

**Lancashire County Council**

**Student Support Appeals Committee**

**Monday, 12th December, 2016 at 10.00 am in Room B15b, County Hall**

**Agenda**

**Part I** (Open to Press and Public)

**No. Item**

**1. Apologies**

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

Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.

**3. Minutes of the meeting held on 7th November 2016** (Pages 1 - 52)

**4. Urgent Business**

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

**5. Date of the Next Meeting**

The next scheduled meeting of the Committee will be held at 10am on Monday 16th January 2017 in room B15b, 1<sup>st</sup> Floor, County Hall, Preston.

**6. Exclusion of the Press and Public**

The Committee is asked to consider whether, under Section 100A(4) of the Local Government Act 1972, it considers that the public should be excluded from the meeting during consideration of the following item of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 12A to the Local Government Act, 1972 as indicated against the heading of the item and that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**Part II (Not open to the Press and Public)**

**7. Student Support Appeals**

(Pages 53 - 532)

(Not for Publication – Exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972.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

Please note that due to the confidential nature of the information included in this report it will not be published on the website.

I Young  
Director of Governance,  
Finance and Public Services

County Hall  
Preston

# Agenda Item 3

## Lancashire County Council

### Student Support Appeals Committee

**Minutes of the Meeting held on Monday, 7th November, 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;  
Mr G Halsall, Complaints and Appeals Officer, Legal and Democratic Services;  
and  
Mrs I Winn, Complaints and Appeals Officer, Legal and Democratic Services.

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

None were disclosed.

**2. Minutes of the meeting held on 3rd October 2016**

**Resolved:** That; the Minutes of the meeting held on the 3rd October 2016 be confirmed as an accurate record and be signed by the Chair.

**3. Urgent Business**

It was noted that the paperwork for appeals 4070, 4096 and 4153 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 4070, 4096 and 4153 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 12th December 2016 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 36 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 4144**

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 2.5781 miles from their home address and was within the statutory walking distance, and instead would attend their 9th nearest school which was 4.8363 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted that the pupil was attending the secondary school due to their previous primary school being one its main feeder schools. The mother advised that a diagnosis was awaited from the Council's SEND Team in relation to the pupil's difficulties and that the pupil had regular CAMHS appointments. In view of this the mother explained that preparations for the transition to secondary school had been taking place for a number of months with the school now attended presenting an opportunity for a smooth transition alongside many of their former classmates. The mother explained that when choosing schools for transfer she did not feel it was made clear that the distance from the family home to school was a factor in deciding if support would be offered. The mother was a single parent in receipt of universal

credit and the pupil was entitled to free school meals. In addition the mother reported that she received no maintenance support from the pupil's father. The mother also confirmed that she was looking to start full time employment in the near future and was unable to fund the cost of school transport relying on the support of friends to ensure the pupil gets to school and back – a position that increased the pupil's difficulties. The mother was therefore appealing for a bus pass to be granted for the pupil in an attempt to minimise the difficulties.

However, the Committee was informed that whilst pupils who attended the specific primary school were given priority in the admission criteria for the school now attended the Council only provided denominational transport assistance when a pupil attended their nearest faith school and the parental contribution was paid. The Committee noted that there was a nearer school of the same faith to the one attended that was nearer to the family home.

The Committee noted that no evidence had been provided in relation to the pupil's difficulties. Neither had any evidence been provided in respect of the CAMHS involvement to help the Committee determine the severity of the issues faced by the pupil. Despite this it was reported and confirmed that both the SENDIASS Team and the SEND Team at the Council had not received a request for a statutory assessment of the pupil's special educational needs. The Committee therefore felt that it could not properly determine the issues the pupil faced in conjunction with not receiving a free bus pass.

The Committee was informed that from September each year the Council issued admissions information which was available for all parents to view both online and in paper form (where requested) and also provided a summary of the transport policy. In addition parents are advised to check the policy carefully if transport was an important factor in their decision for transfer and to seek advice from the Council if they had any queries. The Committee also noted that the officers from the Council were also in attendance at most secondary school open evenings to give advice on admission queries and transport eligibility. Whilst it was not clear whether the mother had attended the open evening or sought advice in respect of travel the Committee noted that with regard to the mother's three preferences expressed for transfer she would not have received free transport to the second preference as the school was a distant school from the family home. However, for the third preference the Committee noted that the school was of a different faith but was nearer to the family home than the school attended. It was not clear whether the pupil would have met the criteria for admission to that school.

The Committee noted that the family was on the qualifying benefits to receive extended provisions awarded to such families for transport assistance the school attended was not one of the three nearest between 2 and 6 miles. No evidence had been provided to suggest or confirm that the family were unable to fund the cost of school transport. The Committee noted that the mother was looking to start full time employment in the near future. However, there was no evidence or information to suggest that the mother could not transport the pupil given that it appeared she was not currently employed in a full time capacity.

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 4144 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 4150**

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 1.1 miles from their home address and was within the statutory walking distance, and instead would attend their 21st nearest school which was 2.47 miles away. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted that it had previously considered appeals for transport assistance for the two elder siblings and that there was now a reception year sibling who the mother was also appealing transport assistance for. The Committee also noted that the eldest sibling listed in the previous appeal had now commenced secondary education. It was reported that the mother was also requesting transport assistance for her two year old child with the mother acting as passenger assistant.

In considering the appeal further the Committee noted the year 5 pupil had a specific diagnosis and that according to the mother the pupil was well supported at the school attended. The mother remained of the opinion that it would be detrimental to the pupil's education and wellbeing if they had to move school. The Committee recalled the family's circumstances and that the family were forced to move out of their last rented property and that the mother was hoping to once again find a property in the area where the school attended was situated. However, the mother reported that she was a council tenant and had since been unable to relocate back to the area as the current house was perfect for the family and the local council did not consider them a priority.

However, the Committee in considering the appeal noted that despite attempts to ask for information from the school attended in respect of the pupils, nothing had been forthcoming. No recent evidence had been provided in respect of the year 5 pupil's diagnosis and how they were currently coping and being supported at the school attended. In addition the pupil did not have an Education Health and Care Plan (EHCP). The Committee felt that it should perhaps defer the appeal in order to make enquiries with the school's SENCO in relation to the year 5 pupil.

In considering the appeal for the two younger siblings, the Committee acknowledged that given the basis the award was previously made the now year 2 pupil benefitted from transport assistance due to their elder siblings' situation. The Committee noted that the youngest of the siblings in the appeal had recently started school in reception and therefore felt that the choice of school for the two younger siblings was parental preference as there were twenty nearer schools than the one attended. Whilst the Committee understood the mother's preferences, they felt that they could no longer support the appeal for transport assistance for the year 2 sibling nor the reception year sibling to the school attended. Furthermore, the Committee also noted that only one preference had been expressed for the two younger siblings to enter in to reception year.

No evidence had been provided to confirm that the family were council tenants or to confirm that they were on a waiting list for properties in the area where the school was situated. The Committee noted that the Notice Requiring Possession document in respect of the family's previous shorthold tenancy was for a private rented property. The Committee therefore felt that it could not determine whether the mother had made efforts to secure a property in the area where they previously resided especially as the mother had reported that the family were happy where they were. In addition, the Committee could not determine whether there was a partner living with the family who could assist with the school run given that there was a two year old child.

The Committee noted that the mother had made reference to a change in her financial situation. However, whilst the Committee acknowledged the family was on a low income as defined in law, no evidence had been provided to confirm the mother's claims about her financial status. The Committee again noted that there were twenty nearer schools and that the nearest school was only 1.1 miles away with places available. The Committee whilst noting that the appeal schedule did not reference whether there were places for all three siblings at the nearest school and that other details had been confirmed in respect of all the remaining 19 schools that were nearer, they felt that the mother had not made any attempts to remove the need for a taxi.

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 two younger siblings would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal. However, in respect of the eldest sibling in year 5, the Committee felt that it should defer the appeal to ask for 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. The Committee also felt that the mother should provide evidence in relation to her current tenancy agreement and to confirm her council tenancy status.

**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.

### **Appeal 4137**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 2.73 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 grandparent was unsuccessful in securing a place at their first preference of school, but following a successful admission appeal the grandparent obtained a place for the pupil at the school now attended. The grandparent advised that one of their considerations when making a preference for the school now attended was that the school bus stop was close to their home and that the pupil would be able to travel to school safely and easily. The Committee noted that the grandparent felt that living in the area where they did put them at a disadvantage as they lived too far away from schools in a particular district. The grandparent reported that she was one of the pupil's legal guardians and that both her and the other legal guardian were in receipt of a state pension.

It was reported that the grandparent's preferred schools for transfer were heavily oversubscribed and that the pupil did not have sufficient priority for a place. The Committee noted that the grandparents had secured a place at the school now attended via an admission appeal and that the Council considered the school attended to be the nearest school for the pupil. The Committee also noted that the grandparents 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. Whilst the Committee accepted that being on a state pension would provide only limited financial means, there was no evidence to suggest that the grandparents were unable to fund the cost of the bus pass, or to suggest that they were unable to carry out the school run.

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 felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was



sufficient reason to uphold the appeal on the information provided. However, the Committee suggested that if the grandparent could supply evidence relating to their family's financial circumstances including all source of income then they should be allowed a re-appeal.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4137 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 4120**

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 6.56 miles from their home address, and instead would attend their 2nd nearest school which was 6.949 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted that the pupil would not be entitled to a free bus pass as there was a specific faith secondary school closer to the family home by 0.2 miles. The mother explained that having been a pupil at the local faith primary school the pupil would have automatically been guaranteed a place at the specific secondary faith school had this been identified as the first preference school for pupil. However, the mother advised that she strongly objected to faith schools for the reasons as set out in her appeal. The mother confirmed that their local faith primary school was the closest to the family home by a considerable margin and that daily car journeys to the nearest non-faith school would have exceeded 16 miles. In addition the mother's overriding concern, had she taken the decision to send her children to the local faith school, was that this would have excluded them from their own community which was what the mother was trying to avoid. Essentially, the mother felt that she was left with no choice but to send her children to the local faith primary school.

The Committee was informed that having taken the decision to send their children to the local faith school, whilst both the mother and the father were both atheists, they were content to allow their children to attend the faith school on the basis that they were at least benefitting from being amongst their friends and neighbours. The mother explained that with no secondary provision in their home village, she was aware that once her children reached year 7 the options available to them would increase.

In considering the appeal further the Committee was informed that the mother had quoted an excerpt from the secondary faith school's website which advised that the governors of the school expected parents choosing their school to commit the child to taking full and active part in religious education and

worshipping life of the school. After taking her eldest child to the open day for the school the mother stated that the headteacher in their speech had stressed to parents that if they did not feel they could support the school in its spiritual and religious teachings they should not apply. The mother explained that the school had not changed in the last twelve months and both she and her husband were not able to commit to supporting the pupil taking full part in religious education and worshipping life at the specific secondary faith school and so did not apply for a place there. The mother went on to explain in her appeal, quoting from the Equality Act 2010 and specifically in relation to the guide to local government providing services to the public, she outlined that people could not be treated less favourably because they did not follow a certain religion or had no religious beliefs at all.

In conclusion the mother stated that if the pupil was not provided with free transport to take them to and from the nearest non-faith school from the family home she was prepared to take further action on the grounds that the Council was discriminating against her family due to its beliefs on religion. Alternatively, the mother suggested that the Council could provide the pupil with a free bus pass to the specific secondary faith school so that the pupil could alight from the bus two stops early to get to the school attended.

The Committee was 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 was advised that the nearest school as identified by the Council was the nearest and the pupil would have gained a place there for transfer had this been put down as a preference. The Committee noted that only the school now attended was listed as a preference for transfer and that no other schools were chosen. Whilst the Committee acknowledged the mother's comments in relation to the nearest school and its faith ethos, her quotations from the Equality Act 2010 and that both the mother and the father were atheists along with the reasons for choosing the primary school attended the Committee felt that if the family felt so strongly about not attending a faith school then they would have made every effort not to attend the school. The Committee felt there was nothing to suggest that the pupil having spent seven years at the faith school afflicted with the parents' views on atheism. There was no evidence to suggest that the nearest non-faith school would involve a sixteen mile round trip each day. However, the Committee acknowledged that faith schools are quite prevalent in rural areas.

The Committee also acknowledged the mother's reference to children being taught in an environment of inclusivity, however, the Committee concurred with the officer's comments and felt that this point was contradictory in nature in that the pupil was now attending a single sex school that solely selected pupils on academic ability.

However, in considering both the mother's and the father's stance on religion and the veracity with which the mother was presenting her case that they were both atheists, it was reported that confirmation had been received the father was a Foundation Governor at the local faith primary school and that this position had

been nominated by the Principal Officiating Minister for a specific Parish. The Committee felt that this also contradicted the mother's claims.

In considering the family's ability to fund the cost of the bus pass, the Committee noted that the family were not on a low income as defined in law and that no evidence had been provided to suggest or confirm that they were unable to fund the cost. The Committee was advised that the parent's suggestion of the equivalent transport assistance to the nearest school was not a provision that the Council could provide.

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 4120 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 4146**

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 3.535 miles from their home address, and instead would attend their 2nd nearest school which was 4.0156 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 explained that the pupil's eldest sibling was unsuccessful in obtaining a place at the nearest school back in 2012 as the family did not attend church and that the eldest sibling attended a specific school now. The mother stated that the nearest school's policy had not changed since then and therefore did not expect to get a place there. In addition she understood that the school was oversubscribed this year for the pupil's year group. The mother reported that another older sibling attended the same school as the pupil and received free transport and that this was the main reason for the application for a place there. The mother stated that she was unhappy that the notice explaining the pupil was not entitled to free transport was not received until after the start of the school term and that she immediately applied for a school transport season ticket but two weeks later received a letter advising that the application had been refused. The mother reported that a specific bus company had informed her that the minimum distance for a 'scholar pass' was for a distance of 5.8 miles from the school attended. The nearest bus stop from the family home was 3.95 miles from

school attended and 3.7 miles from the nearest school – a difference of only 0.25 miles.

In considering the appeal further the mother reported that the pupil was purchasing a 'day rider' ticket each morning but the driver on the afternoon bus had told the pupil to use a different bus. The mother explained that the pupil was not able to travel with their friends which was causing the pupil a lot of anxiety about the bus journeys and was making it hard for the pupil to settle in at school. The mother also stated that the delays in receiving information and getting transport organised for the pupil was causing them a lot of distress and exacerbating the pupil's health problems. It was reported that both the mother and the father had driven the pupil to school as often as they could but work commitments made this impossible as a permanent solution. In conclusion the mother felt that there was an element of discrimination in this case as the transport assistance had been refused due to the fact the pupil did not attend a faith school. The mother explained that they did not follow a specific faith and therefore considered the school attended to be the nearest suitable and available school.

The Committee was informed that had the nearest school been their first preference then a place would have been offered there. It was noted that the pupil attended a primary school which was of the same faith as the nearest school. Furthermore, the Committee noted that the nearest school had been placed as the family's second preference for transfer. The Committee therefore felt that the mother's comments in relation to the denomination of the nearest school were contradictory as there was nothing to suggest that the pupil having spent seven years at the primary faith school afflicted with the parents' views on the denomination of the nearest school.

The Committee was reminded that the Council's Transport Policy had changed and 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 therefore felt that there was no evidence to suggest that the nearest school was not suitable for the pupil to attend.

Whilst the Committee noted the mother's comments in relation to the nearest school being oversubscribed, the Committee was informed that the mother would not have known this fact at the time of expressing places. However, the Committee again noted that the mother had expressed the nearest school as the second preference for transfer. The Committee noted that the nearest school operated a points based system for their admissions criteria and that in previous years the number of points needed to gain a place there was higher. In the last two years the number of points needed had been relatively low which could account for older siblings not being able to gain a place there whilst a younger sibling could have.

With regard to the delay the mother had experienced the Committee was advised that an application for transport assistance was received on 30th August 2016 and that a refusal letter was sent on 1st September 2016 advising parents to

contact the season ticket line as they would need to purchase a pass. However, it was reported that if the school bus that the pupil wishes to catch is full, then parents wouldn't be able to buy a pass on that service and the pupil would have to travel on the commercial service. Whilst the Committee acknowledged the parents had been assisting with travel arrangements and that work commitments made it impossible as a permanent solution, the Committee noted that many parents struggled with the school run due to work commitments. Furthermore, the Committee noted that this was a two parent family with the use of at least one car. There was no evidence to substantiate the mother's claims regarding working commitments. In addition, the Committee noted that the family were not on a low income as defined in law. No evidence had been provided to suggest that they were unable to fund the cost of transport. No evidence had been provided in respect of the pupil's health problems.

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 4146 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 4135**

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 4.796 miles from their home address, and instead would attend their 8th nearest school which was 12.41 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted the family's circumstances and the impact recent events had had on them. The Committee also noted the professional medical evidence in respect of the father's circumstances and his ability to return to work. Given that the Committee felt the father's situation was perhaps temporary and that he had made an admission that he did not wish to stay off work any longer than necessary, the Committee felt that it should make a temporary award for the remainder of the current academic year only to support the family in the interim to be reviewed.

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

reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of 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 4135 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 7) only to be reviewed.

### **Appeal 4141**

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 6.566 miles from their home address, and instead would attend their 2nd nearest school which was 8.289 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted that she was a single parent on a low income and was unable to fund the costs of a bus pass for the pupil to attend the school. The mother explained that the pupil was in receipt of free school meals.

In her appeal the mother continued to explain that the pupil's first school was situated in a specific town with a large number of pupils on roll and that this was an environment where the pupil became very shy and upset and was reluctant to attend school each day. Having transferred to an alternative school in their year 5, the pupil was assessed as being at the academic level of a year 3 pupil. However, through support and intervention strategies employed at the school the pupil's confidence grew markedly to the point where they took a more active involvement in school life and enjoyed attending. The mother explained that she was anxious to avoid a repeat of her child's previous difficulties when transferring to secondary education and with this in mind did not feel that the nearest school would have been an appropriate choice. The mother advised that at the school now attended the pupil was alongside peers from their previous primary school. The mother also advised on services the school provided and detailed how the pupil was encouraged to assist them in adjusting to their new environment.

The Committee noted that the pupil's elder sibling had raised allegations of bullying whilst attending a large secondary school and that the sibling was not supported in relation to their diagnosis whilst at school. The mother explained that she would not send her children to a large school again. In conclusion the

mother felt that the school attended was the only school in which the pupil could reach their full potential.

In considering the mother's choice of school and her concerns in relation to size of school and the suggestion around complexities experienced in managing situations within a large school, the Committee noted that the intake for the school attended was 220 compared with 132 at the nearest school. Whilst the Committee noted the letter of support from the pupil's former headteacher in relation to the school attended being the most reasonable choice statistically for families living in the area, there were only four pupils in the pupil's cohort and that two of them transferred to the school attended and the remaining two were offered schools in the local city/town area – no one was offered the nearest school.

However, the Committee noted that the mother only made one preference for transfer being the school now attended. The Committee whilst acknowledging the mother's concerns and her wish for the pupil to transfer to the same school as her peers, albeit two pupils having transferred and that the school was over eight miles from the family home, that surely the mother must have considered the factor of transport to school or how the pupil was going to get to the school. The Committee was advised that parents were encouraged to check with the Council, eligibility for transport assistance if transport was an important factor in their choice of school. The Committee noted that the school attended was not situated within the administrative boundary of the Council and would therefore have not featured in the admissions literature the Council produced.

In considering the appeal further the Committee was informed that in the supporting information from the headteacher it stated that a specific primary school was a 'feeder school' for the school attended. However, it was reported that the school attended did not give priority to pupils from any specific schools in their admission policy and that for any pupils living in the area the headteacher referred to, the school attended would be their nearest as it was only three miles away.

The Committee noted that the mother was on a low income as defined in law. However, no evidence was provided to suggest that she was unable to fund the cost of a bus pass. No information or evidence had been provided to suggest that the pupil's attendance had been adversely affected or to confirm how the pupil had been travelling to school so far. The Committee noted that had the pupil transferred to the nearest school then the pupil would have been entitled to free transport.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4141 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 4151**

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 2.18 miles from their home address, and instead would attend their 2nd nearest school which was 3.08 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 stated that it was preferable to keep the pupil at the school attended with their sibling, friends and teachers. The mother acknowledged that the school attended was not the nearest and stated the bus had an adequate number of seats. In addition previous siblings received transport assistance. The mother also stated that the school attended was part of the parish and within a specific local community and that the area where the family resided was part of the parish as served by a particular Reverend.

In considering the appeal further the mother explained that the school would seriously suffer in pupil numbers as mum's could not be expected to drive every day. In addition the mother also felt that by sending children on a school bus paid for by the Council, which was out of the parish away from their siblings and friends and school teachers was just wrong. The mother explained the complexities surrounding having children at different schools and that the family were unable to fund the cost of private hire.

It was reported that the Council had refused transport as the pupil was not attending their nearest school. The Committee noted that parents have the right to choose which school they would prefer their children to attend, however this did not entitle them to free transport to the preferred school. The Committee was 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 in previous years the Council did not consider out of County schools when assessing home to school transport eligibility and that for children living in the area where the family reside would have previously received assistance to the school attended. However, it was reported that the Council's Transport Policy had changed and that the Council now considered as part of its assessment process schools that were not in the administrative boundary of the Council. The Committee was advised that if the nearest school had places available then pupils would not be entitled to transport assistance to the school attended. Furthermore, providing transport to a school that serves a parish which isn't the nearest school was a discretion that the Council did not provide for in its Transport Policy.



In noting that there was a school bus that operated to the school attended and that if places were available then the mother could purchase a season ticket for the pupil to travel on and that this could be paid for by direct debit over ten monthly instalments. In considering this point the Committee noted that the family was not on a low income as defined in law. No evidence had been provided to suggest or confirm that the family was unable to fund the cost of the season ticket.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule 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 4151 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 4117**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 0.4 miles from their home address and was within the statutory walking distance, and instead would attend their 7th nearest school which was 6.97 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 Committee recalled that it had previously considered an appeal for the pupil and noted the reasons for the previous award made for the previous academic year. In considering the mother's further appeal the Committee noted the recent professional medical evidence supplied detailing progress made by the pupil. However, the Committee noted that the pupil had still not been reintegrated in to full time education and had commenced their GCSE studies. The Committee also noted that the family was not on a low income as defined in law and had previously paid the denominational contribution. The Committee felt given all these circumstances it should make an award for the remainder of the pupil's secondary education on the basis that the family paid the denominational contribution.

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

denominational contribution for each remaining academic year to support the pupil for the remainder of their secondary education.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4117 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2016/17;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2017/18 academic year (Year 11) only on the basis that the mother paid the denominational contribution for each remaining academic year.

### **Appeal 4128**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 5.11 miles from their home address, and instead would attend their 2nd nearest school which was 5.84 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 circumstances leading up to the family securing a school place for the pupil to send them to the school attended as a boarder. The Committee also noted that the family began to search for a property that was in the catchment area for the area where the school was situated and where the family now lived that fitted their criteria. The father then explained that with the pupil being happy and making good progress at the school attended, he did not believe it to be worthwhile to look at any other school.

In considering the appeal further the father reported that he was aware of another family who lived in the same area whose circumstances replicated those of his own exactly and yet their two children had been granted free bus passes to attend the same school. The father questioned how this could be logical and fair. The father explained that having undertaken the journey from his home address to both the school attended and the nearest school he stated that the distance to the nearest school was 5.1 miles (taking 13 minutes) and that the distance to school attended was 5.5 miles (14 minutes). The father felt that this situation rendered the judgement that the pupil should attend the nearest school illogical. Furthermore, the father added that with only one road into the village where the nearest school was situated, one diversion had added 4 miles and ten minutes onto the journey. In conclusion the father believed that the pupil should have been supported with transport provision for the last three years and had not been at considerable cost to the family financially.

However, it was reported that the nearest school was that as identified by the Council and was 0.74 miles closer to the family's home address than the school attended and currently had places available in the pupil's year group. In addition the Committee was informed that the school would have also had places in the pupil's year group when the family moved into the area where they now reside. The Committee noted that the Council was not suggesting that the pupil should transfer to the nearest school, but that in accordance with the Council's Policy and the law the pupil was not entitled to free transport to the school attended as there was a nearer school.

The Committee was also advised that parts of the area where the family resided were indeed nearer to the school attended as well as parts that were nearer to the nearest school and that some pupils in the area where the family resided would qualify for transport assistance to the school attended whereas others would not.

Whilst the Committee noted that both schools were under six miles from the family home and that the school attended was the second 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.

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 4128 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 4136**

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 0.6846 miles from their home address and was within the statutory walking distance, and instead would attend their 4th nearest school which was 2.3003 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 father was appealing for a bus pass on the grounds that he considered the walking route to school attended was unsafe and that a representative of the Council had previously

assessed the route and deemed it to be unsafe as well. The father suggested that a safer but longer walking route to the school attended would yield a distance that would exceed the Council's Transport Policy of a maximum walking distance of two miles for pupils under the age of eight years old. Furthermore, the father was aware that other families living on the same route and in fact closer to the school, on a particular estate had been granted free transport for their children.

However, the father made further representations in response to the appeal schedule as he felt he did not capture the essence of his appeal. The father explained that the school attended would only be the 4th nearest school if only safe walking routes were considered. The father felt that the unsafe route would make the school attended joint second at 1.3 miles but that the unsafe route had not and could not be considered. The father challenged the officer's comments in that "for some people living on the [...] estate [school attended] is the nearest school". The father was of the belief that all families living on the specific estate would have to use the unsafe route for this to be correct, as the unsafe part of the journey lay between the estate and the school. The father stated that the school attended was not the nearest school via safe walking route for any families living on the specific estate. In conclusion on this point the father argued that if only safe walking routes were considered then the school attended was actually the 4th nearest school to the families living on the estate who had been granted free travel. A table illustrating the father's point was provided comparing safe walking distances from the family home and those on the specific estate. In summarising the father was not contending that the school attended was not the nearest but that families had already been granted free travel were in the exact situation they were when only the safe walking routes were considered. The father stated that everyone would have to walk the long way round in order to avoid the unsafe portion of the route to school and that this situation was unfair to the pupil.

In considering the appeal further the Committee was advised that the pupil was offered a place at their nearest school at the time of primary school application. However, the family successfully appealed for a place at the school attended in July 2015. Whilst the Committee acknowledged that the nearest school was the family's third preference in comparison to the school attended being their first, the Committee felt that had the provision of free transport been an important factor in choosing a school then the family should have contacted the school to ascertain this fact as advised to do so throughout the process of application via the admissions literature the Council produces each year both online and in paper form. The Committee therefore determined that the school attended was parental preference. And whilst the father had already stated that he did not dispute the school attended was not the nearest, the Committee was advised that this being the case as confirmed by the Council, the Council could not consider the suitability of the walking route in this matter.

The Committee acknowledged the maps provided in support of the father's appeal. The Committee noted that families who lived on the estate the father referred to in his appeal did indeed live closer in proximity to the school attended than the father and that for some living on the estate, the school would have been considered as the nearest suitable school. As it appeared from the appeal documentation provided that no detail had been passed on to the Council as to who on the estate had received free transport assistance, the Council and

therefore the Committee was unable to determine whether an error had occurred. However, in so far as this appeal was concerned the Committee felt that no error had been made in relation to this pupil's eligibility for free transport assistance.

No other information or evidence had been provided to suggest that the family was unable to fund the cost of transport or were unable to carry out the school run.

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 4136 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 4154**

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 0.58 miles from their home address and was within the statutory walking distance, and instead would attend their 7th nearest school which was 2.3 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted that the pupil's elder sibling had had a travel pass for the past two academic years and that the mother wished for both children to travel on the same bus. However, the mother was unsure if she purchased a normal bus pass as to whether the pupil could travel on the same bus as the elder sibling. The mother explained that she had already purchased the school uniform for the pupil and that the family were in receipt of maximum working tax credit. The mother also confirmed that she lived with her partner.

It was reported that the elder sibling was in year 9 and started at the same school when the Council's Transport Policy was more generous. The Committee was informed that at that time the Council did not take faith schools into consideration when carrying out its assessments. The elder sibling was therefore awarded transport assistance on the basis that she was, at that time attending her third nearest school and was in receipt of free school meals. However, it was reported that since the elder sibling started at secondary school, the Council's Transport Policy had changed. The Committee was informed that the Council now included faith schools when carrying out its assessments for transport assistance eligibility

and as such the pupil concerned in this appeal was found to be attending their seventh nearest school.

The Committee noted that the family had only expressed one preference for transfer into year 7 being the school now attended. The Committee felt that the family must have assumed that transport assistance would have been forthcoming for this pupil. However, the Committee was reminded that each year the Council provided admissions literature for parents which provided a summary of the transport policy. Furthermore, if parents felt that free transport was an important factor for the choice of school then parents were again advised through the admissions literature to contact the Council to confirm whether transport assistance would be awarded.

Whilst the Committee noted that the family was on a low income as defined in law, no evidence had been provided to suggest or confirm that the family were unable to fund the cost of a season ticket. Furthermore, the Committee was informed that the bus as referred to by the mother in the appeal for which the elder sibling used to get to school had 20 unallocated seats and that parents could still either pay the daily return fare or purchase a season ticket which could be paid by direct debit over ten monthly instalments.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4154 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 4067**

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 0.471 miles from their home address, and instead would attend their 8th nearest school which was 1.1727 miles away. Both schools were within statutory walking distance. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted the family's circumstances, how the pupils came to live with their grandparents and the issues the family faced with the school run. The Committee also noted the grandmother's health problems. In noting that the grandmother had been awarded a Special Guardianship Order (SGO) for the pupils and the comments raised in the SGO in

relation to the pupil's education the Committee felt that it should make a temporary award or the remainder of the current academic year only for all three siblings to be reviewed.

Therefore, having considered all of the grandmother'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 4067 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 4134**

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 2.1008 miles from their home address and was within the statutory walking distance, and instead would attend their 6th nearest school which was 3.8721 miles away. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted that the father was not prepared to send one of the pupils to the nearest school due to concerns about their welfare with a number of pupils who had subjected the pupil to bullying in the past were now on roll there. The father confirmed that these circumstances had caused much distress to the father's partner who was diagnosed with specific health problems. The father reported that his partner was unable to drive to their health problem. In addition the father reported that due to full time employment commitments he too was unable to assist with the school run and that there was nobody else who could. In conclusion the father stated that the pupils had been raised in a non-religious environment and that it would go against both his and his partner's beliefs to send them to a faith school such as the two schools referred to by the father in his appeal.

In considering the appeal further the Committee noted that no evidence had been provided to substantiate the bullying allegations in relation to one of the twins as mentioned in the appeal. Whilst the Committee noted that schools were

statutorily required to have an anti-bullying policy in place and that a number of steps could be taken by a school to protect individual pupils who had previously experienced bullying, there still remained no evidence to suggest that the nearest school was unsuitable for the pupil.

Whilst the Committee acknowledged the parental beliefs in respect of the two faith schools as referenced by the father in his appeal, the Committee noted that the same two schools were expressed as the family's 2nd and 3rd preference for transfer into year 7. The Committee therefore felt that there was a contradiction on the father's part in his case.

The Committee was advised that there was some discretion in the Transport Policy whereby if it was not possible due to the medical condition of one or both parents for them to accompany the child the Council would provide transport assistance. However, this discretion only applied to those families who were on a low income as defined in law. The Committee noted that the family were not on a low income as defined in law. In addition no evidence had been supplied to substantiate the mother's health problems.

Whilst the Committee noted the father's comments in relation to his work commitments and the lack of other people being able to assist, the Committee noted that the appeal was for bus passes. No evidence had been supplied to suggest or confirm that the family were unable to fund the cost of the passes.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4134 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 4156**

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 1.26 miles from their home address and was within the statutory walking distance, and instead would attend their 16th nearest school which was 5.23 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 professional medical evidence supplied in relation to the mother's health problems. The Committee also noted that there was a high level of support being given to the mother. Whilst the Committee was informed that the mother did not obtain the school place at the school attended via an admission appeal and that in fact the place was offered to the family from the reserve list, the Committee felt that given the circumstances the family faced and that the family were on a low income as defined in law it should make a temporary award for the remainder of the current academic year to be reviewed. The Committee stated that when the mother reapplies for transport for the following academic year (2017/18) she should supply recent professional medical evidence including evidence from other services the mother is currently with.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of 2016/17 academic year to support the 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 4156 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 7) only to be reviewed.

### **Appeal 4129**

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 1.5208 miles from their home address, and instead would attend their 6th nearest school which was 2.7742 miles away. Both schools were within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee was informed that the decision to send the pupil to the school attended was due to the support they would be offered from the school's SEN Team, enabling the pupil to remain in mainstream education alongside family members who would provide emotional support when needed. The Committee noted the pupil's health problems and these would affect her daily life. The Committee also noted that the pupil was able to walk independently although not over long distances. However, even if the pupil was

to attend the nearest school, which the mother indicated was 1.9 miles away from the family home, the distance would be too great for the pupil to physically complete. A letter of support from the pupil's physiotherapist detailed the extenuating circumstances by which they supported this appeal.

In considering the appeal further the Committee was informed that the pupil did not have an Education Health and Care Plan (EHCP). Whilst the Committee acknowledged that the pupil would be unable to walk the distance to the nearest school, there was no evidence from the school attended to suggest or confirm that it would better meet the pupil's needs than all the nearer schools.

The Committee noted that the appeal was for a bus pass. The Committee was informed that the family were not on a low income as defined in law. No evidence had been provided to suggest or confirm that the family were unable to fund the cost of the bus pass. In addition the Committee could not ascertain whether there were other family members or to determine what issues the family faced 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 on the information provided. However, the Committee suggested that if the mother could provide evidence relating to their financial situation and availability of family support and details relating to problems with the school run then she should be allowed to have a re-appeal.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4129 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 4139**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 0.3.953 miles from their home address, and instead would attend their 8th nearest school which was 2.107 miles away. Both schools were within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted the reasons for why the pupil transferred to the same school as their siblings along with the complications the family faced with the school run. The Committee noted that the two younger siblings were in receipt of transport assistance to the school. In noting the family's

circumstances and that they were on a low income as defined in law the Committee felt that as the pupil was in their final year of primary education that a temporary award should be made for the remainder of the current academic year only to support the pupil.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of 2016/17 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 4139 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 6) only.

### **Appeal 4149**

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 2.4587 miles from their home address and was within the statutory walking distance, and instead would attend their 20th nearest school which was 12.0645 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's appeal was based around problems concerning the distance from home to school, the lack of public transport and the difficulties of shift work and long hours not fitting around school times. The Committee was informed of the reasons why the family were unable to emigrate and how the mother and pupil came to live with the mother's partner. The mother also explained that due to her work commitments she was struggling to get the pupil to school and back and that she relied on friends and family members to look after the pupil after school. The Committee noted that sometimes the mother did not get home from work until after 9pm for the reasons as stated in the appeal.

In considering the appeal further the Committee noted the father was a long distance lorry driver and was unable to assist with the school run. In addition the mother's elderly parents helped where they could but health issues were making that difficult at present. The mother explained that there was no public transport

service from the area where the family resided to the area where the school attended was situated and that the distance was too far to walk. In addition the pupil was very settled at the school and was doing well in their subjects. The mother was keen for the pupil to remain at the school attended for their wellbeing and education. The Committee noted the pupil had commenced their GCSEs.

In conclusion the mother stated that although she was on a low income, she was willing to contribute towards some of the travel costs if she could.

Whilst the Committee noted the circumstances which the mother now found herself in, the Committee felt that it did not have the full picture in relation to the mother's working commitments. The tax credits award notice as supplied by the mother missed off three specific pages which would have detailed the hours worked by the mother as well as the address to which it was sent to. Whilst it was acknowledged that the mother's vocation would involve shift work the Committee felt that evidence to corroborate her hours of work would have been appropriate. The Committee felt that the mother's earnings as stated in the tax credits award notice in comparison to what her vocation was did not match that of a full time wage. In addition the Committee noted that the mother's income for the previous financial year was more than projected for the current year by nearly £4k. However, as there was limited evidence in relation to this matter the Committee could not determine their feelings or the mother's claims.

It was not clear where the mother's work place was and whether this was near to the school attended. The Committee noted that there was no reference to the new partner assisting with the school run in any way. In addition the Committee noted that the mother was not on a low income as defined in law. No evidence had been provided in relation to the family's financial circumstances to suggest or confirm that they were finding it difficult to fund the cost of travel. The Committee noted that the pupil could utilise public transport. However, it was reported that the journey time would extend beyond the recommended 75 minutes in the Council's Transport Policy. There was no evidence to suggest that the pupil's attendance had been adversely affected by the move.

The Committee acknowledged the difficulty the mother faced with regards to the house move. However, no evidence had been provided to corroborate the mother's claims. The mother had provided evidence of her change of address. However, the date of the evidence was before the date that had been stated on the appeal application form. No other evidence had been provided to confirm the mother's address. The Committee noted that the mother had stated she was not the owner of the property where she resided with the pupil.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4149 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 4118**

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 1.433 miles from their home address and was within the statutory walking distance, and instead would attend their 7th nearest school which was 7.8089 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 Committee was informed that appeal 4118 and appeal 4126 related to siblings.

In considering the appeal the Committee was informed that the pupil's eldest sibling attended the same school and travelled there and back each day. However, it was reported that in accordance with Appeal 4126 for the eldest sibling, they had since had their bus pass/entitlement withdrawn. In considering the appeal for this pupil further the Committee noted that the pupil's former primary school was one of the feeder establishments for the secondary school now attended. The mother explained that following the upheaval the family had experienced, the mother and the pupils were now back in the marital home. The mother advised that both pupils had been deeply affected by the events that had occurred. However, the mother was now hopeful that the pupils were settling down and that her main aim was to ensure that both pupils could get to school safely.

Whilst the Committee acknowledged the circumstances surrounding the upheaval, the Committee noted that the pupil concerned in this appeal would never have been entitled to free transport. It was reported that when the elder sibling started at the school attended the Council's Transport Policy was more generous in that it awarded transport assistance to children who resided within a geographical priority area (GPA) for a school and resided over three miles away. From September 2015, the Council removed this discretionary element of the Policy and that all new pupils starting school from September 2015 were only paid transport assistance if they attended their nearest school and lived more than three miles away. It was reported that the Council when undertaking their assessments for transport assistance eligibility the Council no longer gave consideration of which GPA a pupil lived in and that schools in neighbouring districts and local authorities were also considered. Residing in a GPA now only gave pupils greater priority for admission to a school.

The Committee noted that all three of the family's preferences for transfer into year 7 were for more distant schools than the nearest. The Committee could not determine from the limited information provided whether the upheaval had occurred before or after the application for school places for transfer. The Committee noted that the mother was now a single parent. However, the Committee in considering the family's financial circumstances noted that they

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.

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 4118 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 4119**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 5.28 miles from their home address, and instead would attend their 3rd nearest school which was 6.6958 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee was informed that the pupil was moving from a non-European Country to live with the appellant's family. The uncle advised that the family had friends who also lived in the village where they resided and whose children were in the same year group as the pupil and who had offered to support the pupil while they settled into their new surroundings.

In considering the appeal further the Committee was informed that the uncle acknowledged that the refusal of transport assistance was due to a change in the Council's Transport Policy, he was aware of a situation in which child of one of his friends who used the school bus service from the village to the school attended and back received support for their travel. The uncle advised that although the nearest school was situated closer to the family home than the school attended, he explained that there was no bus service available to the nearest school and that consequently undertaking the school run would place considerable strain on him and his partner who also had to take their own children to a different school and then commute to their places of work. The uncle further advised that the school attended was approximately one mile further away from the family home than the nearest school and that having undertaken both destinations in a work capacity advised that it actually took significantly longer to get to the nearest school based on the road infrastructure and weight of traffic from commuters heading into that town.

The uncle explained further that as he was a resident of a specific borough, he believed that applying for a place at a school within the boundaries of the

borough in which he paid his Council Tax was the right course of action and that the nearest school was situated within the geographical priority area (GPA) for a different local authority boundary. In conclusion the uncle urge a rethink of the decision taken in respect of this transport application stating that the position would otherwise place unnecessary financial and mental strain on him and his partner for the sake of sending the pupil to a school a mile closer to the family home.

The Clerk reported to the Committee that the uncle had provided the necessary evidence to confirm that the pupil was entitled to a state funded education. Whilst the Committee acknowledged this point, no evidence or information had been provided to corroborate the uncle's claims in relation to the pupil coming to live with them. No evidence or information had been provided from the school previously attended to demonstrate that the pupil was not progressing in their education to warrant the need for the upheaval and receive their education at a school in the UK.

With regard to the uncle's friends' situation with their children receiving transport assistance to the same school, the Committee was advised that pupils in the same year as the pupil concerned in this appeal would have joined the school at a time when the Council's Transport Policy was more generous and provided transport assistance to children who lived within a GPA for a school and also resided over three miles away. However, from September 2015, the Council had removed this discretionary element from its Transport Policy and that all new pupils starting school were only paid transport assistance if they attended their nearest school and lived more than three miles away. The Committee was further advised that when the Council undertook its assessments for transport eligibility, it no longer gave any consideration of which GPA a pupil lived within and that schools in neighbouring boroughs and outside of the Council's administrative boundary were now also considered irrespective of where parents paid their Council Tax to. The Committee was informed that parents are free to choose any school for admission, however this would not entitle them to free transport to that school of choice. The Committee was advised that this pupil's transport application had to be treated as a new application and assessed against the Council's current Transport Policy for 2016/17 and therefore could not assess the application against an obsolete version of the Policy.

The Committee noted the uncle's point in relation to the officer's comments number three with regard to the length of journey. However, in considering the uncle's point the Committee felt that there was an error in the officer's comments omitting that it should have referenced the length of time a journey took. The Committee was informed that the length of time a journey took did not form a part of the Council's assessment process unless the journey time would exceed 75 minutes. The statutory duty was to provide help with transport based on a home to school distance measurement.

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 that the family were unable to fund the cost of the bus pass for the pupil. Furthermore, the Committee felt that the family must have given some consideration to the financial strain by taking on a relative's child. No

evidence had been provided to suggest that the pupil's parents were contributing anything financially to the uncle's family for their help towards looking after the pupil.

Therefore, having considered all of the uncle'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 4119 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 4126**

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 1.433 miles from their home address and was within the statutory walking distance, and instead would attend their 7th nearest school which was 7.8089 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 Committee was informed that appeal 4118 and appeal 4126 related to siblings.

The Committee was informed that the mother was seeking to renew the bus pass that the pupil was in receipt of for the previous two years. The pupil had commenced year 9. In noting the mother's circumstances and the upheaval she and the pupils had endured through a forced house move, the Committee felt that whilst the Council had treated this pupil's transport application as a new application in accordance with its transport policy, they felt that given the circumstances this pupil should have their entitlement to a bus pass reinstated for the remainder of their secondary education.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and reinstate travel assistance for the pupil for the remainder of their secondary education up to the end of 2018/19 academic year.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4126 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 to reinstate travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2016/17;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2018/19 academic year (Year 11) only.

### **Appeal 4147**

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 3.2964 miles from their home address, and instead would attend their 4th nearest school which was 6.2874 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee was informed that the father had been told by the Council that a particular school was closer to the family home. However, the father stated that in order to get to this school the pupil would have to take two buses with a journey time of 53 minutes, whereas the journey time to the school attended by the school bus took 30 minutes. The father explained that the pupil's former primary school was a feeder school for the secondary school now attended and was unaware of any other children who had attended the school the father referred to from the village where the family resided in recent years. The father was of the opinion that since both the family home and the pupil's former primary school were within a specific borough that it was logical the pupil attend the secondary school which was also in the same borough. The Committee was informed that the pupil's elder sibling who was currently in year 11 at the same school had a free bus pass since year 7. However, in considering the appeal further the Committee noted that the father had provided a response to the appeal schedule. It was reported that two nearer schools including the nearest as referenced by the Council in the appeal schedule had not been included in any previous correspondence and disputed that these were suitable schools given that neither were of a specific faith or a feeder school nor situated in the borough where the family resided. In addition the journey time to the nearest school would take 41 minutes and the other school 53 minutes. The father was of the opinion that the Council was attempting to refute a perfectly reasonable application. A letter of support from the local MP was provided.

However, when considering the appeal the Committee was informed that despite any possible error made by the Council in its assessment of the transport application, which had not been evidenced, there still remained nearer schools than the school attended. The Committee noted that not only had transport been refused on the basis that there were nearer schools to the family home than the one attended, the Council was also unable to make an award of subsidised transport assistance (denominational contribution) as the pupil could have been offered a nearer school of the same faith had the father included this as a preference for transfer into secondary school. The Committee noted that the

pupil's elder sibling lived with their mother at a different address than this pupil and the father.

It was reported that the pupil's elder sibling joined the school at a time when the Council gave transport assistance to children who lived within a parish served by a particular school and lived over three miles away. However, the Council had since removed this discretionary element from its Transport Policy and that all new pupils starting school were only paid transport assistance if they attended their nearest school and lived more than three miles away. The Committee was further advised that when the Council undertook its assessments for transport eligibility, it no longer gave any consideration of which parish they lived within nor which geographical priority area (GPA) a pupil lived within and that schools in neighbouring boroughs and outside of the Council's administrative boundary were now also considered irrespective of where parents paid their Council Tax to. The Committee was informed that parents are free to choose any school for admission, however this would not entitle them to free transport to that school of choice. The Committee was informed that the length of time a journey took did not form a part of the Council's assessment process unless the journey time would exceed 75 minutes. The statutory duty was to provide help with transport based on a home to school distance measurement.

In addition, the Committee was advised that admission information was produced for all parents from each September both online and in paper form where requested which provided a summary of the transport policy. Parents were advised to check the policy carefully if getting their child from home to school and back was an important factor in their considerations for transfer into secondary education. Furthermore, parents were also advised to seek advice from the Council if they were unsure.

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 that the family were unable to fund the cost of the bus pass for the pupil.

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 4147 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 4125

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 1.22 miles from their home address and was within the statutory walking distance, and instead would attend their 6th nearest school which was 2.3327 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 mother stated on the appeal schedule that the distance to the first preference of school was actually 0.3961 miles away instead of the 0.6965 miles quoted by the Council. No evidence had been supplied to corroborate this statement.

In considering the appeal the mother explained that during the school admission appeal hearing for the parent's first preference of school, they were advised by an officer from the Council that due to the home address to the allocated school, the pupil would be granted a free taxi service. The mother believed that the Independent Admission Appeal Panel's decision in respect of their admission appeal to their first preference of school was swayed by the offer of a taxi to the allocated school not to allow them a place at the school they were appealing for a place at.

The mother had as part of her appeal for transport assistance supplied evidence in the form of email communication with the Council which stated that she would be entitled to taxi provision for the school as the school was 2.337 miles away from the family home. However, after completing the transport application the mother was advised that the pupil would not qualify for transport assistance and questioned why the Council's response to the application had taken so long. The mother explained that both her and her partner were in employment and that the pupil's grandmother who could not drive looked after the pupil. The taxi service that had initially been offered would have solved the problem of transporting the pupil to school which was not their preferred choice as it was situated in a different town.

The mother further explained that just three working days before the beginning of the new academic year, the Council advised the family that there was a place available at a school nearer to the family home. However, this was something which the mother was not prepared to consider at such a late stage.

With regard to the family's first preference of school the Committee was advised that that school was heavily oversubscribed for the September 2016 intake and that there were applications for 18 siblings who were given priority for places at the school. The last place was allocated to a pupil who lived 0.3275 miles from the school. Whilst the Committee noted the mother's statement with regard to the Council's distance measurement, the mother's distance measurement was still beyond the last place offered to the school. The Committee was advised that the family was offered their third preference.

With regard to the admission appeal hearing for the first preference of school, the Committee was advised that the appeal would have been presented by the Council on an infant class size regulations basis and that this would have been

the main reason why the appeal was unsuccessful. The Committee was advised that the parents would have received a decision letter informing them of the full reasons why the appeal for admission was not allowed. The Committee noted that this was not supplied by the mother in support of her appeal to substantiate her feelings regarding the offer of a taxi to allocated school.

The Committee acknowledged that there had been a clear error by the officer in attendance at the admission appeal hearing and that initially correspondence had given the family false hopes. However, whilst the Committee noted that the officer should not have said what they did at the hearing and that they should have either not referenced it if the question had not been raised by the parent) or informed parents that in order to determine eligibility for transport assistance the family would have to go through an assessment process; the Committee noted that the error was acknowledged by the Council and apologised for. In addition, when considering the family's preferences for reception places, the Committee felt that with the family being allocated their third preference the family must have known that by expressing it as a third preference they would have been unable to get the pupil to school and back in view of the circumstances the mother had put forward in her appeal. The Committee noted the distance the school allocated was from the family home.

In addition it had transpired that during the admission appeal hearing the officer was not aware of the place being available at the school that was later offered to the parent which was 1.222 miles away. The Committee acknowledged that the family were informed of this place rather late in the day. However, the Committee was also informed that the family had withdrawn their admission appeal for a place at their second preference of school. It was not clear in the appeal documentation how far away this school was from the family's home. School attended was considered by the Council as being the sixth nearest to the family home.

With regard to the delay experienced by the family in their application for transport assistance the Committee noted that the application was received at the busiest time of year when the Council was processing thousands of applications. However, it was reported that the Council was unable to authorise a taxi for the next three years as the pupil when assessed against the Council's Transport Policy and the law was deemed not to be eligible.

In considering the family's circumstances, no evidence had been provided to corroborate the mother's claims. No evidence had been provided to suggest or confirm that the family were unable to fund the cost of travel or carry out the school run as many parents would be in a similar situation. There was nothing to suggest that the family had considered before and after school club provision which could alleviate any pressures with work commitments and the school run. There was no other details about family members or friends who might be able to assist. Furthermore, the Committee noted that the family was not on a low income as defined in law.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that 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 4125 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 4122**

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 0.473 miles from their home address and was within the statutory walking distance, and instead would attend their 18th nearest school which was 5.5828 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 length of time it had taken for the mother to receive a specific diagnosis for the pupil and the reasons for the transfer to the school now attended. The Committee also noted the support the school had provided thus far for the pupil in settling in and that the mother had only recently returned to employment. Given the circumstances and that the mother was currently finding her feet financially, the Committee felt that it should make an award for the pupil to support them in their final year of secondary education.

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

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4122 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 11) only.

## Appeal 4099

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 1.57 miles from their home address and was within the statutory walking distance, and instead would attend their 3rd nearest school which was 3.4537 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 explained that she did not want the pupil to attend a church or single sex school and consequently did not want the pupil to attend the nearest school. The mother stated that as a result of this decision the school attended, which she indicated was over three miles away was the nearest school to the family home. Furthermore, the pupil's elder sibling was already in attendance at the school. The mother reported that the elder sibling suffered from anxiety, an issue the school were aware of and that given these circumstances the family felt that it was vital the pupil attended the same school believing that this would help in supporting the elder sibling during the day but also on the journeys to and from the school.

In considering the appeal further the Committee noted that both the mother and the father were in employment and were unable to provide transport for their children to and from school. The mother felt strongly that £540 per year was a large amount of money to ask the family to pay for a bus pass. The mother felt that both walking and cycling to school would not be an option due to the distance and that the route to school was not safe.

However, when considering the mother's appeal the Committee was 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. In addition the Committee noted that both the second and third preferences expressed at the time of transfer were a faith school and the nearest school (single sex school). The Committee therefore felt that the two nearer schools were therefore suitable for the pupil to attend. No evidence had been provided to suggest or confirm that the two nearer schools were not suitable.

Whilst the Committee recognised the family's preferred choice of school and to attend the same school as the elder sibling, no professional medical evidence had been provided in respect of the elder sibling's health problems. Neither had any evidence been supplied from the school on this matter.

With regard to the elder sibling's entitlement, the Committee was informed that the elder sibling joined the school attended at a time when the Council gave transport assistance to children who lived within a geographical priority area (GPA) for a school and lived over three miles away. From September 2015, the Council had removed this discretionary element of the Transport Policy and that

all new pupils starting at the school were only paid transport assistance if they attended their nearest school and lived more than three miles away. The Committee concurred with the Council that the school attended was the third nearest. The Committee was informed that as the pupil was not attending their nearest school the Council could not consider the suitability of the walking route in accordance with its Unsuitable Routes Policy.

The Committee in considering the family's circumstances also noted that the father had been taking the pupil to school by car which had made him late for work or they had to pay the daily ticket price to use the school bus. The Committee noted that the pupil was not eligible for a free bus pass. However, the family as already alluded to could purchase a season ticket for the school bus service. Whilst the Committee acknowledged the mother's point in relation to the cost and the impact it would have on the family's financial circumstances, no evidence had been provided to suggest or confirm that the family were unable to fund the cost of the season ticket if paid for by direct debit. The Committee noted that the family was not on a low income as defined in law.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that 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 4099 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 4155a**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 2.7022 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 findings that the according to an online route planner the school attended was exactly three miles from the home address. The mother reported that the pupil had a specific diagnosis and that part of the condition meant that the pupil was not trustworthy enough to walk to school on their own. The Committee noted that the pupil was in receipt of disability living allowance (DLA) for help with mobility issues. The Committee also noted that the mother had health problems which affected her mobility and that some days she was unable to get the pupil to school. The

mother felt that as the bus stop was near to her home, this would be the safest way for the pupil to get to school. The mother was concerned that her disability could affect the pupil's attendance at school.

The Committee in noting that the mother was appealing for a bus pass was advised that the mobility component of DLA was for help with getting around and that this money should be used for purposes including getting to school and back. Whilst the Committee noted that the DLA for the pupil was up until March 2018, the DLA award notices for both the mother and the pupil were incomplete as only the first page had been submitted for both awards. In considering the family's financial circumstances the Committee also noted that the family was not on a low income as defined in law. No other financial evidence had been provided to suggest or confirm that the family were unable to fund the cost of the bus pass. The Committee noted the contents of the email from the father. However, no other evidence or information had been provided to suggest that he was unable to assist with the school run, take the pupil to the bus stop or help with the cost of the bus pass. Neither was there any other information to suggest that any other family members or friends could assist. The Committee noted the father's comments in relation to the pupil not being able to walk to the bus stop due to their diagnosis, however, the Committee felt this was contradictory as the mother had stated that as the bus stop was close to home this would be the safest way for the pupil to get to school.

The Committee noted that the family did not meet the criteria for extended rights to transport assistance. Neither did they meet the criteria for additional discretionary assistance under the Council's Transport Policy for parents who were unable to accompany their children. The Committee noted that the pupil did not have an Education Health and Care Plan (EHCP).

In considering the distance from home to school, the Committee noted that the father in his email had asked officers to remove the first point in relation to the family's findings as he acknowledged this distance was measured by vehicle route only. However, the father made the suggestion that a route was 2.88 miles when using a pedestrian route planner. The Committee was reminded that the Council had its own bespoke software which was used to undertake distance measurements and that it had a proven record of accuracy. The Committee noted that no other evidence had been provided to suggest that the walking route to the school attended was over the three mile threshold.

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 4155a 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 4157**

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 4.23 miles from their home address, and instead would attend their 3rd nearest school which was 6.06 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 chose the school attended as all the children from the area where she resided attended the school and that by attending the school with their friends would add a sense of security knowing that the pupil would not be coming home alone. The mother explained that she was a full time carer for her father who had health problems and that she worked part time. The Committee noted the contents of the letter from the social worker. The mother also explained that she was in receipt of benefits and did not receive much by way of maintenance from her ex-partner and that the £56 per month for a bus pass was causing anxiety and stress as the family were unable to fund the cost.

The mother reported that she disputed the Council's distance measurements to the school attended and stated that walking was not an option as there were no pavements. The mother also stated that they lived in a foundation parish and that the primary school attended was a feeder school for the secondary school attended.

In considering the mother's appeal the Committee noted that there was additional transport assistance available for families on a low income as defined in law, however, the Committee was informed that the family did not appear to be on the qualifying benefits to receive the additional support. The Committee noted that no financial evidence was supplied by the mother in support of her case to suggest that she was on a low income or was struggling to fund the cost of the bus pass. Neither had the mother supplied evidence of any of the benefits she was in receipt of. The Committee felt that from the information supplied it could not fully determine the mother's financial plight.

With regard to the distance measurement to the school attended, the Committee was informed that the measurement had been carried out by measuring the distance by walking route. As the school attended was not the nearest school the Council could not take the suitability of the walking route into account in accordance with its Unsuitable Routes Policy. The Committee noted that the Council was not suggesting that the pupil should walk to school but that they had to assess the application and found that there were nearer schools than the one attended and therefore assistance with travel costs had been refused. No evidence had been provided by the mother to substantiate her dispute with the distance measurements. However, the Committee noted that the pupil was attending their third nearest school and that it was 0.6 mile further than the 2 to 6 mile threshold for extended rights.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal. However, the Committee felt that if the mother could provide evidence of her financial situation such as bank statements and benefit statements then the mother should be allowed to have a re-appeal.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4157 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 4138**

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 2.919 miles from their home address and was within the statutory walking distance, and instead would attend their 5th nearest school which was 10.01 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 wished for the pupil to attend the same school as their elder sibling who was in year 10 and had a free travel pass for the last three years. The mother wished to know why the elder sibling had a free bus pass and that the pupil concerned in this appeal did not.

Whilst the Committee noted the mother's concerns they felt that the mother had not provided any grounds of appeal, nor any evidence and that she had merely asked the question of officers as to why her younger child had not received a free travel pass. The Committee felt that this appeal should not have been processed without there being any grounds of appeal and that the mother should merely have been given a written response to her question from the Council. The Committee was informed that the reason why the younger pupil had not received a free travel pass was because the older sibling had joined the school attended at a time when the Council gave transport assistance to children who lived in the geographical priority area (GPA) for a school and lived over three miles away. However, from September 2015, the Council had removed this discretionary element that it did not have to provide in law and that all new pupils starting school were only paid transport assistance if they attended the nearest school and lived more than three miles away. It was reported that when undertaking assessments the Council no longer gave consideration to which GPA a pupil

lived within and that schools in neighbouring boroughs and in other local authority areas outside of the Council's administrative boundary were now considered.

The Committee noted that the family was not on a low income as defined in law. No evidence or information had been provided to suggest or confirm that the family was unable to fund the cost of the bus pass.

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 4138 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 4148**

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 2.546 miles from their home address and was within the statutory walking distance, and instead would attend their 4th nearest school which was 10.2489 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee was informed that the pupil had two older siblings who attended the same school and received free bus passes and that another sibling who left the same school two years ago also had a free bus pass. The mother therefore expected that the pupil would also receive a free bus pass to the school. The Committee was also informed that the mother had considered the nearest school for transfer but after seeing the ofsted report she stated that she'd rather the pupil attended the school they were now at.

In considering the appeal further the mother wondered why the primary school previously attended was not linked in any way to the nearest school if that school was considered as the nearest suitable school or children from the primary school. The mother also stated that the primary school was also listed as a geographical priority area (GPA) in the admissions policy for the school attended. The mother further explained that she paid her Council Tax to the County Council and felt that the pupil should attend a Lancashire school and not one in the area where the nearest school was situated. In conclusion the mother stated that she was on a low income and could not afford the cost of a travel pass for the pupil. The mother also disputed the distance measurement to the school attended as she had determined that it was 5.6 miles away.

The Clerk to the Committee reported that the distance measurement used by the Council to determine schools in the area of the family's home had been undertaken by walking route and that this was the reason why the distance was so great in comparison to the mother's point as there was a section of the 'A' road that the Council had previously determined as being unsuitable. The Council's walking route therefore avoided the unsuitable section by going round the long way to the school from the family's home. It was reported that had the Council used the road routes to measure the distance the school attended would have been the third nearest and would have been 5.1422 miles away. Nevertheless, the Committee noted that the school was not the nearest to the family home.

Whilst the family had provided some evidence in relation to their financial situation, the Committee could not determine whether the family was unable to fund the cost of the bus pass as only a tax credits ward notice had been supplied. The Committee noted that the family was not on a low income as defined in law. As the school attended would have been the third nearest had the Council used the road route measurement to determine distances due to the unsuitable route in the area, the family would have been eligible if they were entitled to the extended rights afforded to families who were on a low income as defined in law.

The Committee was informed that the reason why the pupil had not received a free travel pass was because all their older siblings had joined the school attended at a time when the Council gave transport assistance to children who lived in the geographical priority area (GPA) for a school and lived over three miles away. However, from September 2015, the Council had removed this discretionary element that it did not have to provide in law and that all new pupils starting school were only paid transport assistance if they attended the nearest school and lived more than three miles away. It was reported that when undertaking assessments the Council no longer gave consideration to which GPA a pupil lived within and that schools in neighbouring boroughs and in other local authority areas outside of the Council's administrative boundary were now considered.

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 provided an education appropriate to the age, ability and aptitude of the child. There was no evidence to suggest or confirm that the nearer schools were unsuitable for the pupil.

Furthermore, it was reported that whilst pupils from the primary school the pupil previously attended had traditionally transferred to the secondary school now attended and that there were established links between the two schools, the primary school was not a named feeder school in the admission criteria for the school attended. In addition, it was not common for non-faith schools to have named feeder schools as part of their admission arrangements.

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 4148 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 4124**

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 3.2868 miles from their home address, and instead would attend their 3rd nearest school which was 4.2859 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's appeal was on the grounds of a lack of clarity about which of the schools (the nearest school as identified by the council and the school attended) was closer in suitable walking distance to the family home. The mother felt that a difference of 200 metres was negligible if the school identified as the nearest by the Council was the nearest. The mother supplied supporting information regarding her calculations of the routes and the reasons for questioning which was the nearest suitable walking distance in appendices A to D in the appeal documentation. In addition the mother referenced appendices E to F which set out that the second nearest school as identified by the Council was further away, via the nearest suitable walking route and also questioned whether the route to that school could be considered suitable.

The mother advised that there was no public transport in the area. However, there were two school buses (which were undersubscribed) travelling to and from the school attended which passed very close to where the pupil lived. The mother confirmed that having spoken with the Council's Transport Team that transport to the nearest school would require a bespoke taxi service and assumed that this would be the same if the pupil attended the second nearest school.

Whilst the Committee noted the mother's findings in relation to the routes and distance measurements for both the nearest school and the school attended, the Committee noted that the mother had seemingly plotted her own routes using OS Explorer Maps and utilising public rights of way through fields that the Council would not have used in their assessments. The Committee felt that the mother's routes would have been deemed unsuitable in accordance with the Council's Unsuitable Routes Policy. However, the mother's findings in respect of the second nearest school were found to be 4.2 miles when following the highway network with full vehicular access. The Committee was informed that the Council

utilised walking routes when determining distance measurements and that these would inevitably bring about a shorter route instead of using road routes.

The Committee was informed that the Council's bespoke measuring software had been enhanced to recognise unsafe routes when plotting routes to schools in the area of a parent's home. The Council as part of its case had supplied copies of the routes the bespoke software had produced. All three routes differed to those as suggested by the mother. The Committee therefore felt that there was no evidence to suggest that the nearest school as identified by the Council was not the nearest and that the suitability of the walking route to the school attended could not be taken into consideration as the pupil would not be attending their nearest suitable school.

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 or confirm that the family were unable to fund the cost of school transport. No evidence or information had been provided to suggest that the family were unable to carry out 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 4124 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 4094**

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 14th nearest school which was 5.08 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 transport assistance was awarded to the pupil on a short term basis for the remainder of the previous academic year for the reasons as set out in the mother's previous appeal as considered in November 2015. The Committee in considering this appeal further noted that the mother's circumstances had not changed and that she had yet to pass her driving test. The Committee was informed that the mother had suffered health problems and financial difficulties which had impacted on her ability to gain

employment. It was reported that the pupil's younger sibling had been allocated a place at the school attended and that the mother had proposed to act as passenger assistant should transport assistance be agreed. The Committee in noting the mother's intentions and that the family were on a low income as defined in law and that the mother was only seeking temporary assistance, felt that a further temporary ward be given to the family for the remainder of the current academic year only to be reviewed. However, the Committee stated that when the mother reapplies for transport she should provide evidence of her current financial status including bank statements, full details of benefits received, professional medical evidence of health problems along with details of family members and or partner who might be able to assist with the school run given that the mother had stated she had moved nearer to her family for support.

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

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4094 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.

### **Appeal 6739**

It was reported that a request for transport assistance had initially been refused as transport for students aged between 19 -25 was limited to those students who were under 19 years old when they started their course. It was reported that the pupil was in their second year and was 24 years old when they started the course. The pupil was now over the age of 25. The College attended was situated in a different Local Authority's administrative boundary that was not a part of Lancashire County Council's. The Committee recognised that the College attended would not be within the statutory walking distance 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 father's appeal the Committee noted that he had stated the pupil was now moving into their 2nd year of the course and that this would enable the pupil to access vocational options to help them move into the world of employment. The pupil was continuing to learn and gain confidence whilst

accessing an employment related curriculum. The course was for one more year only. In addition the father had stated that parents were unable to take the pupil to college as they had a 16 year old child with SEN who needed to be taken to and from school at the same time the pupil would need taking to and from college. Furthermore, the pupil was not able to travel alone as they would not be safe on public transport due to their health problem.

In considering the appeal further the Committee expressed some concern regarding the parents' application for continuation of assistance with transport forms as completed by them since September 2014. Whilst considering the content of how these forms had been completed, the Committee also noted that in an email from the pupil's lecturer sent on 24th August 2015, it was confirmed that the course the pupil would attend during the 2015/16 academic year would be for one year ending in June 2016. In view of this information the Committee felt that the course attended or to be attended since September 2016 represented the start of a new course.

In considering the family's circumstances, the Committee noted that both parents each had a car and that the father either worked away or worked in a specific City and would leave early to do so. The Committee noted that the younger sibling was picked up and dropped off at home in order to attend their school and that the mother was presumably required to be at home during the times as quoted by the father. However, the Committee felt that given the pupil's age and that they had now exceeded the age of 25, and therefore beyond the remit of children's services that the family should now look at support or the potential for assistance from adult services. In addition the Committee noted that the pupil was in receipt of DLA. However, no evidence had been provided in respect of such an award for the Committee to determine the level of support provided financially in this respect as such awards were to be used for help with getting around and included transport to school/educational establishments. Furthermore, there was no other information to suggest or confirm whether there were any other family members who could assist with travel arrangements.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 6739 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 454086**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 1.89 miles from the



home address as opposed to the nearest suitable school which was 1.27 miles away. Both schools were within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee was informed that the pupil went to the school attended based on the integration programme of students and that the school had fewer students than other schools. The mother stated that the nearest school was inadequate to meet the pupil's needs at the time, was unable to keep the number of teaching assistants working with the pupil down to five and would therefore experience change continuously and that the school was put in special measures for being inadequate. The mother also felt that if a child has SEN then the closest school policy should not exist as she felt she took the care to choose the most suitable school for the pupil to meet the pupil's needs.

In considering the appeal further the Committee noted that the pupil was now in year 11 and that the reason why the mother had not required any help with transport was that she always had a car. The mother stated that she no longer had a car and would not be replacing it in the near future. The mother also stated that the pupil was unable to travel on public transport as this would cause them stress, confusion and would raise their anxiety levels. The mother also stated that the pupil's aggression and anxiety were at a high level. The Committee was informed that the pupil currently travelled with a taxi firm at a cost of £10 a day. However, it was noted that the cost to the Council would be £20 a day. In addition the mother had another child who attended school at specific times. The mother confirmed that she was not eligible for help with childcare. However, the mother also stated that she received maximum child tax and not working tax. No evidence in relation to the family's financial circumstances had been provided to corroborate the mother's claims that she was unable to fund the cost of transport. However, it was noted that the family was on a low income as defined in law. However, the family would still not meet the extended criteria given to such families as the distance to school attended was under two miles.

However, it was reported that whilst parents were free to make their choice of school the family were aware and accepted during the transfer to secondary education that they would be responsible for the pupil's transport to school. Whilst the Committee acknowledged the mother's comments in relation to her car, there was no evidence to suggest that another family member or partner could not assist with the school run regardless of whether this was by walking or by bus thereby leaving the mother or vice versa to take the younger sibling to their primary school. The Committee noted that the primary school attended by the younger sibling was in close proximity to the family home and that they were in year 4. The Committee also noted that the school attended by the pupil was within statutory walking distance.

No recent professional medical evidence had been provided to substantiate the mother's claims regarding the pupil's health problems getting worse. Whilst the Committee was informed that the pupil's Statement of SEN noted a specific

diagnosis with high levels of other conditions, it was reported by the school attended that the other conditions were no longer the case and that there were no concerns the pupil's self-help skills. The Committee was also informed that the pupil did not have a physical disability. No evidence had been provided to suggest that the pupil was unable to walk to school because of their SEN.

In considering the appeal further the Committee noted that a further request for information and evidence was put forward to the family in order to avoid any possible deferral by the Committee. It was reported that no response was received by the mother in relation to this request.

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 454086 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.

### *Urgent Business Appeals*

#### **Appeal 4153**

It was reported that a request for transport assistance had initially been refused as the youngest sibling would not be attending their nearest suitable school, which was 3.38 miles from their home address and that their two elder siblings would also not be attending their nearest suitable school, which was 1.66 miles from the same home address which was within statutory walking distance and instead would all attend their 11th nearest school which was 8.68 miles away. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted that following the arrival of the three siblings during the summer holidays, a CAF assessment and a Team and Around the Family meeting was held to help find suitable accommodation for the family. Through the help of an Outreach Worker, the mother identified the school that the Council had determined to be the nearest school for the elder siblings during their transport assessment process as the nearest suitable school for the three siblings. However, when the school opened in September, it transpired that there was only one place available for the eldest sibling and with limited subject

options. The Committee was informed that the through the Outreach Worker who lodged the appeal on the mother's behalf had stated that after contacting the Council's Pupil Access Team and a referral to Children Missing in Education, places were identified for all three siblings at the school now attended. It was reported that on 5th September 2016, Pupil Access had confirmed that transport could be provided to the two younger siblings and not the eldest.

In considering the appeal further the Committee was informed that after the family had visited the school now attended the mother was happy with the school and the siblings were keen to start and that admission was arranged for 13th September 2016 in the knowledge that bus passes would be provided, apart from for the eldest who the mother would have to appeal for transport assistance. However, after submitting the Home to School Transport Application Forms, the mother was surprised to learn that transport assistance was refused for all three siblings. In summary the mother stated that the siblings were very settled at the school and had made friends. Furthermore, the school was providing weekly support from a foreign language teacher and an ELL (Early Language Learning) Specialist.

However, it was reported that when the Council was initially contacted about the school places for years 7, 9 and 10 in the area where the family resided the Council's information showed that there were only places in year 10 at a specific school. The officer taking the enquiry indicated that transport would be provided for the two younger siblings in view of this. In the meantime, officers had determined that the figures they received from that school weren't correct. However, information regarding the availability of school places at the specific school was then subsequently rectified by the time the transport application forms arrived and why transport was then refused for the eldest siblings to the school attended. It was reported that once the information had been rectified there weren't any places in year 7 at the specific school, and that when the officer looked into the matter they didn't spot that another school in a neighbouring authority was nearer than the school now attended and that the other school had places available in years 7, 9 and 10 and that the youngest would qualify for transport assistance to that school as it was 3.38 miles away and above the three mile threshold. The Committee noted that the nearest school for the two elder siblings was the specific school as referenced in the appeal schedule and that the school was within statutory walking distance. The Committee acknowledged the error that had occurred in processing the mother's application for transport assistance. However, they noted that the school attended was overall the 11th nearest school from the family home. Whilst the Committee acknowledged the mother's desire to have all three siblings attend the same school, no evidence had been provided to suggest or state that all nearer schools were unsuitable for the pupils to attend.

The Committee also noted the weekly support provided to the pupils by the school attended. However, they felt that such provision could be commissioned irrespective of which school they attended as all schools would be required to make reasonable adjustments in such circumstances. The Committee noted that the mother had only provided the first two pages of her tax credits award notice for the current financial year. In addition it was noted that the mother was not on a low income as defined in law. As no other evidence had been provided it was

not clear how the siblings had been travelling to school attended so far, whether attendance had been affected or whether the mother was struggling to fund the cost of transport or whether she was taking the siblings to school herself. The Committee noted that the mother was also in receipt of housing benefit and child benefit. In addition the Committee noted that the siblings had come to live with their mother here in the UK and had been sent over by their father who resided in a specific European country. The Committee could not determine why the siblings had come to live with their mother or what the reasons were for the upheaval. Furthermore, the Committee could not determine whether the father was contributing to the family's financial incomings.

In considering the appeal further the Committee noted the mother's heritage and that she was originally from a country that was not a part of the European Union and that she too had lived in the same country as the father and the siblings prior to living in the UK by herself for the past year. The Committee noted that the siblings had moved to live permanently with their mother. However, whilst the mother had secured certain benefits, the Committee felt it could not determine the mother's status as to whether she was officially declared a national of the country she came from within the European Union. The Committee was advised that if the mother had access to public funds then she must not be restricted. However, it was not clear from the appeal documentation whether the relevant checks had been followed to determine whether the siblings would be entitled to state funded education. Essentially, the Committee could not determine the immigration status of the mother and the siblings.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4153 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 4096**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 1.29 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 professional medical evidence supplied in relation to the pupil's recent diagnosis and the deterioration of their health problem and how this could affect them during this particular time of year. Having previously considered appeals for this pupil, the Committee also noted the family's circumstances. The Committee in noting that the mother was therefore requesting transport assistance in the form of a taxi for this particular time of year only and that a bus pass would suffice for the remainder of the academic year felt that it should make a temporary award in the form of a taxi until the end of the Spring Term (Easter) 2017 only.

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 in the form of a taxi for the pupil up to the end of the Spring Term (Easter) 2017 to support the pupil in the interim given their health problems and the time of year. The Committee in taking the decision that they did also requested that the mother would have to lodge a further appeal for continuation of transport assistance.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4096 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 in the form of a taxi 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 Spring Term (Easter) 2017 only; and
- iii. For the mother to lodge a further appeal for the continuation of transport assistance beyond the Spring Term 2017.

### **Appeal 4070**

At its meeting held on 3rd October 2016, the Committee resolved:

"That;

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

In considering the appeal further the Committee noted that after the appeal schedule had been produced and submitted to the mother, a redacted version of the social worker's report, which was in the form of a C&F Assessment had been submitted in support of her appeal for transport assistance. Copies of the report were circulated to Councillors prior to the meeting being held.

In considering the level of risk the pupil had in relation to meeting the perpetrator, the Committee noted that the perpetrator resided at the paternal grandparent's house which was situated on a street adjacent to the father's address. The Committee in reading the C&F Assessment document noted that the pupil spent the weekends at the father's home. Whilst the Committee acknowledged the mother's statement in respect of the two potentially meeting on a particular bus station, the Committee felt that with the pupil returning to their father's home each weekend had the potential to contradict the mother's claims. In addition the Committee noted that any restrictions put in place would be on the perpetrator and for them to understand the consequences of breaking such restrictions. Furthermore, the Committee felt that there was no evidence to suggest that the pupil would be traumatised if they met on the bus station. The Committee therefore felt that it could not determine the level of risk to the pupil if they met with the perpetrator on the bus station whilst using the bus service to get to school and back.

However, in considering the appeal further, the Committee felt that as the pupil was nearing the end of their secondary education, they should make an award to support the pupil in finishing their GCSEs at the school attended.

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

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4070 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2016/17;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2016/17 academic year (Year 11) only.

I Young  
Director of Governance, Finance  
and Public Services

County Hall  
Preston

# Agenda Item 7

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

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