

## **Lancashire County Council**

### **Student Support Appeals Committee**

#### **Minutes of the Meeting held on Monday, 12th December, 2016 at 10.00 am in Room B15b, County Hall**

#### **Present:**

County Councillor Sue Pryn (Chair)

#### **County Councillors**

A Cheetham  
C Dereli

D Stansfield

#### Also in attendance:

Ms L Brewer, Solicitor, Legal and Democratic Services;  
Ms S Rawat, 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**

County Councillor Cheetham declared a non pecuniary interest in relation to appeal 4159 on the grounds that she was a Governor at the school attended by the pupil and confirmed that she had no other association with the appellant and that she had been appointed to the Governing Body at the school attended by the Local Authority.

#### **2. Minutes of the meeting held on 7th November 2016**

**Resolved:** That; the Minutes of the meeting held on the 7th November 2016 be confirmed as an accurate record and be signed by the Chair.

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

It was noted that the paperwork for appeals 4150, 4175, 4197 and 4198 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 4150, 4175, 4197 and 4198 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 16th January 2017 in Room B15b, County Hall, Preston.

#### **5. Exclusion of the Press and Public**

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

#### **6. Student Support Appeals**

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

A report was presented in respect of 25 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 4160**

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 1.50 miles from their home address and was within the statutory walking distance, and instead would attend their 9th nearest school which was 4.17 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted that it was claimed that the parent had only been informed by the Council that there were two schools available with places in the year group required and that both schools were located within a specific area. The mother advised that she then researched the

two specific schools and decided that the school now attended would suit the pupil's needs and GCSE choices the most. The mother felt it would not be appropriate to move the pupil now that they had commenced their GCSE studies. The Council's protocol when dealing with such enquiries would look at the location of the home address and advise on the nearest school(s) available with places and as such the Committee was informed that the mother would have been offered places in the locality of where she lived rather than the locality of the two schools she had researched or presumably been advised of. The mother confirmed that at no time did she consider the logistics of transport or how the child would get to and from school, had she done so this information would have been made available by the Council at the time of speaking with them so that an informed decision could have been made by the mother.

The Committee was advised that three of the nearer schools to the new home address still had places available and were within the statutory walking distance of three miles and that this was why the pupil would not be entitled to free school transport.

Whilst the Committee noted that the school attended was 4.17 miles from the family address and that it the 9th nearest, the family was not on a low income as defined in law so extended rights to free transport did not apply to this family. No evidence had been provided to suggest that the family were unable to fund the cost of school transport and that the responsibility for the pupil to get to school and back rested with the parents.

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 4160 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 4164ab**

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 0.4718 miles from their home address and was within the statutory walking distance, and instead would attend their 8th nearest school which was 3.4366 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 recalled that it had previously considered an appeal for the elder sibling during the last academic year and had allowed the previous appeal on a temporary basis in the form of a bus pass. However, it was reported that during the processing of the previous award the Council had deemed that a taxi was the most suitable method of getting the pupil to school and back as it appeared the pupil was using an existing taxi service. It was reported that there was a space left on the taxi and that this also included a Council vetted passenger assistant.

However, in considering the appeal the Committee noted that a younger sibling had since started at the same school and that the family's circumstances had not changed since the last appeal. The Committee also noted the comments from the headteacher in respect of the family's circumstances and again noted that the house move was forced upon the family. However, there was no update from the school. The Committee was informed that the pupils were currently using the existing taxi service to get to school and that it was presumed this method of transport assistance would have been cheaper to the Council instead of supplying a bus pass in respect of the previous award. The Committee felt that as the family's circumstances had not changed and that there was an existing taxi service in operation for which the pupils were already using that a temporary award be made for the remainder of the current academic year only and for the matter to be reviewed.

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

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4164ab 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 only to be reviewed.

### **Appeal 4170**

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 3.28

miles from their home address, and instead would attend their 2nd nearest school which was 3.93 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.

The Clerk to the Committee reported to the Committee that the school previously attended had provided a response to the mother's bullying allegations in the form of an email. Copies of the email were circulated to the Committee at the meeting for their consideration.

In considering the appeal the Committee noted the mother's statement that the pupil was suffering mental health issues and that bullying were factors in deciding to remove the child from school and placing them in their 2nd nearest school. On corroborating this fact with the school previously attended, they confirmed they had no record of any alleged bullying incidents as described by the mother in her appeal and understood that the mother had taken it upon herself to initiate the move to the school now attended. However, the school previously attended did confirm that they too had concerns about the child's mental health and had advised the mother to seek medical advice from the Family Doctors. The Committee noted the parent's claims that the alleged bullying had occurred by a member of staff at the previous school and that she intended to report this to the Police. However, no subsequent evidence was provided by the mother to corroborate her claims.

In considering the appeal further the Committee noted the professional medical report from CAMHS supplied in relation the pupil which was dated July 2016. The Committee also noted that the report stated that the pupil did not feel that support through CAMHS was needed at this time and was subsequently discharged from CAMHS and signposted to other services if needed.

The Committee noted that the mother was a single parent and had moved to live with the maternal grandfather due to his health issues. It was reported that prior to this move the pupil was not entitled to free transport assistance to the school previously attended from the previous address which was of a greater distance to where the family now resided to the school now attended by comparison. However, the Committee in considering the family's financial circumstances noted that although the parent was in receipt of Tax Credits, this was however not the maximum amount for the parent to qualify to receive extended provisions awarded to such families for transport assistance. Therefore, the family were not on a low income as defined in law and as the pupil was not in receipt of free school meals did not qualify for extended transport assistance. No evidence had been provided to suggest that the family were unable to fund the cost of the bus pass to the school now attended.

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

was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4170 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 4176**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 4.16 miles from their home address, and instead would attend their 3rd nearest school which was 4.88 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 mother stated that an older sibling attended the same school and had been awarded transport assistance and thought it was illogical for the younger sibling to have been refused this assistance. The Committee also considered the comment that the family followed a specific faith and that they wished for the children to attend a school of the family's faith. The Committee considered that discretion under the faith element and concurred that as the pupil had been awarded a place under the sibling criteria the element of faith did not apply in this case. However, the officer who processed the appeal suggested in the appeal schedule to the mother that if she could provide evidence of church attendance then the Committee could have considered this for the possibility of being awarded subsidised transport assistance whereby the parent paid the denominational contribution.

With regard to the elder sibling receiving transport assistance, it was reported that the Council's Transport Policy had changed from September 2016, to emphasise that other local authorities schools would be considered as part of the Council's assessment process for eligibility with transport assistance. The Council therefore determined the school identified as the nearest to be the nearest. The Committee was reminded that the Council's Transport Policy was previously more generous and did not take in to account schools outside of the Council's administrative boundary. The Committee noted that the family lived near the border of a neighbouring authority.

The Committee was advised that had the pupil attended their nearest school, then home to school transport would have been awarded. However, in accordance with the transport Policy, the Council could not take this into consideration 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 Committee noted from the mother's appeal that it appeared the elder sibling travelled to school in a taxi. It was not clear from the documentation whether there were places available on this for the parent to perhaps either pay the full price or the denominational contribution for a place.

In considering the appeal further the Committee in considering the family's financial circumstances noted that they were not in a position to decide if the family were 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 to school. It was also noted that the family were not eligible to claim Free School Meals nor were they in receipt of maximum working tax credits. The Council was also not required to consider the parental working commitments or the transport needs of other siblings when assessing transport assistance for this pupil. Whilst the Committee noted the family's vocation, there was no evidence to suggest that other family members could not assist with the school run if needs be.

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 4176 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 4161**

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 0.852 miles from their home address and was within the statutory walking distance, and instead would attend their 3rd nearest school which was 2.1675 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.

The Clerk reported to the Committee that the nearest school still had places available and that the Committee could continue to consider the appeal on that basis.

In considering the appeal the father stated that they were appealing for assistance due to financial hardship as the family had previously qualified for

assistance and would like the Committee to consider their financial circumstances and for transport assistance to continue.

The Committee noted that the parents were now not in receipt of the qualifying benefits to receive transport assistance under the provisions set aside for families who were on a low income as defined in law as such the pupil did not now qualify for travel assistance. The school the child attended was one of parental preference and was within the statutory walking distance of 3 miles (2.16 walking distance). There was no evidence presented to suggest the pupil was incapable of walking the distance to school.

The Committee noted that only limited financial information of the business income and expenditure for 2016 (part year) had been supplied by the father and that no bank statements, personal or business had been submitted as evidence to corroborate the father's claims or to suggest that the family were unable to fund the cost of the bus pass.

In considering the family's circumstances there was no information or evidence to suggest that the father or his partner or other family member could not assist with the school run. In considering the father's partner's wage slip, the Committee felt that the amount paid in to their account was a low wage and perhaps represented a part-time vocation only and perhaps had the capacity to assist with the school run if needs be. However, there was no information to confirm the Committee's feelings.

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 4161 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 4130**

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 2.136 miles from their home address and was within the statutory walking distance, and instead would attend their 3rd nearest school which was 3.4399 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 elder siblings were in receipt of assistance with travel to the same school. The Committee also noted the mother's comment that all of her children attended a specific primary school which was a feeder school for the school now attended. Furthermore, whilst the mother acknowledged there were nearer schools than the one now attended the mother stated that her family followed a specific faith.

The Committee was advised that the pupil's elder siblings joined the school attended at a time when the Council gave transport assistance to children who lived within the parishes that served a faith school and also resided over three miles away. It was reported that from September 2015, the Council had removed the discretionary elements of its Home to School Transport Policy and that all new pupils starting from this date were only awarded transport assistance if they attended their nearest school and that school was over the statutory walking distance from their home. The Committee was advised that when undertaking assessments there was no longer any consideration of the parish a pupil lived within and schools in neighbouring districts and local authorities were also considered.

The Committee was informed that although the Council still provided some denominational transport assistance, the pupil was not attending their nearest school of the family's faith as there was a nearer school of the same faith as the school attended which was closer to the home address and had places available.

The Committee also commented that no evidence had been provided to suggest that the family were 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.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4130 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 4168**

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 1.8366 miles from their home address and was within the statutory walking distance, and instead would attend their 13th nearest school which was 4.9417 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 appellant was a foster carer who had agreed to take four siblings to come and live with them at the family home in August 2016. The Committee also noted the relatively short time frame the family had to identify schools and the issues faced with a specific nearer school, and the need to keep the four siblings together.

The Committee noted that the foster carers allowance should normally be used to cover costs such as home to school transport. However, in this instance the Committee felt that there was an exceptional circumstance to warrant them making a temporary award in order to provide some stability in the interim and for the matter to be reviewed.

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

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4168 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 9) only.

### **Appeal 4158**

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 0.7774 miles from their home address, and instead would attend their 7th nearest school which was 2.8087 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.

The Clerk reported to the Committee that the nearest school still had places available and that the Committee could continue to proceed and hear the appeal on the basis that there was a nearer school with places available.

In considering the appeal the Committee noted the mother's statement that she had been informed by Area Pupil Access team that the child would be entitled to a free bus pass because the school application was made on denominational grounds and also because the parents were on a low income and the school was their nearest denominational school and that the distance was between two and six miles from the home address. The Committee acknowledged that there might or might not have been given conflicting information going off the facts that were explained at the time of the phone call, which it was presumed was through the Council's Customer Service Centre. However, there was no record of the conversation. The Committee was informed that all guidance on entitlements was made available when applying for a school place and that if transport was an important factor in the choice of schools then parents were advised to contact the Council to clarify entitlement. Nevertheless, the pupil was attending their seventh nearest school.

The Committee was informed that the mother felt the nearest school was unsuitable for the pupil to attend due to their religion and that the mother would prefer the pupil to attend a denominational school. The Committee again noted that the mother stated the school now attended was the nearest school of their family's faith. However, the Committee was advised that no evidence had been provided to suggest that the nearest school was not suitable for the child. The Committee also noted that the nearest school was placed as the family's second preference for transfer with no third preference having been expressed by the family. The Committee was also informed that by law the Council only had to provide transport assistance to the nearest suitable school and that such a school was taken to mean, in accordance with legislation, any school with places available that provides an education appropriate to the age, ability and aptitude of the child.

The Committee noted that the mother had supplied a copy of her current tax credits award notice, however, the Committee noted that the family was not in receipt of the maximum Working Tax Credits to qualify for transport assistance, nor was the pupil in receipt of free school meals and as such the family was not on a low income as defined in law. The Committee felt that the school the child attended was one of parental preference and was within the statutory walking distance of 3 miles (2.80 walking distance). As such the pupil did not qualify for travel assistance under the extended provision for family's on low income. The Committee also noted that no evidence had been provided to suggest that the family were unable to fund the cost of transport to school.

In considering the mother's appeal further the Committee was informed that the mother felt the distance to school attended was over three miles and had enclosed a copy of the route from online sources. However, the Committee was advised that the Council had two pieces of bespoke measuring software tools that were used to undertake school distance measurements and that both pieces of software had determined the distance to the school attended to be 2.81 miles from the home address. The Committee was advised that the Council's bespoke mapping software calculated the distances using pedestrian walk ways in

accordance with the law and that by doing so this more often than not would bring a shorter a route than by measuring distances using highways where vehicles could travel.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4158 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 4174**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 2.3986 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 advised that the father had stated that his main concern was that the walking route to school was unsuitable and as such the child required a school bus pass that the family could not afford. The father stated that the route was almost three miles long and that the footpath along a specific road was dangerous and narrow with trip hazards and uneven surfaces which was exacerbated by the encroachment of overgrown bushes and shrubs that protruded on to the pathway. The father explained that the narrow path did not allow for pedestrians going in opposite directions to pass, potentially forcing someone to walk in the roadway and that the same specific road was used by people driving cars at excessive speeds with no speed control measures. In addition the father reported that there had been a fatality on the same road earlier this year which heightened the father's concerns for the pupil should they have to walk to school and back.

The Committee was informed that the route to school had been assessed and considered as suitable when assessed against the Council's Unsuitable Routes Policy and that the assessment was carried out on the assumption that the child would be accompanied on the journey by either a parent or other responsible adult. The father also stated that the parents were not available to take the child to school due to work commitments and taking their other children to school

safely in a nearby village. The Committee were advised that these considerations were not taken into account by the Council when determining eligibility for transport assistance and that it was the responsibility of the parents to ensure their child attends school. The Committee noted that the appeal was for a bus pass and again noted the father's comments regarding his family's ability to fund such provision. In considering the family's financial circumstances the Committee noted that the family were 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 the bus pass for the pupil.

The Committee noted the father's comments that other appeals in the area where the family resided had been successful. However, the Committee was advised there were some addresses in the area that were over three miles from the school attended and that these pupils were eligible to receive a bus pass. Furthermore, it was reported that there had not been any appeals considered on the grounds of the safety of the route between where the family resided and where the school attended was situated in the last four years. No information was passed from the father about such instances in order for the Council to investigate his claims.

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 4174 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 4191**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 4.2447 miles from their home address, and instead would attend their 3rd nearest school which was 4.6856 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 contacted the Customer Contact Centre and had been advised that the pupil would be entitled due to distance the family lived from the school and that three older siblings who attended the school had free bus passes. However, the mother received a letter from the Council advising her that the pupil was not entitled as they were not

attending their nearest school. The mother advised that prior to this she had not been made aware of the fact that the Council's Transport Policy had changed since the time the elder siblings had qualified for free bus passes. Upon contacting the Council the mother was informed that there were two schools closer to their home. However, these were situated in a different town and were only marginally closer to the family home. The mother also stated that her family lived in a specific area and that they had always attended schools in that area with their friends and had never considered attending schools in the area as mentioned by the Council. The mother also stated that the pupil would qualify for transport assistance had they attended one of the nearer schools.

However, the Committee was advised that staff at the Customer Contact Centre were not qualified and did not have access to the information needed to assess home to school transport eligibility. It was reported that such assessments were undertaken for all year 7 pupils by the Council's Pupil Access Teams based in the three areas.

With regard to the elder siblings' entitlements, it was reported that they qualified for assistance under the Council's previous and more generous Transport Policy whereby assistance was provided to pupils who resided in the geographical priority area (GPA) for the school attended. However, from September 2015, this discretion was removed and that all new pupils starting at school from this point were only provided with transport assistance if they attended their nearest school and lived more than the statutory walking distance from it. The Council now no longer gives any consideration to GPAs when assessing transport eligibility and that schools within neighbouring districts and local authorities were now also considered.

The Committee was also informed that the admissions information was available for all parents from each September both online and in paper form where requested, which provided a summary of the Council's Transport Policy. In addition parents were also advised to check with the Council if transport assistance was an important factor in choosing schools for transfer.

In considering the family's financial circumstances the Committee noted that the family was not on a low income as defined in law. Neither had any evidence been provided to suggest that the family were 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.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4191 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 4159**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 2.97 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 the mother had contacted the Council's Pupil Access Team prior to the pupil starting at the school now attended regarding possible assistance with home to school transport and was informed that her home was 2.9 miles from the school by suitable walking route. The mother advised that she had spoken with two of her neighbours who had travel passes for their children who attended a primary school that was 3.1 miles away by travel on the bus from the area. The mother therefore felt that it was unfair that her neighbours received passes for their children and felt that the pupil's circumstances met the criteria for assistance with home to school transport.

However, the Committee noted that the pupil had transferred to their current school and had commenced their studies in year 10 at the school. The Committee noted that the family had not changed address. Furthermore, there was no information to confirm why the pupil had transferred to the school now attended at such a late stage in their secondary education. The Committee could therefore not determine any specific extenuating circumstances on this basis to warrant them in making an award.

With regard to the mother's neighbours the Committee was advised that their transport assessments would have been based on a home to school distance measurement by walking distance in accordance with the law and not by the distance travelled by the bus. As no other detail had been provided about the mother's neighbours for the Council to investigate the Committee felt it could not assume the circumstances or reasons why those pupils were awarded transport assistance. The fact remained however, that the pupil in this appeal did not meet the criteria for free school transport as they lived under the three mile threshold and were not in receipt of the qualifying benefits to receive transport assistance under the provisions set aside for families who were on a low income as defined in law. The Committee also noted that no financial evidence had been provided to suggest that the family were 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.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4159 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 4189**

It was reported that a request for transport assistance had initially been refused as the two younger siblings would not be attending their nearest suitable primary school, which was 0.6609 miles from their home address and was within the statutory walking distance, and instead would attend their 11th nearest school which was 3.2202 miles away. In addition, a request for transport assistance had initially been refused as the eldest sibling would not be attending their nearest suitable secondary school, which was 2.5446 miles from their home address and was within the statutory walking distance, and instead would attend their 2nd nearest school which was 4.2852 miles away. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted the family had to move at very short notice with only two weeks' notice, as the landlord wanted to move back in to the property. The mother reported that as she was a family of seven, she had to take the first suitable property she could find and had received help with the move from her local council. The mother advised that the change of address meant that the children had to move away from their familiar area and friends and that she did not want to upset them any further by moving them to different schools. The Committee was informed that the eldest sibling had commenced year 9 (and not their GCSEs as stated by the mother in her appeal) and again did not want to disrupt their education.

In considering the appeal further the Committee noted that the middle sibling had learning difficulties and struggled with change. This particular pupil had been referred to CAMHS, but the family was still waiting for an appointment.

IN summing up the mother reported that it was costing the family £80 each week in bus fares to transport the children to school and back.

However, in considering the appeal further the Committee noted that no evidence had been provided to substantiate the house move. Whilst the Committee acknowledged that it would have been difficult to find an appropriate house at such short notice for a family of seven, only four people were accounted for in the



family. The Committee felt that it should have details of the remaining three family members before taking a decision on this appeal. And whilst the Committee also noted the difficulties the mother would be experiencing with the school run there was nothing to suggest that there weren't any other family members who could assist with the school run. The Committee also noted that the family was not on a low income as defined in law. No evidence had been provided to substantiate that the family was unable to fund the cost of the bus fares. In addition no evidence had been provided in respect of the middle siblings' learning difficulties for the Committee to consider. In view of this the Committee felt that it had no option but to defer the appeal in order to ascertain these facts. It was therefore;

**Resolved:** That appeal 4189 be deferred until the next scheduled meeting of the Committee in January 2017, in order to obtain:

- i. Details of who the three remaining family members were;
- ii. Financial information on the family's household income including any benefit statements; and
- iii. Any evidence regarding the middle sibling's learning difficulties from the school attended along with anything from CAMHS should that be available.

### **Appeal 4163**

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 1.29 miles from their home address and was within the statutory walking distance, and instead would attend their 9th nearest school which was 3.59 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 acknowledged the mother's points that due to a house move in the summer while the pupil was in year 9 their entitlement to assistance of a free bus pass had been reassessed and declined due to fact that there were nearer schools that had places available.

It was acknowledged by the Committee that the mother did not wish to move the pupil to a nearer school and wished for the pupil to continue their education at the school attended especially as they were settled there and was commencing their GCSE studies. However, it was reported that as the pupil moved in year 9 the Council could not apply discretionary assistance as the pupil did not move during their year 10 and the family was no longer on a low income as defined in law.

The Committee noted that the mother had supplied a copy of the family's tax credits award notice for the current financial year, however the version that was supplied was incomplete with only three out of the six pages being provided.

Again, the Committee noted that the family was no longer on a low income as defined in law. However, the Committee noted that both the mother and the father only worked 16 hours each week. The Committee could not determine whether both parents were unable to assist with the school run on this basis. No further details had been provided to suggest that any other family member could not assist. Furthermore, no additional financial evidence had been provided to suggest that the family were unable to fund the cost of transport to school.

The Committee noted the comment that the new house was on the same bus route that the pupil used whilst they lived at their previous address and felt that to refuse a bus pass on this point was unfair and could jeopardise the pupil's future. The Committee in considering this point noted that no reason was given for the house move or to demonstrate that the family were forced to relocate at short notice. The Committee could only assume that the house move was a preferential move made by the parents. The Committee could not see how the bus route to school attended was on the same route from the old house as the new house as the two areas were in different directions from the school and would have given a very long bus journey route to cover such areas. However, no evidence was provided from the mother or the Council in order to determine this point.

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 4163 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 4121**

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 3.103 miles from their home address, and instead would attend their 2nd nearest school which was 3.1737 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 mother had been advised that the pupil could not have a bus pass to the school attended as there was a specific nearer school with spare capacity to the family home. The mother

advised that following abuse from a neighbouring family, which on occasions had escalated to the point that there had been Police involvement, she moved house. The mother reported that members of the family who perpetrated the abuse were in attendance at the nearest school and the mother was anxious to avoid the pupil coming into contact with them again.

The mother reported that she was a single parent, with earnings of less than £15k per year and received no financial support from the pupil's father. The mother advised that she could not afford the cost of a bus pass and was concerned that without this she would not be able to send the pupil to school.

However, in considering the appeal the Committee noted that the mother had been asked to provide evidence of the Police involvement and that she claimed she had been asked to pay a £40 charge to release the information. The Committee was advised that had the mother made a Subject Access Request to the Police the maximum they could charge was £10. The Committee noted that no other information or evidence had been provided about the relocation or the perpetrators in order for the Council to investigate and the Committee to consider.

The Committee noted that had it been confirmed that members of the family of perpetrators attended the nearest school, and that the pupil also attended the nearest school, that the school would have managed this issue through the implementation of its anti-bullying policy and that schools were experienced in keeping such pupils separate and that children could be easily placed in different form groups and to avoid contact at social times if needs be.

In considering the family's financial circumstances the Committee noted that the family was not on a low income as defined in law. In addition no evidence had been provided to suggest that the mother was unable to fund the cost of school transport. Furthermore, there was no information to advise how the pupil had been travelling to school since September 2016, or to confirm whether there were any other family members who could assist with the school run. .

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4121 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 4171

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 2.88 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 the pupil had been refused a season ticket on the school bus service because it was fully subscribed with children eligible for statutory assistance and that there was no statutory obligation to provide the pupil with home to school transport. The mother advised that she did not wish for the pupil to travel on public transport as she had concerns for the pupil's safety as they would be travelling alone with strangers.

The mother advised that she felt the safe walking route to school did not qualify as a safe route to school as it involved crossing a very busy stretch of bypass. In addition the bypass did not have a pedestrian crossing and furthermore road works were due to commence there shortly which the mother felt would further increase the hazards faced by the pupil should they walk to school. The mother therefore felt that whilst she applied for a season ticket, she was of the belief that the pupil would really qualify for free transport assistance. The Committee noted that the mother had intended to provide a route map of the shortest safe route and that the officer who processed the appeal had notified the mother that her map had not been supplied but nevertheless, noted that the mother insisted she would not allow the pupil to walk that route as in her opinion it was not safe. However, a copy of a route map printed from an online measuring tool had been provided along with a copy of the route map from the Council's bespoke measuring tool for the Committee to consider.

It was reported that initially the officer who processed the appeal had stated that the school was merely within three miles of the home address and that the Clerk to the Committee had asked the Council's Pupil Access Team to provide the precise measurement from using the Council's bespoke measuring tool. The Committee was informed that the distance was 2.88 miles.

The Committee was advised that the Council was not able to guarantee a place on a school bus even if a pupil had a statutory entitlement and that school buses are only ever commissioned from areas that generated significant pupil numbers or where there was a number of pupils travelling who were entitled to free travel. The Committee also noted that many pupils in Lancashire were issued with travel passes for public service buses or on occasion rail passes.

The Committee in noting that the bus service was full and the mother's challenge regarding the walking route, it was reported that the Council's Unsuitable Routes Policy was premised on the fact that parents had the primary responsibility for

ensuring their child's safe arrival at school and that in all cases, when assessing routes the assumption is made that the pupil is accompanied, where necessary, by a parent or other responsible adult. Whilst the Committee noted the officer's comments that routes are deemed safe if there are pedestrian crossing facilities and that temporary road works would not be taken in to consideration for the purposes of establishing home to school transport eligibility, the Committee noted that there was no evidence to suggest that there was no pedestrian crossing points at the specific junction. Furthermore, the Council had deemed the route in question to be a suitable route when assessed against its Unsuitable Routes Policy.

With regard to the bus service that was full, it was reported that the service had become overloaded and that for the safety of the children using the service, alternative transport options for those without bus passes had to be looked at. The Committee noted that the mother had been informed of this news by the school on 14th September 2016. However, the Committee was informed that it had not been possible to put on another service as the Council's statutory obligations to the statutory pupils had been met with the provision of the existing bus service and that there was no legal obligation for the Council to provide transport for non-statutory pupils. The Committee noted that season tickets were issued on a first come, first served basis and that the mother's application had been received after other parents had returned their applications resulting in the bus becoming full. The Committee felt that in view of this information they could not remove another pupil from the bus if that was what the mother was intimating at. Notwithstanding this, the Committee noted that the pupil was not statutorily entitled and therefore felt that it could not make an award such a basis. The Committee therefore agreed that it was the mother's responsibility to ensure that the pupil got to school and back.

In considering the family's circumstances the Committee noted that the mother was a single parent. However, there was no other detail or information to suggest that there were other family members or a new partner who could assist with the school run should that be the case. The Committee noted that the family was not on a low income as defined in law. No financial evidence had been supplied to suggest that the family would be unable to fund the cost of public transport or any other form of transport to get the pupil to school and back. 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 4171 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 4162

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 2.56 miles from their home address and was within the statutory walking distance, and instead would attend their 3rd nearest school which was 3.7 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 the elder sibling was in receipt of travel assistance to the same school and that she was surprised that her request for the younger sibling had been refused. The mother advised that although she recognised there was a nearer school, the family wished for the pupils to remain together. The Committee also noted that there was a primary school aged sibling in the family and that attendance at three different schools would be extremely difficult to manage. The Committee noted that at the time the elder sibling joined the school attended the Council had a more generous Transport Policy and was awarded transport assistance as the family lived within the geographical priority area (GPA) of the school. It was reported that from September 2015, the Council had removed this discretionary element from its Transport Policy. In addition, the Committee was advised that admissions information was made available for all parents from each September, either online or in paper form where requested, which provided a summary of the transport policy. Parents were advised to check with the Council if transport was an important factor in their considerations for transfer. Furthermore, the Council also directed parents to the full version of the transport policy and also attended most secondary school open evenings to give advice on matters such as transport eligibility and admissions queries.

With regard to the mother's point in relation to keeping the siblings together, the Committee noted that the Council was not suggesting that the pupil should move schools, but that there was simply a refusal to provide free travel to the school attended as the pupil was not attending the nearest school.

In considering the family's financial circumstances the Committee noted that the family was not on a low income as defined in law so extended rights to free transport did not apply to this family. Had this been the case, the Committee noted that the pupil would have met the low income criteria as defined in law and a travel pass would have been awarded. No financial evidence had been provided to suggest that the family were unable to fund the cost of school transport, it was also noted that the pupil currently travelled with a season ticket on the school bus service.

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 4162 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 4131**

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 2.1258 miles from their home address and was within the statutory walking distance, and instead would attend their 6th nearest school which was 4.26 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 mother advised that her appeal was based on the fact that the family were not offered places at their first preference of school for transfer which was 2.2 miles away from the home address and were instead offered places at their second preference which was 4.2 miles away. Given the distance the school now attended was from the family home, the mother felt that it was not feasible for her children to walk to school. The Committee was informed that it would cost £96 per month for the pupils to travel on the school bus service and having been turned down for their first choice of school, the mother felt that failure to receive support with transport costs would significantly disadvantage the family financially.

It was reported that in the correspondence from the Council informing the mother that her application for travel assistance had been unsuccessful, stated that there were places available at the school which had been determined by the Council as the nearest from the family home which was closer than the first preference of school. However, the mother advised that the nearest school had not been put down as a preference for transfer and felt that to send her children to that school would have disadvantaged them academically, and believed that the suggestion the pupils should move there just to be closer to the family home demonstrated a disregard for their education.

The Committee noted the mother's point that their first preference of school was a similar distance away to the school that had been determined as the nearest by the Council and that the family had considered and respected the Council's Transport Policy in doing so. Furthermore, the mother pointed out that the school now attended considered applications on behalf of twins would be considered as

an individual application or 'single unit' and believed that two specific schools including the nearest school did not appear to consider twins in that way when allocating places.

In considering the mother's appeal, the Committee was informed that the family resided within the geographical priority area (GPA) for their first preference of school, however, the family lived too far away from the school to have been allocated places there and that the family were therefore offered places at their second preference. The Committee was advised that transport assistance was only awarded provided if a pupil(s) attended their nearest school and met the necessary criteria and that irrespective of what schools were placed as preferences for transfer, the Committee noted that there still remained a nearer school with places available. In addition the Council had also identified a nearer school in the neighbouring borough which was 1.99 miles away and that had the family put this down as one of their preferences, they would have obtained a place there.

Whilst the Committee noted the mother's concerns in respect of the nearest school, no evidence was provided to suggest that the school was not suitable for the pupils. In addition the Committee was advised that the Council was not suggesting that the pupils should transfer to the nearest school, but simply that the pupils were not eligible for free school transport as there was a nearer school with places available. Neither was the Council suggesting that the pupils should walk to school but that in order to determine eligibility for transport assistance the Council must determine the distance between the home and schools in the area including the school attended by walking distance measurement.

The Committee was also advised that information regarding entitlement to receive assistance with home to school transport was widely available to all families, via Year 7 open evenings and advice from the Council contained with the school admissions booklets published each year on its website. Parents are encouraged to check eligibility for transport assistance if this was an important factor for transfer.

With regard to the mother's point in relation to the school attended considering applications from twins as single units, it was reported that the school attended did have this facility in their admissions policy. However, the Committee was advised, that in the event of the last place being awarded to one of a twin, the Council would negotiate with the school to consider taking the remaining twin and that such negotiations had proved to be highly successful in the past. Notwithstanding this, there was no evidence to suggest that the two remaining preferences for transfer incorporated the "twins as a single unit" factor in their admissions policies.

In considering the family's financial circumstances, the Committee noted that the family was not on a low income as defined in law. No evidence had been provided to suggest or demonstrate that the family was unable to fund the cost of home to school transport.



Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 4131 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 15359**

It was reported that a request for transport assistance had initially been refused as the pupil was over the age of 19 years upon the start of a new Further Education course. College attended was 12.2478 miles from the home address. 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 reasons why the pupil resided with the grandparent from an early age and the lack of family support available to the pupil and the grandparent with the school run. The Committee also noted that the grandparent was the sole carer for the pupil. In considering the appeal further the Committee was informed that the grandparent had health problems which affected their daily life.

Whilst no evidence had been provided in respect of the grandparent's health problems, the Committee felt that given the family's circumstances and that the pupil was attending a one year course, the Committee felt that it should make a temporary award for the remainder of the current academic year only, to support both the grandparent and the pupil.

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

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 15359 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 and the policy on the provision of transport for pupils with special educational needs;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2016/17 academic year (Year 18) only.

### **Appeal 516554**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 1.5 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 noted the mother's statement that the journey to school was two miles and took 7 to 10 minutes. However, the mother was unable to drive and had two other children to get to and from nursery. The mother reported that her husband had to drop off and pick up the pupil concerned in this appeal. The Committee noted that the father worked nights for the reasons as set out in the appeal, coming home at around 6/7am and then having to stay awake until school drop off time. The mother stated that if the father was returning from a long journey then this would put him at risk of being late to pick up the pupil. The Committee was informed that the mother had asked other family members to assist with the school run, however, this had caused them an inconvenience as most of them worked early mornings.

In considering the appeal further, it was reported that the cost of the commute was also a significant factor as using public transport would be costly having looked at taxi and bus fares. In addition the bus times could also be problematic especially for the pupil who was not used to travelling on buses on their own and which might cause them distress.

However, the Committee noted that the appeal process had been instigated by the family on 27th November 2015. It was not clear from the information contained in the appeal why it had taken so long for the appeal to be processed through for the Committee to consider. It was reported that the delay did not appear to have been on the part of the Council as the Clerk to the Committee reported that he was notified by the SEND Team that this appeal had been submitted and was hoped to be presented to the Committee at its scheduled meeting for the 18th January 2016. In addition the Committee noted that an email dated 16th December 2015, from the SEND Team had been sent to the family asking for further information/evidence to be submitted in support of their appeal. The Committee noted that no response had been received from the family in relation to this request.

The Committee was also informed that a further request for information and evidence was made to the family in November 2016. The Committee was informed that no response had been received to this request either.

In considering the appeal further, it was reported that the nursery where the two younger siblings attended was just 0.2 miles from the home address, an approximate 4 minute walk and that walking onwards to the pupil's school would be a total mileage of 1.8 miles - a walk of approximately 35 minutes in total. Whilst the SEND Team had quoted the opening time of 9am for the nursery, it was reported that according to the nursery's website, it opened at 7:30am and shut at 5:45pm. It was not clear from the information provided whether the siblings attended the nursery all day, every day. In addition it was not clear what the mother's current situation was as according to the pupil's EHCP, the mother stayed at home. Whilst the Committee noted the father's situation with him working nights, the Committee felt there must not have been any issues with the combined school run given that both the school attended and the nursery were a short distance away from the family home and within statutory walking distance. Furthermore, attendance records for both the previous academic year and the current academic year had been provided for the information of the Committee and that these did not appear to detail any late arrivals before or after registration had closed.

The Committee noted that the pupil's special educational needs were not within the physical or gross motor skills area and that the pupil was in good general health and was fully mobile. It was confirmed that the pupil's needs were within the moderate learning difficulties range and that their most recent review from secondary school stated that they were making excellent progress and was independent in all their self-help skills. The Committee therefore felt that it could not properly determine the issues faced with the combined school run to warrant the family submitting an appeal for transport assistance.

In considering the cost of using public transport or taxis, no information had been provided to corroborate the mother's claims regarding the cost of such services. The Committee noted 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 such services whatever the cost might have been.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 516554 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 and the policy on the provision of transport for pupils with special educational needs.

## **Appeal 991961**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 6.086 miles from the home address as opposed to the nearest suitable school which was 0.9858 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

It was reported that the Committee had previously considered an appeal from the family at its meeting held in September 2016 and that the decision was to refuse the appeal for the reasons as set out in the minutes of that meeting and therefore the subsequent decision letter sent to the family. The Committee was informed that after the family was informed of the outcome of their appeal they requested a re-appeal on the grounds that the Committee did not have all the facts available when making their decision. The Committee noted that it is down to the appellants to provide the evidence to support their case in the first instance and that re-appeals are only awarded when a family's circumstances had significantly changed in comparison to when their appeal had been considered and determined.

Nevertheless, the Committee received the re-appeal which contained additional evidence that did not form a part of the first appeal.

In considering the appeal it was reported that the mother disputed the Council's statement that she had found out about school transport eligibility on the 21st January in that she never saw a specific Special Educational Needs and Disability Officer on that date and had further provided a copy of her diary to corroborate her version of events. However, the Council had reported in their case that the family were made aware of the Council's transport policy on 21st January 2016, by a different Officer and that a direct copy of the Officer's case notes including a telephone note between the Officer and the mother on the same date was provided for the information of the Committee. The Officer's case notes and the telephone note in particular confirmed that the mother was advised of the Council's transport policy by the different Officer, especially as the mother had advised that she would be unable to transport the pupil to two specific schools being the school now attended and another school in a neighbouring borough. The Committee concurred with the Council on this point and felt that the mother had been advised of the Council's policy in good time before the transfer. The Committee was advised that it was the Council's procedure to advise all families with children with special educational needs and disabilities what the Council's transport policy is before making their final decision on which school they would like their child to transfer to. Furthermore, the school now attended found that they were only able to offer a place after the Council had contacted them on 15th April 2016.

In considering the mother's point that the pupil would not have been able to walk to school even if they attended the nearest school, the Committee also noted that the mother had quoted specific extracts of legislation in relation to eligibility and the Council's duty to make such transport arrangements without undue stress, strain or difficulty. The Committee noted the mother also stated that the pupil had a mobility problem, had no road sense or the cognitive ability to be an independent traveller and needed the support of an adult.

However, the Committee was advised that the Council was not suggesting or stating that the pupil had to walk to the school now attended but that in accordance with the law and the Council's Transport Policies the pupil was not eligible for transport assistance. The Committee also noted that the pupil would have met the criteria and would have been provided with home to school transport had they attended the nearest school.

The mother reported that the family had use of a car and that she would need to be at two different schools at the same time to drop siblings off. The pupil's younger sibling attended a primary school and having to do the existing school run was affecting the pupil's attendance at school in that they were being dropped off and picked up late every single day at school. The mother also wished to point out that the pupil's sibling was only 8 years of age and that in order to get to school they would have to cross a busy road at the end of their street. The Committee noted that the mother did not work and that she stated she was a full time carer and that she took both the pupil and their sibling to school. The step-father was unable to support the mother in managing the school run. It was reported that he had a disability and that information in respect of this was provided in the appeal documentation for the Committee to consider. The Committee noted that the father also had a car through the Motability Scheme which was maintained through the Scheme. However, the mother stated that should the step-father's car breakdown he would have to use the family car (which was not on the Motability Scheme) to get to work which meant that the mother would not be able to get the pupil to school. In addition the mother stated that the pupil's DLA paid for the car that was used to transport the pupil to their many appointments. The Committee noted that the family had the use of two cars and that the step-father's car was already paid for on the Motability Scheme but could only assume that the DLA was used to pay for the mother's car.

In considering these points the Committee noted that ultimately the family had two cars in their possession and therefore the facilities to take the pupil and their sibling to school. The Committee noted that the primary school attended by the sibling was in the vicinity of the home address and that it ran both a before and after school club albeit at a cost as set out in the appeal documentation. The school attended by the pupil also had an after school club only and at a cost. However, the Committee felt that many parents with more than one child would face a similar situation with the school run and would have to make necessary arrangements and adjust their financial situation accordingly. The Committee noted that the mother had stated she was a full time carer. However, it was not clear from the evidence provided in respect of this role whether this was the case and to confirm who this was for. The Committee could not determine whether this

was in respect of the pupil or the step-father in conjunction with the point that both the pupil and the step-father would be out either at school each day or at work each day. The Committee noted that the step-father had changed his working hours as the organisation he worked for had made a series reasonable adjustments to accommodate his needs. However, the Committee felt that the family could still make use of and access the before and after school club provision at the primary school attended by the younger sibling which would then alleviate the need to be at two different schools at the same time. Whilst the Committee noted an email from a specific person at the school which had no job title associated with the named individual, that the pupil was at least 15 to 30 minutes late and was missing 30 minutes at the end of each school day, a copy of the pupil's attendance record since September 2016 had been included with the appeal documentation which stated that there had been no lateness recorded either before or after registration had closed.

With regard to the step-father's car on the Motability Scheme, the Committee noted that the Scheme had helped over 4 million people and their families enjoy freedom and independence and that such provision would be covered for breakdown assistance for the whole of the lease.

In considering the family's financial situation the Committee noted that the pupil was not in receipt of free school meals and that the family would not therefore be declared as a low income family as defined in law. The Committee noted that the mother had stated that she had asked if she "wasn't sure if you wanted me to highlight my husbands wages". The Committee was informed that a specific entry was indeed the step-father's wage on the bank statements that had been provided and also confirmed that a specific amount was being transferred to the step-father's ex-partner as a maintenance payment and that again the mother was a full-time carer and that there were no payments into the account for her wages. However, in considering the bank statements provided the Committee noted that the family were regularly and considerably in the minus and that there were many direct debits and standing orders in place. However, the Committee felt that the family might benefit from financial advice regarding their situation as they felt considerable sums of monies were being spent on what they considered to be lifestyle choices that many families have had to forego in order to remain financially stable.

In considering the family's financial circumstances further the Committee noted that the disability living allowances statement were all incomplete and that the tax credits annual review statement was also incomplete. The Committee felt that it could not make an award of transport assistance on the grounds of low income given the situation that they had access to two cars and had made a choice to send the pupil to the school now attended in the full knowledge that they would not receive transport assistance.

In considering the appeal further the mother reported that she felt bullied by the Council to pick the nearest school which she felt was not suitable for the pupil. The mother also felt that the Council was putting barriers to the pupil's learning by not providing the pupil with home to school transport. The mother quoted the

need for successful preparation for adulthood, including independent living and employment and that she felt the school attended was the only school within the area that could provide all this support for the pupil. In addition the mother had included two documents regarding the pupil's views and their desire to be a specific sportsperson. The school attended was the only school that had an after school club for this particular sport and that a local sports team also provided coaching there.

Whilst the Committee acknowledged the parental preferences, they were advised that the Council had not put any barriers towards the pupil's learning in that a place had been secured at the family's preferred school for the pupil but that in accordance with the Council's Transport Policy and the Law the responsibility for transport and getting the pupil to school and back rested with the parents.

The mother reported that she was keen to secure a school place that the pupil could be educated at in the long term and that the school attended held a specific accreditation and could provide specialist support for the pupil's needs. The mother stated that she felt the nearest school were unable to convince her that they could manage the pupil's health problem and behaviour needs. However, the Committee was advised that the pupil's needs and provision would be reviewed each year in line with the annual review process and that the Council felt it was not possible at this stage to determine what provision the pupil would require post 16 education. It was reported that the nearest school arranged college placements, work experience placements, mainstream school links and placements with training providers. In addition all key stage 4/5 pupils undertook work experience and college links. The Committee noted the copy of the letter from the nearest school which stated that they felt confident that they could meet the pupil's needs and further offered a place for the pupil to start in September 2016. The Committee was informed that the nearest school's Local Offer noted that the school specialised in meeting the needs of children and young people aged 11-19 years with a specific diagnosis and that staff at the school had specialist qualifications in respect of the diagnosis (which the pupil had), positive handling, behavioural emotional and social difficulties and sensory integration amongst many others. It was confirmed that the nearest school also held the same accreditation as the school attended. The Committee noted that the school now attended educated up to the age of 21.

In considering the final summary point on the appeal schedule, the Committee was informed that the case for school placement was due to be heard at tribunal in July 2016. However, the Council secured a place at the school now attended and so the mother withdrew her appeal. The mother claimed that transport was not discussed and assumed that if the Council had agreed the school placement, that transport would be included and that if the tribunal had agreed the school now attended, transport would have been included as well. The Committee noted the paragraphs quoted from the mother's additional letter and that the mother had another dispute with the Council in that she felt the Council had made sure that the case did not go to tribunal as she had valid points as to why she chose the school now attended over the nearest school and that she did not find out about the Council's Transport Policy on the 10th May.

The Committee noted that previously the school now attended were unable to offer a place so the Council could not name the school in the pupil's EHCP. Only once a place became available could the Council agree to name the school now attended. However, it was reported that a letter confirming the school place at the school now attended along with a transport application form was sent to parents on 10th May 2016, which included the standard wording; "I enclose a transport application form, a copy of the Lancashire County Council's Transport Policy, and a list of frequently asked questions. If you feel that your child meets the criteria for home to school transport, please complete the enclosed application form and return it in the reply-paid envelope". Notwithstanding this, the Committee recalled that the mother had been advised of the Council's Transport policy in relation to the school now attended and another school in a neighbouring borough which the mother had stated was of a similar distance in that the pupil would not have been eligible.

The Committee noted that a telephone conversation between the mother and a specific Officer back in May 2016 had not been recorded but that the Officer recalled the telephone conversation via the appeal schedule. However, the Committee felt they could not consider this point as there was no record of the telephone conversation from that time.

After considering all the evidence submitted by the mother, the Committee felt that there was still no evidence to suggest that the nearest school was not suitable for the pupil to attend.

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 still a matter of parental preference and was still not persuaded that there was sufficient reason to uphold the appeal. The Committee stated that should the family submit a further appeal the family would have to demonstrate a significant change in their circumstances to warrant being allowed a re-appeal.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 991961 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 and the policy on the provision of transport for pupils with special educational needs.

### **Appeal 1255501**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 8.8 miles from the home address as opposed to the nearest suitable school which was 1.2 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 pupil's health problems and the equipment used for mobility purposes along with the therapy and support they required in their daily life. The Committee also noted that the family had chosen the school now attended for transfer on the grounds that they had been advised by the pupil's previous school that this was the best place for the pupil and their needs. It was reported that there was a bilingual teacher/teaching assistant who spoke the family's native language and that the family considered this to be an important aspect for both the pupil and the mother and father. In addition the pupil had lots of friends at the school now attended which the family felt was important to the pupil psychologically and the family's relationship.

In considering the appeal further the Committee was informed that the family felt the nearest school had limited space for all of the pupil's equipment needs and that they would lose the opportunity for physical activity whereas they felt the school attended had more space. In addition the family felt that the pupil would lose the opportunity to communicate with other children at the nearest school as there was no bilingual teaching assistant for a specific language. Furthermore, the family felt that they were not fully supported to understand the implications of the words used about transport in the pupil's Education Health and Care Plan (EHCP) and that there was no referral from the SEND Team to the SEND Information Advice and Support Service (SENDIASS) to assist them. However, the Committee noted that a referral was made as part of the appeal process. The Committee again noted the father's point that his family did not have a good understanding of the English language and therefore did not fully understand correspondence in relation to transport eligibility from the SEND Team.

The Committee noted that the father had suggested that if the appeal was not allowed then the family would have to consider sending the pupil to the nearest school. Whilst the Committee were sympathetic in this case, it was reported that the member of staff who initially advised the family about the school attended no longer worked "at this setting" and the information that was shared regarding the space was incorrect in terms of meeting the pupil's needs. It was reported that the nearest school had responded and confirmed that they could meet the pupil's needs and that this therefore indicated the setting was able to accommodate the space requirements for their equipment and physical needs.

The Committee was informed that there was no longer a place available at the nearest school. However, it was noted that this could possibly be negotiated between the Council and the school should a desire for a transfer be instigated. The Committee was advised that the pupil's EHCP specifically referenced that the provision of a bilingual member of staff for the family's first language and that irrespective of which school the pupil attended, it would be the school's responsibility to ensure such provision was made for to support the pupil. The Committee was informed that the family had enlisted the support of a friend to help understand the content of the pupil's EHCP and that the family had also accessed support through SENDIASS. The Committee noted the Council

therefore had no indication that the family did not have access to support in order to understand the content or implications of the information detailed in the EHCP. In addition the Committee noted that the pupil's most recent Speech and Language Therapy report from September 2015, stated that the pupil seemed to have now acquired English to a level as with their first language.

The Committee was also informed that the member of staff from SENDIASS had given incorrect information by suggesting to the parents that "there would be no transport issues if the pupil was to attend the school now attended". The Committee was advised that eligibility for transport assistance was an assessment process in accordance with criteria set both in Law and in the Council's Transport Policies (mainstream and SEND) and that the member of staff from SENDIASS should not have advised the parents they would qualify for transport assistance unless they were certain that they understood the application of the law and policy to the family's circumstances.

The Committee was informed that the mother took the pupil's younger sibling to a primary school each day that was 0.5 miles and therefore within walking distance from the family's home address. It was reported that both children start and end the school day in the same hours. The mother was unemployed. However, the father worked shifts and was unavailable to assist with the school run on Mondays, Tuesdays and Wednesday afternoons. There was no other family support locally who could help with care or transport. The mother had health problems which affected her ability to manage with manual handling tasks. The Committee noted a recommendation that the mother's health would significantly improve if the manual handling would reduce or stop. The Committee also noted that the family lived in a private rented house and that adaptations could not be made to the house. In view of this the Committee felt that the family would perhaps benefit from being signposted to an appropriate housing agency/association to see if they would qualify for a suitable property and that if this option was successful to then consider the option of installing a stair lift in order for the mother to fulfil her role as the main carer for the pupil.

It was reported that the family received working tax credits. However, no evidence had been provided to substantiate the amount that they received. The Committee felt that the family might also be in receipt of disability living allowance (DLA) for the pupil. But again, no evidence was provided to assist the Committee in determining the family's financial situation. The Committee noted that the pupil was not entitled to free school meals and were therefore not on a low income as defined in law. No other financial information was provided by the family in support of their case. The Committee also noted that the family had initially offered to pay for the transport. However, this was before they were made aware of how much the provision would cost. The Committee was advised that there were two vehicles that travelled from the area where the family resided to the school now attended. However, both of these were full.

The Committee in noting the family had use of a car and that this was used to transport the pupil around in their daily life, the Committee could only assume at this point that the vehicle was suitable for the pupil's needs in getting around and in and out of the vehicle. The Committee could not determine whether the family's vehicle would require adaptations and whether or not the family had accessed

support through the Motability Scheme and already had use of an adapted vehicle on the scheme. The Committee noted that the father had been transporting the pupil to school and back on the days when he was not at work. The Committee also noted that since September, the pupil initially did not attend for a few days, however since then, their attendance had improved and that they had attended for some full weeks. It was not clear how the pupil was getting to school on the days when the father was at work or whether the mother had access to the family car, or another car, or to confirm whether the father travelled to work by public transport or other means. Therefore, the Committee felt that in order to take a fully informed decision on this appeal, it should defer the appeal to seek clarification regarding the family's financial circumstances and the benefits they were in receipt of, information regarding the family's car(s) and how they had been travelling to school each day. It was therefore;

**Resolved:** That Appeal 1255501 be deferred until the next scheduled meeting of the Committee on 16th January 2017, in order to ascertain the following points:

- i. Whether the family had a car on the Motability Scheme that was adapted to assist with getting the pupil around in daily life;
- ii. Whether the family had use of more than one car;
- iii. How the pupil had been travelling to school to date and in particular on Mondays, Tuesdays and Wednesdays;
- iv. How the father travelled to work;
- v. Whether the family was in receipt of DLA for the pupil and to provide the necessary evidence in the form of recent and complete benefit statements;
- vi. To determine what benefits the mother was in receipt of given that she was unemployed and to provide the necessary evidence in the form of recent and complete benefit statements; and
- vii. To determine what other benefits the family was in receipt of and to provide the necessary evidence.

### *Urgent Business Appeals*

#### **Appeal 4150**

At its meeting held on 7th November 2016, the Committee resolved:

"That,

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4150 in respect of the two younger siblings 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; and
- ii. Appeal 4150 in respect of the eldest sibling (yr 5) be deferred in order to obtain an update from the school's SENCO regarding the pupil's progress

and to determine the availability of other family members including a partner who could assist with the school run.

- iii. The appeal in respect of the eldest sibling be brought back to the Committee for consideration at the earliest opportunity."

In considering the appeal further the Committee felt that the letter from the school's SENCO did not give full indication of the pupil's needs. The Committee noted that the pupil did not have an Education Health and Care Plan (EHCP) and neither was there any information to suggest that the pupil could not, when accompanied catch the bus to school. However, the Committee noted the email from the school's headteacher which recommended that the pupil remained at their school until they would transfer to secondary school in 2018. Furthermore, the Committee noted that the family were being supported on the Lancashire Continuum of Need at a level 2. In view of this, the Committee felt that it should make an award to support the pupil for the remainder of their primary education and provide temporary travel assistance until the end of the 2017/18 academic year only.

The Committee noted that it had refused transport assistance to the pupil's younger siblings who also attended the same school. It was reported that should the mother wish to use the transport for the pupil then she would have to pay for the siblings and herself.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of 2017/18 academic year to support the pupil for the remainder of their primary education.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4150 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 2017/18 academic year (Year 6) only.

### **Appeal 4175**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 1.847 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 the mother had always accompanied the pupil to school and back as she worked from home for the last 10 years. However, since starting a full time training programme she was no longer able to do this. The mother advised that she was a single parent who had no income during her study year but still had outgoings such as a mortgage and bills to pay and could not afford to pay the £2.80 bus fare each school day for such a short journey. The mother was requesting support for the remainder of this academic year.

Whilst the Committee noted the mother's change in circumstances and that this appeared to be a decision taken by the mother and not necessarily forced, the Committee felt that the mother must have taken in to consideration how such a change would affect her financial status and any possible implications she may face with the school run particularly as she had been taking the pupil to school. The Committee noted the pupil was in year 8. The Committee also noted that no financial evidence had been supplied to substantiate that the mother was unable to fund the cost of transport whether that be by public transport or for a bus pass. The Committee was informed that the pupil was in receipt of free school meals. However, the Committee noted that the mother still had a mortgage and bills to pay. As no financial information had been supplied the Committee could not fully determine the mother's plight.

In considering the appeal further the Committee was informed that the pupil had additional needs with regard to academic progress, social and emotional skills. The mother reported that the pupil was anxious about using public transport but could cope with the school bus and that the pupil's anxiety also meant that the mother often struggled to get the pupil to school some days. In addition the mother felt that the walking route to the school attended from the home address was not safe as it was just fields and that very few children walked to school from the locality. There was poor street lighting which also added to the mother's concerns if the pupil was to walk in the dark during the winter months.

In considering these points the Committee noted that no professional medical evidence had been provided nor any evidence from the school to substantiate the pupils' additional needs or anxiety problems. The Committee noted that the pupil had been travelling on the school bus and that the mother had stated that the pupil could cope with this. No evidence had been provided to confirm that the pupil's attendance at school had been affected by their anxiety problems.

With regard to the suitability of the walking route to the school, it was reported that the route did not meet the criteria for an unsuitable route when assessed against the Council's Unsuitable Routes Policy. The Committee was advised that in all cases the suitability of walking routes would be assessed as if the child was accompanied as necessary by a parent or other responsible person and was

suitably clad. There was no other information regarding any other family support who could assist with the school run if needs be.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4175 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 4197**

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 3.2176 miles from their home address, and instead would attend their 11th nearest school which was 4.3673 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 mother was a disabled single parent in receipt of Employment Support Allowance and enhanced Personal Independence Allowance. The mother advised that despite going to appeal for admission they had been unsuccessful in securing a place for the pupil at their first preference of school and had accepted the place offered at the school now attended on the understanding that this was the next nearest school to their home with an accessible bus service. With regard to the family's second choice of school for transfer, the Committee noted that no place was offered there.

However, the mother advised that transport assistance to the school now attended had been refused by the Council because there were nearer schools to the home address. The mother disputed this and had provided a list of local schools and their walking distance measurements from the home address by using an online measuring tool. The mother stated that the distance given by the online measuring tool for walking from the home address confirmed that the distance to the school attended was 2.7 miles and that this she felt corroborated her feelings that the school attended was the nearest. The mother also stated that she had double checked the distance measurement using her car sat nav (using the walking route) and that the distance was still showing up as closer than the nearest school as determined by the Council. The Committee noted that the mother had use of a car.

The Committee was informed that the mother had placed her closest school as the first preference for transfer but was unsuccessful in gaining a place there. It was also reported that the mother would also not have been successful in gaining a place at the secondary school that was the second nearest to their home. The Committee in noting that the Council had stated that the pupil was attending their 11th nearest school, also felt that it was not clear whether the pupil was attending one of their three nearest schools with places available or to determine if there was a nearer school of the same faith as the school attended. The Committee felt that in order to give the mother a fair appeal, it should be deferred in order to ascertain this information from the Council.

In considering the mother's point in relation to distance measurements, the Committee noted her findings in the list provided. However, no evidence had been provided by the mother to substantiate her findings as no maps or other print outs had been included. The Committee noted the copies of the maps supplied by the Council detailing the walking routes to the nearest school and the school attended. But again there was nothing to compare the Council's routes with the mother's in to determine the mother's point.

With regard to the family's financial circumstances, the Committee noted that the family was on a low income as defined in law. However, no evidence had been provided to substantiate that the mother was unable to fund the cost of transport. The Committee again felt that the appeal should be deferred in order to provide the mother with the opportunity to substantiate her points in relation to the distance measurements to the school attended and to provide evidence of her financial status. It was therefore;

**Resolved:** That Appeal 4197 be deferred until the next scheduled meeting of the Committee in January 2017, in order to ascertain the following points:

- i. Whether the pupil was admitted to the school attended on faith grounds;
- ii. Whether the school attended was one of the pupil's three nearest with places available;
- iii. Whether there was a nearer school of the same faith as the school attended;
- iv. To obtain copies of maps substantiating the mother's findings with regard to the distance to the school attended; and
- v. To request financial evidence from the mother including all benefit statements.

### **Appeal 4198**

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 1.62 miles from their home address and was within the statutory walking distance, and instead would attend their 12th nearest school which was 7.472 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 mother advised that the pupil had complex medical conditions and that since the pupil started at the school attended, they had received care and support along with a medical healthcare plan. The mother provided a copy of the pupil's healthcare plan from the school attended along with professional medical evidence to substantiate the pupil's health problems. The Committee noted the pupil was in year 10.

In considering the appeal further the Committee was informed that the mother had health problems of her own as well and that the family's recent house move was due to the change in medical and financial circumstances as the family's previous home was quite remote, whereas the new home was closer to family who could offer additional support that both the mother and the pupil required.

In considering the mother's health problems, the Committee noted that the mother had stated in her appeal that she had lost her driving licence in October last year due to the reasons as set out in an email dated 1st December 2016. The Committee also noted that the mother had stated that she required assistance with mobility and did not go out alone and needed family support around the clock and that this was the reason why she gave up working part-time. The Committee also noted the father's vocation. However, no evidence had been provided in respect of all these points the mother had put forward in her appeal in order for the Committee to determine the impact the mother's health problems had had on the family. The Committee felt that it should defer the appeal in order to obtain this evidence from the mother.

The Committee noted the healthcare plan and the professional evidence in respect of the pupil's health problems. However, the Committee felt that the healthcare plan could be transferred to any school to support the pupil and formed the basis of reasonable adjustments to assist the pupil during school opening times. The Committee noted that the family had moved to be nearer to family for support. It was not clear how the pupil travelled to school previously or how they were currently getting there or whether their attendance had been affected by the upheaval. The Committee again felt that it should defer the appeal in order to determine these points.

In considering the family's financial circumstances, the Committee noted the payslip provided in respect of the father's wage and the incomplete documentation in relation to the mother's Personal Independence Payment and the family's working tax credits statement and that the family was not on a low income as defined in law. However, no other financial evidence had been provided in respect of any entitlement to disability living allowance or to confirm whether someone within the family had been designated as a carer or full-time carer for the mother. The Committee felt that it should defer the appeal in order to obtain the relevant pieces of evidence in order to fully determine the family's financial situation. Therefore, it was;



**Resolved:** That Appeal 4198 be deferred until the next scheduled meeting of the Committee in January 2017, in order to obtain the following:

- i. Current professional medical evidence of the mother's health problems;
- ii. Confirmation of any designated carer for the mother;
- iii. Details of how the pupil previously travelled to school and how they were currently getting to school;
- iv. Confirmation as to ability of nearer family members to assist with the school run; and
- v. Complete copies of all benefit statements received by the family.

I Young  
Director of Governance, Finance  
and Public Services

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