 2016, the Committee resolved:

"That;

- i. Appeal 4061 be deferred in order for both the mother and officers to gather the following pieces of information and evidence:
 - a. recent professional medical evidence in respect of the mother's health problems,
 - b. evidence relating to all the mother's benefits including PIP payments she was in receipt of,
 - c. along with any information from the school about the family's circumstances;
 - d. Map showing the home, the bus stops and the school
- ii. The temporary taxi continue until the next scheduled meeting of the Committee being 3rd October 2016;
- iii. The deferred appeal be presented to the Committee for their consideration at the next scheduled meeting of the Committee being 3rd October 2016."

In considering the appeal further the Committee noted that no evidence had been supplied in relation to the mother's benefits or any professional medical evidence in respect of her health problems. However, the Committee noted that a letter of

support from the school's family liaison officer had been provided which suggested that they were aware of the family's difficulties. The Committee felt that in view of this information it should make a further temporary award until the end of the current academic year to support the pupil and for the mother to reapply for transport assistance.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4061 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 2016/17;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2016/17 academic year (Year 2) only.

Appeal 4070

At its meeting held on 5th September 2016, the Committee resolved:

"That Appeal 4070 be deferred in order for officers to ascertain:

- The reasons why a taxi had been agreed;
- What the safeguarding issues were;
- Whether a criminal case was instigated or still ongoing; and
- To obtain a copy of the social services report"

In considering the appeal further the Committee noted that the taxi was agreed to support the pupil during the difficult time. The Committee also noted that the pupil's former social worker had confirmed that safeguarding plans were put in place as set out in the letter from the social worker. However, from the information provided it was not clear whether there was a newly allocated social worker for the pupil.

In considering the letter from the social worker which outlined the safeguarding plans, the Committee noted the risk at the time the pupil resided with their father. However, in the mother's appeal she reported that there was a risk of both the pupil and the perpetrator bumping into each other on the bus station. As this had not been referred to by the social worker in her letter the Committee felt it could not fully determine the risk for the pupil if the discretionary taxi was to discontinue. The Committee noted that there was no firm update as to whether the perpetrator was still attending a specific educational establishment which was in close proximity to the school attended. There was no confirmation to state where the perpetrator actually resided and whether, if they still remained in education they and the pupil would either use the same bus to get to their respective educational establishments or could end up being on the bus station at the same time. The Committee therefore felt that it needed clarification on all these matters which related to the risk factor for the pupil. The Committee did not

have sight of the social worker's report for the reasons as set out in the appeal documentation and therefore no evidence was provided to demonstrate the safeguarding issues faced by the mother for the pupil. Furthermore, the Committee felt it needed clarification on where the perpetrator now resided. The Committee also noted that a criminal investigation and subsequent assessments were completed as outlined in the social worker's letter.

The Committee felt that as there was no further evidence to clarify the risk and safeguarding issues for the pupil the appeal should be deferred until the next scheduled meeting in order to ascertain the points it had raised and for the discretionary taxi to continue to operate until the next scheduled meeting of the Committee in November 2016. It was therefore:

Resolved: That;

- i. Appeal 4070 be deferred until the next scheduled meeting of the Committee in November 2016, in order to clarify:
 - Who the current allocated social worker was (if there was one);
 - The risk level for the pupil during school times/on the journey to school and whether the pupil and the perpetrator would be on the same bus or whether both pupils would be on the bus station at the same time;
 - Whether the perpetrator was still attending the College; and
 - Where the paternal grandparent lived.
- ii. The discretionary taxi continue to operate for the pupil until the next scheduled meeting of the Committee on 7th November 2016.

Appeal 4083

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 1.1146 miles from their home address, and instead would attend a more distant school which was 2.59 miles away. Both schools were within statutory walking distance.

In considering the appeal the Committee noted that the mother's appeal was on religious grounds and that the pupil was attending their nearest school of the family's faith. The mother advised that the pupil attended a primary school of the same faith since the age of 5 years and that she was keen for the pupil to transition to a secondary school of the family's faith. In addition to the pupil attending schools of a specific faith, the mother also stated that the pupil had attended church for the last seven years. A letter of support from the family's Pastor/Minister was also supplied in the appeal documentation.

However, in considering the appeal further the Committee was advised that the first paragraph of the officer's comments within the appeal schedule were misleading as the refusal letter sent to parents must have been correct in the first instance in accordance with the Council's Policy and the law in that there were nearer schools irrespective of whether they were faith schools, free schools or academies etc. Whilst the Committee acknowledged that the pupil was attending

their nearest faith school, they also noted that the school attended is not the nearest per se and is under the 3 mile threshold. The Committee also noted that the family was not on a low income as defined in law. However, there was no definitive information on the appeal schedule to suggest that the school was one of their three nearest schools had the family met the criteria for a low income family. The Committee also noted that the family's other preferences for transfer were for schools that were non-denominational and of a different faith.

In considering the family's circumstances there was no information or evidence to suggest that the family was unable to assist with the school run. Neither was there any information or evidence to suggest that the family were unable to fund the cost of school transport.

The Committee noted a further comment from the parent regarding a distance measurement obtained from an online source. However, this measurement put the school as 2.9 miles away and therefore further away than the Council's measurement. The Committee was reminded that the Council had its own bespoke measuring software for this purpose and that the Council would never use the online source as referred to by the parent to obtain distance measurements.

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 4083 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 4085

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 2.6692 miles from their home address, and instead would attend their 2nd nearest school which was 2.8092 miles away. Both schools were within statutory walking distance.

In considering the appeal the Committee noted the mother after checking an online measuring tool had determined that the school attended was three miles away from the family home. The mother explained that whilst the Council had identified an alternative school as being the nearest to the family home, she advised that the Ofsted report for that school (good) was not as good as the one for the school attended (outstanding). In addition the mother reported that she

had also driven from school to home and that it was three miles (10 minutes by car or would take the pupil an hour to walk).

In considering the appeal further the Committee noted the alleged bullying by a perpetrator and that the mother had to remove the pupil from their previous primary school. The mother also explained that the perpetrator would be attending the nearest school as determined by the Council. The Committee also noted that due to the pupil's experiences they were referred to CAMHS. The mother explained that the pupil therefore needed stability and the support of their friends and that the mother also felt exposing the pupil to daily involvement with the perpetrator would have a damaging effect on the pupil's mental health and stability. The Committee noted the contents of the letter from the mother dated 19 September 2016 which responded to each of the officer's comments in turn and set out further information about the bullying allegations and incidents.

It was reported that the Council had two different pieces of bespoke measuring software that were used to undertake home to school distance measurements and that both systems gave the distance to the school attended as 2.8 miles. The Committee was reminded that the Council, by law, must measure the distance by walking route which on many occasions would result in a shorter distance than using driving routes as other rights of way not applicable to cars/vehicles could be used. The Committee noted that the length of time a journey took by any means would not be taken into consideration by the Council when undertaking assessments for eligibility with transport assistance.

The Committee in considering the alleged bullying incidents noted the mother's points that she had raised and the email of support from the therapist who worked for CAMHS. However, no evidence was provided to corroborate the incidents. An email had been received from the pupil's previous primary school where the incidents were alleged to have occurred. However, the email from the headteacher of that school confirmed that there were no recorded incidents of bullying and that the mother chose to remove the pupil from that school because she felt staff at the school were not meeting the pupil's health needs (the move occurred in February 2014). It was reported that the parent was then given the opportunity to respond to this information whereupon the mother submitted a further email response on 29 September 2016 reiterating the allegations as well as referencing two perpetrators and further allegations of bullying by a former teacher. No information was provided in order for the Council to confirm that the perpetrator or perpetrators were attending the nearest school. In addition the Committee noted that one of the perpetrators would according to the mother be attending the same school as the pupil from September 2016. The Committee also noted that there was no information from the current school to outline any concerns or support that they would be putting in place given that one of the perpetrators now attended the same school.

In considering the email from the therapist, the Committee felt that it did not state that the pupil could not catch a bus, but was merely suggesting that the Council's Policy was unfair. In addition it did not state that there were any particular needs that would warrant the pupil from having a taxi provided to the school attended or

to confirm that the school attended was the nearest suitable school given the circumstances.

The Committee in considering the suitability of the nearest school could not determine what risk there would be as no evidence had been provided to substantiate the mother's claims. Furthermore, the Committee felt that even if they discounted the nearest school, the school attended was still under the three mile threshold. The Committee noted that the family was not on a low income as defined in law and that the pupil would still not be eligible for free transport in accordance with the Council's Policy or the law.

The Committee noted that the pupil could travel on the bus if the family paid for a season ticket. The Committee noted that the mother had quoted the cost per year as being £546 and that she claimed she was unable to fund this cost. The Committee in considering this point noted that the mother felt this was not an important issue. However, the Committee felt that as there was no evidence to corroborate the mother's claims in relations to the alleged bullying incidents that perhaps the mother might have overlooked the importance of this factor for her appeal. No evidence had been provided to suggest that the mother was unable to fund the cost of the season ticket especially if paid for over ten months by direct debit.

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 4085 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)

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

