

Lancashire County Council

Student Support Appeals Committee

Minutes of the Meeting held on Monday, 16th January, 2017 at 10.00 am in Room B15b, County Hall

Present:

County Councillor Sue Pryn (Chair)

County Councillors

A Cheetham
C Dereli

A Schofield

1. Disclosure of Pecuniary and Non-Pecuniary Interests

None were disclosed.

2. Minutes of the meeting held on 6th March 2017

Resolved: That; the Minutes of the meeting held on the 12th December 2016 be confirmed as an accurate record and be signed by the Chair.

3. Urgent Business

It was noted that the paperwork for appeals 4189 and 1255501 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 4189 and 1255501 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 6th March 2017 in Room B15b, County Hall, Preston.

5. Exclusion of the Press and Public

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

6. Student Support Appeals

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

A report was presented in respect of 16 appeals against the decision of the County Council to refuse assistance with home to school transport. For each appeal the Committee was presented with a Schedule detailing the grounds for appeal with a response from Officers which had been shared with the relevant appellant.

In considering each appeal the Committee examined all of the information presented and also had regard to the relevant policies, including the Home to Mainstream School Transport Policy for 2016/17, and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

Appeal 4203

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 2.9 miles from their home address, and instead would attend their 9th nearest school which was 5.7 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the father's appeal the committee noted that the family were seeking transport assistance as the home they had purchased was undergoing refurbishment and during this time the family were in rented accommodation while the work was being carried out. The father states that the pupil struggles in some subjects and has only recently become settled at school and thinks it unfair and not in the pupil's best interest to move to a nearer school while at the temporary rented address. The Committee noted that the pupil had previously been awarded transport assistance under the previous more generous transport policy and due to the move of address their entitlement had been reassessed and as a result they no longer qualified for assistance. The Committee was reminded that the Council's Transport Policy was previously more generous and entitlement to Transport had changed from September 2016, to emphasise that the nearest school would be considered as part of the Council's assessment process for eligibility with transport assistance. When the pupil changes address once the house move has taken place the entitlement to transport assistance will again be reassessed. The Committee noted that the Council was not suggesting that the pupil should move schools, but that there was simply a refusal to provide free travel to the school attended as the pupil was not attending the nearest school.

In considering the appeal further the Committee in considering the family's financial circumstances noted that they were not in a position to decide if the family were on a low income as defined in law. No evidence had been provided to suggest that the family were unable to fund the cost of transport to school. It was also noted that the family were not eligible for Free School Meals.

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 4203 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 4190

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 29th nearest school which was 10.20 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted the mother had highlighted that the pupil had experienced difficulties at two previous schools attended which had resulted in managed moves. The Committee noted the e-mail from outside Agency and Pastoral Team at the current school attended confirming that since attending the pupil's behaviour had improved significantly and the pupil had not received any fixed exclusions since transferring in April 2016. Therefore the committee felt that it would be in the interest of the pupil to offer assistance and support the pupil in his final GCSE years.

Therefore, having considered all of mothers 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 to support the pupil in his final GCSE years.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4190 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 2017/18 academic year (Year 11) only to allow the pupil to complete his GCSE's.

Appeal 4220

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 0.47 miles from their home address and was within the statutory walking distance, and instead would attend their 5th nearest school which was 2.7 miles.

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 the mother felt that the nearer schools were not an option for the pupil to attend due to conflict with other pupils and family difficulties with extended family members that would compromise the pupil. It was also reported that the mother had applied for a place at the school as 1st choice because she intended to move the family to be near the school now attended but was finding it difficult to save the bond money needed to secure a property which had delayed the move.

In considering the appeal the Committee noted the mother's statement that she believed that children from low income families qualified under the extended rights to free transport if the school attended was between 2 and 6 miles from the home address, unfortunately this only applies to the nearest 3 schools from the home address. It was noted that the pupil would have been offered places at nearer schools than the school attended had the mother put these as a preference. The committee were advised that as the pupil is attending their 5th nearest school they did not qualify to extended rights to transport assistance. Parents were advised to check with the Council if transport was an important factor in their considerations for transfer. Furthermore, the Council also directed parents to the full version of the transport policy and also attended most secondary school open evenings to give advice on matters such as transport eligibility and admissions queries.

The committee would suggest that the mother seek to identify if any help can be made available from other Agencies that would help the family to assist with the move.

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 only 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 4220 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.

Appeal 4221

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 3.20 miles from their home address, and instead would attend their 2nd nearest school which was 4.6 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 none of the preferences stated were that of the nearer school and that the mother had gone on to state that an elder sibling had attended the nearer school and that the mother did not like the school. Had the pupil put the nearer school down as a 1st preference then a place would have been allocated and transport awarded as the nearer school is more than 3 miles from the home address. The committee noted that there seemed to have been some confusion with regard to entitlement to free transport that had been addressed and clarified in the schedule by the officer, it is however made quite clear on all the documentation supplied when applying for transfer to secondary schools, that if transport is an issue for parents that they contact the area education office to check entitlement.

The Committee noted that the family was not on the qualifying benefits to receive extended provisions awarded to such families for transport assistance to the school attended. No evidence had been provided to suggest or confirm that the family were unable to fund the cost of school transport. The Committee also noted that the mother had stated that she had changed her hours of work to enable the mother to take the pupil to school. However, there was no evidence

or information to support this. 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.

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 4221 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 4167

It was reported that a request for transport assistance had initially been awarded temporarily for the provision of a taxi as the pupil would be attending their 3rd nearest suitable school, which was 4.1 miles away. The committee was informed that that the pupil was from a low income family as defined by Law.

In considering the appeal the Committee noted that the mother had raised the issue of the pupil's ability to travel by train which was supported by an e-mail in November 2016 from the Senco worker at the school attended by the pupil. The Senco Officer confirmed that catching public transport would be in their opinion a safeguarding issue and the pupil would not be able to travel independently at the current time.

It was noted by the committee that a request for further information was requested if the appeal was to be re looked at when transport was temporarily awarded by the committee on the 9th March 2015. The committee noted the e-mail from the school but stipulated that if ongoing transport is sought after the awarded period up to the end of academic year 2017 then the Committee would only relook at the request for transport assistance if a comprehensive up to date report giving a much more detailed overview of the pupils medical diagnosis and specific needs if transport is required beyond the 2016/17 academic year is provided.

The committee also recommended that travel training awareness would benefit the pupil and the committee urged that this be sought by the Senco Officer at the school to assist the pupil in future and that this training takes place before the end of the academic year 2017 .

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 only.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4167 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2016/17;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2016/17 academic year (Year 9) only.

Appeal 4206

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 1.02 miles from their home address, and instead would attend their 2nd nearest school which was 1.2 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 were extremely sympathetic and noted the reasons why the mother was seeking travel assistance as the pupil had undergone a period of significant illness and that the illness had left the pupil with limited walking capacity as noted by the mother and confirmed in the consultant's letter dated October 2016. However the letter from the consultant states that the treatment was completed in February 2016 but the pupil still remains on regular review. The committee noted that there was no long term prognosis of ability of walking distances in the consultant's letter and the committee felt that they were not in a position to fully decide on the needs of the pupil in relation to transport assistance at the current time.

It was therefore suggested that the appeal deferred until the next scheduled meeting of the Committee to allow the mother to provide further evidence for the Committee to consider.

Resolved: That Appeal 4206 be deferred until the next scheduled meeting of the Committee on the 6th March 2017, in order to obtain:

- i. For the Committee to receive evidence of the families financial household income including any benefit awards;
- ii. For the parents to advise who is available to assist with the school run.

- iii. Confirm what current arrangements are in place for the pupil in getting to and from school and any reasons why this cannot continue;
- iv. A long term prognosis from a medical professional in relation to ability of the pupil to walk distances;
- v. Details from the school if any adaptations have been made to accommodate the pupils walking difficulties during the school day.

Appeal 4214

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 0.27 miles from their home address, and instead would attend their 6th nearest school which was 6.02 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 was informed that the family were forced to relocate to an area further away from school due to prolonged harassment from neighbours at the previous home, this was verified by professionals supporting the family. The Committee was advised that transport assistance was only awarded if a pupil attended their nearest school and met the necessary criteria. However the Committee noted that the school had seen a considerable improvement in attendance over the past 12 months.

With regard to the family's financial circumstances, the Committee noted that the family was on a low income as defined in law, however extended entitlement only applied when pupils attended one of the 3 nearest school and that unfortunately the pupil did not meet the criteria in this instance.

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 (Year 8) 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 4214 be temporarily 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 8) only.
 - iii. The committee would like a copy any reports giving up to date information of the family's situation if further assistance is sought after the temporary award ceases in July 2017.

Appeal 4204

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 0.27 miles from their home address, and instead would attend their 31st nearest school which was 6.02 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 was informed that the family were forced to relocate to an area further away from school due to prolonged harassment from neighbours at the previous home, this was verified by an e-mail from the Police Officer supporting the family. The Committee was advised that transport assistance was only awarded if a pupil attended their nearest school and met the necessary criteria. The Committee also noted that there was a nearer school with places available and that the head had tried to arrange a transition day with the intention of the pupil to start after half term and that unfortunately the mother had decided not to take up the opportunity for the pupil. However the Committee noted that the school had seen a considerable improvement in attendance over the past 12 months and that the family were now being supported by Multi Agency.

With regard to the family's financial circumstances, the Committee noted that the family was on a low income as defined in law, however extended entitlement only applied when pupils attended one of the 3 nearest school and that unfortunately the pupil did not meet the criteria in this instance.

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 (Year 4) 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 4204 be temporarily 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 4) only.
- iii. The committee would like a copy report giving an up to date details of family's situation if further assistance is sought after the temporary award ceases in July 2017.

Appeal 4212

It was reported that a request for transport assistance had initially been refused as the pupil attended their nearest suitable school, which was 0.13 miles from their home address, but while the father was admitted to hospital the child resided at a temporary address in Lancaster which was 3.8 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 fathers appeal, the committee was informed that the father was a lone parent with no family to support him. The father attends hospital every eight weeks where overnight admission was required for a up to a week to receive the programmed treatment needed to manage his ongoing medical condition and that during this period a friend of the family looks after the pupil at their own home in Lancaster. Unfortunately the family friend is unable to take the pupil to school as they themselves have children to take to school and also works full time.

The committee noted that the Father, School and family friend all supported the pupil during these periods, the committee were sympathetic and understanding to the difficulties faced by all concerned and noted that contact with other agencies in order to assist the family had been made.

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 while the father was admitted to Hospital and while the pupil was being cared for by the family friend.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4212 be temporarily 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 put in place when the pupil has to temporarily reside at the family friend's home in Lancaster only.
- iii. The committee would like the father to notify the Pupil Access team in Lancaster and provide a copy of the appointment letter so that temporary arrangements can be made for those periods when the father requires hospitalisation.
- iv. The committee agree that this arrangement can continue until the end of the pupil primary education only (Year 6) July 2018.

Appeal 4213

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 2.2 miles from their home address, and instead would attend their 5th nearest school which was 6.2 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in 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 grandmother's appeal the Committee noted how the pupil came to live with her and that the grandmother wished to comply with her daughters wishes (mother of pupil) and allow the Child to attend the school now attended. In view of the family's circumstances the Committee felt there were grounds to make an award of free transport for the pupil to maintain stability in their life whilst they completed education.

Therefore, having considered all of the grandmother's comments and the officer responses as set out in the Appeal Schedule and application form the Committee was persuaded that there was sufficient reason to uphold the appeal and provide travel assistance for the pupil up to the end of academic year 11 to support them.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4213 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award

- travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of academic year (Year 11).

Appeal 4205

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 0.71 miles from their home address and was within the statutory walking distance, and instead would attend their 8th nearest school which was 1.9 miles away 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 mother's financial situation, the Committee noted that the family was on a low income as defined in law as the pupil was eligible for free school meals. The Committee noted that the family had been unsuccessful in obtaining a place at the nearest primary school as they were late applicants and that all places were offered to on time applicants. At the time of admission in September 15 the LA were only able to offer a place at a school 2.19 miles away, this was not taken up as the pupil is a summer born child and does not need to start school until the pupil turns 5 in the term starting after their birthday. Subsequently the mother appealed for another primary school for a year 1 place starting September 2016, at the time of submitting the appeal the LA were able to offer places at nearer schools, the mother then withdrew her appeal and accepted a place at the school now attended which is further away than those offered by the LA presumably because siblings attend a secondary school close to the primary now attended by the pupil.

The Committee noted that the pupil was being accompanied to and from school by elder siblings which was not ideal as the mother wished to take the pupil to and from school herself but felt unable due to medical issues. It was also noted that the mother seemed to be the target for Hate crime in the area in which the family lived. It was noted by the committee that the mother felt that due to her medical issues and the Hate Crime she was unable to walk the pupil to and from school and had to rely on public transport for herself and the pupil which she could not afford.

It was therefore suggested that the appeal be deferred until the next scheduled meeting of the Committee on the 6th March 2017 to allow the mother to provide further evidence for the Committee to consider as detailed below.

Resolved: That Appeal 4205 be deferred;

- i. In order for the Committee to receive comprehensive medical evidence of the mothers health issues that affect her ability to walk to and from school and any future prognosis.
- ii. Copy of any reports referred to within the letter from Victims Voice, and any other Agency who are support the mother and family.
- iii. Details of what age the siblings are that currently accompanying the pupil to primary school and how they get to and from school.
- iv. Details of any other family member or friends who are able to assist with the school run.
- v. The attendance record of the pupil from September 2016 to date.
- vi. Details including costs of any before and after school clubs at the school.

Appeal 4209

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable schools. The primary aged pupil did not attend their nearest primary school which was 2.7 miles from their home address, and instead attended a primary school which was 6.2 miles away. The Secondary aged pupil was also not attending their nearest secondary school which was 0.38 miles from the home address and instead attended a secondary school 6.38 miles away from the home address.

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 assessment in respect of the father's condition and that his entitlement had changed and as a result he was unable to take the pupils to and from school.

The Committee also noted that the father had no option but to move address and that himself and the pupils were living temporarily at a friend's address until they secured more permanent accommodation. Given that the Committee felt the father's situation was temporary and that he intended to secure more permanent accommodation for himself and the pupils, the Committee felt that it should make a temporary award 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 pupils as detailed below.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4209 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 has been agreed temporarily for a taxi to take the primary aged pupil to and from school while temporarily residing at the friends address in Chorley and that the entitlement is reassessed either at the end of the academic school year – July 2016/2017 or when a house move takes place, whichever is the sooner.
 - iii. The transport assistance awarded in accordance with i. above has been agreed temporarily for a bus pass for the Secondary aged Pupil while temporarily residing at the friends address in Chorley and that the entitlement is reassessed either at the end of the academic school year – July 2016/2017 or when a house move takes place, whichever is the sooner.

Appeal 4189 UB

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

At the previous committee meeting in December 2016 the Committee noted the family had to move at very short notice with only two weeks' notice, as the landlord wanted to move back in to the property. The mother reported that as she was a family of seven, she had to take the first suitable property she could find and had received help with the move from her local council. The mother advised that the change of address meant that the children had to move away from their familiar area and friends and that she did not want to upset them any further by moving them to different schools. The Committee was informed that the eldest sibling had commenced year 9 (and not their GCSEs as stated by the mother in her appeal) and again did not want to disrupt their education.

In considering the appeal further the Committee noted that the middle sibling had learning difficulties and struggled with change. This particular pupil had been referred for assessment, but the family was still waiting for an appointment. In summing up the mother reported that it was costing the family £80 each week in bus fares to transport the children to school and back.

However, in considering the appeal further the Committee noted that no evidence had been provided to substantiate the house move. Whilst the Committee acknowledged that it would have been difficult to find an appropriate house at such short notice for a family of seven, only four people were accounted for in the family. The Committee felt that it should have details of the remaining three family members before taking a decision on this appeal. And whilst the Committee also noted the difficulties the mother would be experiencing with the school run there was nothing to suggest that there weren't any other family members who could assist with the school run. The Committee also noted that the family was not on a low income as defined in law. No evidence had been provided to substantiate that the family was unable to fund the cost of the bus fares. In addition no evidence had been provided in respect of the middle siblings' learning difficulties for the Committee to consider. In view of this the Committee felt that it had no option but to defer the appeal in order to ascertain these facts. It was therefore;

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

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

The committee noted that the school had come back with limited information relating to the middle child's learning difficulties and that the Educational Psychology report submitted was dated February 2015. The committee felt that the information in the report was out of date as it would have related to the pupil in year 1 and that there may have been significant changes. The committee also noted that the information asked for was a report from the school and a CAMHS report should that be available, the school have confirmed that they have referred the pupil to CAHMS and also to the Children's Centre for support.

The Committee were advised that the Pupil Access team had sent reminders to the mother regarding supplying information requested by the committee on two occasions (6th January 2017 and the 11th January 2017) both by e-mail. The mother had not submitted any additional evidence as requested by the Committee.

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. The Committee stated that should the family submit a further appeal for the middle sibling only, the mother would have to provide the following information;

- i. Details of who the three remaining family members were;

- ii. Financial information on the family's household income including any benefit statements; and
- iii. Any up to date evidence of the middle sibling's learning difficulties from the school attended along with anything from CAMHS should that be available.
- iv. Report from the officer at Rossendale Council outlining the circumstances around the move of address.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4189 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 15710

It was reported that a request for transport assistance had initially been refused as the pupil was over the age of 19 years and was in their 4th year of an Education course. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted the mother's statement that the mother had had to give up work to take the pupil to college and was now looking for alternative work that would accommodate the pupil's attendance at college. The mother reported that her husband was unable to assist with the college run as they had serious health problems and was in fact housebound.

The Committee noted that the pupil had accessed a course on Safe Transport Training and also the EHCP plan confirming that the pupil was unable to travel independently.

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 only to support the pupil for the remainder of their College education.

Resolved: That;

Having considered all of the circumstances and the information as set out in the report presented, appeal 15710 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School

Transport Policy for 2016/17 and the policy on the provision of transport for pupils with special educational needs.

Appeal 1026921

It was reported that a request for transport assistance had initially been refused as the pupil was not attending their nearest College which is 1.1 miles from the home address and instead was attending a college much further away which was 16.1 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee was informed that both the colleges offered the same course that the pupil was enrolled on and if the pupil attended the nearer college then transport would be provided. The committee also noted that the mother stated that there had been bullying at the previous school attended and that there was a likelihood of these peers going onto attend the nearer College. The committee were informed that the LA had contacted the school who confirmed that the peers in question were not in attendance at the nearer college. The Committee were advised that the SEN records do not indicate that there were bullying incidents as stated by the parents. The school did confirm however that there had been disagreements between some of the pupils and that this had been evidenced in the reports submitted by the school who investigated and followed up the incidents appropriately.

Resolved: That Appeal 1026921 be deferred until the next scheduled meeting of the Committee on 6th March 2017, in order to ascertain the following points:

- i. Who was currently taking the pupil to and from College and why this could not continue and by what method;
- ii. Confirmation that an offer was made to the pupil from the nearer college;
- iii. Whether the family was in receipt of DLA for the pupil and to provide the necessary evidence in the form of recent and complete benefit statements;
- iv. To determine what benefits the mother and father are in receipt of given that they are both currently unemployed and to provide the necessary evidence in the form of recent and complete benefit statements;
- v. A copy of the original appeal application form filled in by the parents.
- vi. EHCP Plan for the pupil.

Appeal 1255501 - UB

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 8.8 miles from the home address as opposed to the nearest suitable school which was 1.2 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in

exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The committee were reminded that Appeal 1255501 had been deferred from the meeting in December 16, in order to ascertain the following points:

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

The Committee were advised that the family have confirmed that they do have a mobility car and that at the moment, they currently use a car seat but this will change in March as they will receive an adapted car that will meet the needs of the pupil and include a lift and special belts to enable the child to travel. The family only have one car and the mother does not hold a driving licence and therefore does not drive. The pupil travels on Monday's and Tuesdays in a taxi with the mother, who is in receipt of carers allowance and with the father on occasion who has had to take leave to undertake this, it is not clear why the mother is unavailable to take the pupil to school and the father has had to take leave. The father has confirmed that on a Wednesday morning he takes the pupil to school, however there is no explanation of how the pupil is taken home from school on a Wednesday afternoon. The Committee noted that the mobility car had been awarded to assist the pupil for the purpose of getting around including to and from school and was not awarded to enable the father to get to and from work.

In considering the appeal the Committee noted that the father had supplied benefit statements confirming that the mother does receive carers allowance for the pupil and the father is in receipt of working tax credits.

The Committee would like it noted that the family were incorrectly advised of entitlement by Sendiass in relation to transport entitlement. It clearly states in the policy that transport will be provided to compulsory aged pupils to the designated or nearest appropriate school mentioned in the statement of special educational needs if the pupil lives further than the statutory walking distance from school.

The Committee were informed that the nearest suitable school who would be able to accommodate the child needs had been visited by the parents and the nearer school had confirmed that they would be able to meet all the pupils needs,

the Committee would like to point out to the family that if the child did attend the nearer school then transport assistance would be awarded.

Also the Committee were advised that the decision to provide transport is based on the pupils needs and that the council are not able to take into account transport if the parents choose not to send their child to the nearest school or the parents work commitments.

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

Resolved: That; having considered all of the circumstances and the information as set out in the report presented, appeal 1255501 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.

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