

## **Lancashire County Council**

### **Student Support Appeals Committee**

**Minutes of the Meeting held on Monday, 3rd July, 2017 at 10.00 am at the CH1:13 - County Hall, Preston**

#### **Present:**

**County Councillor David Stansfield**

Leader of the Council  
(in the Chair)

#### **Cabinet Members**

County Councillor Anne Cheetham  
County Councillor Yousuf Motala  
County Councillor Christian Wakeford

#### **Also in attendance:**

Lynn Brewer - Solicitor, Legal and  
Democratic Services – **Not present for  
Case 4277**

Sumayya Rawat – Solicitor, Legal and  
Democratic Services – **Only present for  
case 4277**

Mrs I Winn- Appeals and Complaints  
Officer, Legal and Democratic Services.  
Hina Visavadia-Appeals and Complaints  
Officer, Legal and Democratic Services

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#### **1. Apologies**

None were received

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

There was none to disclose to the Committee.

### **3. Minutes 10th April 2017**

That the Minutes of the meeting held on the 10<sup>th</sup> April 2017 be confirmed as an accurate record and be signed by the Chair.

### **4. Urgent Business**

It was noted that the paperwork for appeal 4268 had only been finalised after the agenda had been circulated. As a result, the Chair had been consulted and had agreed that these appeal could be presented to the meeting under urgent business in order to avoid any delay in determining it.

**Resolved:** That appeal 4268 was circulated to the Members of the Committee, to be considered alongside all other appeals at the meeting.

### **5. Date of the Next Meeting**

It was noted that the next meeting of the Committee would be held at 10.00am on Monday 4<sup>th</sup> September 2017 (tbc) Preston.

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

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

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

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.

### **8. 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 19 appeals and 1 urgent business appeal 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.

### **Appeal 4215**

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 2.66 miles from their home address, and instead would attend their 3rd nearest school which was 3.03 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 mothers appeal the committee noted that the mother was a single parent and also had a younger child with a disability who the mother states was the mother's priority.

It was noted that the mother initially stated she only wrote only one school preference on the form but was advised by pupil access team that she had to include two other preferences. The pupil was subsequently given their second choice of school. The mother states that the school is over 3 miles from the home address and considers the route to be unsafe as there is no walk way to the school.

The mother also stated that her finances have been reduced now that the pupil is not attending primary school clubs and that the mother will now have to pay for bus fares in order for the pupil to attend school. It is acknowledged that the mother was getting extra financial support for the child to attend primary school care clubs but this would have been paid out to care clubs and as such not classed as any income for the family. The Committee noted that this would not disadvantaged the family financially as the financial assistance awarded for care club would have been used to pay for that provision only.

The appeal was originally deferred in order for the committee to gain further information from the parents in order to make an informed decision. The committee asked for the following:-

- Family to submit benefit awarded – complete and up to date and in full.  
*Benefit statement were supplied and confirmed that the family are not on the maximum working tax credits in order for extended transport provision to be considered*
- The mother to clarify the details of the sibling's disability  
*No details of sibling's disability supplied by the parent.*
- Clarification of the safe walking route from the home address to school.  
*The home to school transport policy states that the LA only have to assess the safe walking route to the nearest school, as the pupil is not attending not apply..*

In considering the appeal further the Committee considered the family's financial circumstances and noted that the Benefit statements provided did not state that the family were on the maximum working tax credit or 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 and as such did not meet the extended provision made for pupils of families defined as on a low income. This provision only applies to families from a low income and would only apply to pupils attending one of their three nearest schools of between two and six miles from the home address. The Committee noted that the family do not meet this criteria and as such do not qualify for extended provision for families 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 4215 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 2017/18.

## **Appeal 4252**

It was reported that a request for transport assistance had initially been refused as the secondary aged pupil would be attending their nearest suitable school, which is 2.13 miles from their home address and the primary aged pupil would attend their 17th nearest school which is 3.22 miles away. The nearest primary school with places available is 1.74 miles from home address. Both the pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted that the family had moved to be nearer extended family to assist with childcare needs. The family reported that they experienced difficulties in finding schools for both the children and according to the family every school they contacted was at that time oversubscribed. The family also mentioned that one of the pupil is on SEN register and has learning difficulties and needs consistency to aid their continued learning. The family feels that the cost of bus transport is not manageable and concludes that they have done their best to get both children school places at their nearest schools. The appeal had been deferred from a previous committee in order or the following information to be supplied from the family.

- Submission of any financial information from the family so that the panel could establish if the family were entitled to extended transport provision on low income grounds.

*No information provided by father*

- For the family to explain how the younger child was expected to travel to and from school as the family had appealed for 2 bus passes.  
*Father states in an e-mail that the pupil would be expected to travel on a local minibus from their estate to school provided by the LA (he understands) which other children catch.*
- The committee noted that the current arrangement was for the mother to take both children to school but that this was unsustainable, the committee wished an explanation of why this arrangement could not continue.  
*No information supplied*

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 but recognised the difficult circumstances around the move.

The Committee also noted that the school attended by the secondary aged pupil is within the statutory walking distance and there is a suitable school for the other primary aged pupil to attend that is nearer to the home address also within the statutory walking distance from home to school.

The Committee were also advised that it had been confirmed by school that the elder pupil does not currently have an SEN statement or EHC Plan and that their learning skills were at a functional level. It was noted that the family are not on Free School Meals and therefore not entitled to extended provision made for pupils of families on a low income grounds.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4252 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 2017/18.

### **Appeal 4271**

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 4.05 miles from their home address and instead were attending their 17th nearest school which is 9.36 miles away.

In considering the family's appeal the committee noted that the mother was a single parent and that the mother felt that the chosen school was the only school that could meet all the pupil's social and medical needs whilst also keeping the pupil safe. The mother had sought advice from LA staff and other professionals who deemed the school attended to be the most suitable and was also advised that due to her financial circumstances and the pupil's additional needs, transport would be provided. The mother also wanted the pupil to attend a small school. It was noted by the committee that according to the mother the pupil could not attend their nearest suitable school for health and social reasons. The Mother states that there are also ongoing concerns regarding contact with the paternal family and

the location for the chosen school makes this more unlikely. The Committee noted that the pupil is in receipt of free school meals.

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 as there is a nearer suitable school for the pupil to attend. It was also noted that County Council staff would not normally recommend one school over another. Advice has to be impartial and it is the view of the Council that all mainstream schools are able to provide the appropriate support to meet the overwhelming majority of pupil's needs, with the exception of those with complex and profound learning, physical or medical needs.

The Committee also noted that one of the reasons referred to by the Mother states that the chosen school was better because it is a smaller school, the committee noted the officers response that this statement by the mother was not factually true as the number on role were higher in the chosen school compared to the other nearer school. As for the mothers statement of the pupil's issues it was noted that there are number of schools where the pupil would not have any previous connection with peers that are significantly closer to home than the chosen school by mother.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4271 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 2017/18.

### **Appeals 4227**

It was reported that a request for transport assistance had initially been refused as transport provision is only awarded from one address.

The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The father was appealing to the Committee on the Grounds that he 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 father stated that the pupils have been refused a free bus passes because the Local Authority considers they spend more time with their mother than with him and believes this is not the case. The father states that they have shared custody with a 50:50 split and that he has made the school fully aware of this and asked that they be granted two bus passes for each pupil to and from his home address or just one for one of the pupils to and from his home address. The father is also requesting reimbursement for the costs of home to school transport that has been incurred since September 2016. The pupils are not receiving free school meals.

The appeal was deferred from a previous committee in order to give the father the opportunity to provide further information to the committee in order that they were able to make a fully informed decision.

- Any Financial information, including full benefit statements, pay slips, bank statements in order to establish if the household is on a low income.  
*No bank statements or benefit statements provided by father to evidence that he is on a low income despite numerous reminders by the Pupil Access Team.*
- Details of the 50/50 shared custody arrangements, what days of the week are spent with each parent.  
*Details from the father to state that it is a parental agreement – unable to corroborate this with the Mother despite numerous efforts by the pupil access team.*
- The contact details for the mother in order for the LA to establish further the custody arrangements and if this arrangement was a court order or a parental agreement.  
*Mother has been sent two reminders and an e-mail but no response received from the mother.*

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 pupils would be entitled to transport assistance from the appellant's address if this was deemed to be the pupils' main home.

It is stated that if pupil are residing in two different homes, in a shared parenting arrangement, then transport is only provided from one address. The Committee has come to the conclusion that even though there is a 50/50 shared custody arrangement the pupils' main home has been defined as living with the mother as she is in receipt of all the child benefit and until recently the school records confirmed with the authority that the pupils spent the majority of their time residing with mother.

**Resolved:** That having considered all of the circumstances and the information as set out in the report presented, appeal 4227 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 2017/18.

## **Appeal 4272**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest faith school which is 6.70 miles from the home address and instead attends a faith school that is 7.27 miles from the home address. The father was 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 appellant has been allocated the chosen school which was the first preference of the family. The appellant states that due to a recent bereavement it is essential for the pupil to maintain their usual routine and a change of school would not be acceptable at this time. The father states that he is a lone parent and has no other family members to support him with the children. The Father has calculated the route and states that the chosen school is nearer to the family home. The father also feels the proposed walking route falls under the unsuitable routes due to absence of street lighting, isolation and lack of safe crossing

points and is not safe for a child walking unaccompanied. It is also noted that the pupil is not on free school meals.

In considering the appeal, it was noted that the Council only has a statutory obligation to provide transport assistance if the pupil is attending their nearest school. In addition to statutory assistance available the Council retains a discretionary element of the Home to School Transport policy and provides denominational transport assistance to pupils attending their nearest faith school where they have met the faith criteria at the point of admission. The Committee noted that the pupil was not attending their nearest faith school. The County Council use bespoke mapping software that is used for all admissions and transport calculations, this has been used over a number of years and has a proven accuracy record. Where transport assistance is provided on denominational grounds there is a parental contribution to pay unless the family meet the low income criteria. Unfortunately as the pupil does not qualify for free school meals the pupil does meet this criteria.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4272 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 2017/18.

### **Appeal 4267**

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 0.79 miles from their home address, and was within the statutory walking distance, and instead would attend their 5<sup>th</sup> nearest school which was 2.17 miles away. 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 states that had the pupil been allocated her 1<sup>st</sup> reference and not the second then the pupil would have been able to walk or cycle to school. The Mother also states that although the allocated school is further away they were happy to accept the offer due to the school being outstanding and a number of the pupil's friends going there. It is also stated that the family have had a change of circumstances which will make it difficult for the Mother to take the pupil to and from school. The Mother is starting a new job and this will involve her starting early and working late on some days. The Family state they are on low income and would struggle to pay for bus fare and it would be difficult for the pupil to walk or cycle to the allocated school. The Mother also states she is currently getting help with bus fare for the sibling who attends Cardinal Newman College awarded from the college.

The Committee noted that the family were not classed as being on a low income as defined in law and the family were not on the qualifying benefits for free school meals, as such the family do not qualify for extended transport provision. The Committee also noted that the school allocated was within the statutory walking distance of 3 miles of the home address. It was also noted by the committee that had the family qualified under the low income criteria then they still would not be entitled to transport assistance as there are 3



nearer schools that the pupil could attend. The Committee were informed that the transport Policy states that extended provision is only awarded to families on Low income grounds to family's who attend one of three of their nearest schools and that this pupil attends their 5<sup>th</sup> nearest school.

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 as the pupil is not attending their nearest suitable school and that the school attended was one of parental preference.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4267 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 2017/18.

### **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 instead would attend their 8th nearest school which was 1.90 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The mother was appealing to the Committee on the grounds they had 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 had health issues that affected her ability to walk to and from school and who had also been a target of hate crime. The committee were informed that the pupil is currently being taken to school by older siblings who are currently attending a secondary school close by. It has been stated by mother that the pupil has been offered a school nearer to home but this has not been accepted as the family state they do not have the means to take the pupil to and from school. The committee noted that the family are on a Low income as defined in Law and the pupil is receiving free school meals but the school attended was within the statutory walking distance of 2 miles

The Committee noted that the appeal had been heard by the previous Committee who had decided to defer the appeal in order to obtain further information relating to the families circumstance as follows:

- Comprehensive medical evidence of her health issues and her ability to walk.  
*Various Medical Evidence was submitted including Doctors and hospital letters, however the committee asked if there was any evidence to substantiate the mothers claim that she was unable to walk and accompany the pupil to school.*
- The report referred to within the letter supplied by Victims Voice  
*Only letters were supplied to the committee, no report was submitted..*

- Details of the ages of the siblings accompanying the pupil to school and what the current arrangements are.  
*The Committee was informed of the ages of the siblings who accompanied the pupil to school.*
- Details of any other responsible family members or friends who can assist with the school run.  
*No details supplied by the appellant.*
- Details of cost of any before and after school clubs.  
*None provided by the appellant.*

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 they were not able to award transport as pupil is not attending their nearest suitable school.

The committee were advised that if the child attended the nearer school they still would not be entitled to transport provision even under the extended provision awarded to families who are defined by Law as on a Low income. As the school currently attended is the 8<sup>th</sup> nearest school this still falls within the statutory walking distance of under 2 miles from home to school. The Committee also commented that no evidence had been provided to suggest that the mother was unable to fund the cost of transport to school. The Committee felt that the school the pupil attended was one of parental preference.

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 4205 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 2017/18.

## **Appeal 4276**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 0.72 miles from their home address, and instead would attend their 2nd nearest school which was 0.77 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The mother was appealing to the Committee on the grounds they had had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

It was reported that a request for transport assistance had initially been awarded by the previous Committee in the form of a home to school taxi and that this provision was a temporary award up to the end of the school term (July) 2017. And the mother had agreed to act as passenger assistant for pupil. The family were appealing to the Committee on the

grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion to continue to award transport that was not in accordance with the Council's policy or the law in the form of a taxi.

In considering the mother's appeal the Committee noted that the mother is a single parent and on benefits, has medical problems and that family members are unable to help with Home to School run due to ill health. It is also noted that the mother is not willing to send the pupil to nearest school which is a faith school and states that it goes against the family's religious beliefs to attend a school of that faith.

The Committee notes that it does provide some assistance with travel for children whose parents are unable to accompany their children to school due to a medical condition. This provision is only for children who receive free school meals or whose parents are on the maximum amount of working tax credits and the child attends the nearest suitable school.

It is noted that the pupil is not on free school meals and if parent had applied for the pupil to attend the nearest suitable school to the home address then they would have been successful in obtaining a place. The Committee noted there are currently places at the nearer suitable school but the mother has indicated she wants the pupil to be educated within a secular school and therefore the school attended is of parental preference. It has been suggested that the mother can explore if there are other families in the area who attend the same school and if the pupil could accompany that family to and from school.

**Resolved:** That; Having considered all of the circumstances and the information as set out in the report presented, appeal 4276 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 2017/18.

### **Appeal 4262**

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 2.82 miles from their home address, and was within the statutory walking distance, and instead would attend their 6th nearest school which was 5.28 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 previously attending the nearest school but it was alleged the pupil had been bullied and the mother does not want pupil to attend that particular school. The Mother also states that although there are two other schools nearer to where they live, they are not in their area. The Pupil, according to the mother, has settled at the present school and feels that it would be detrimental to the pupil to be now moved again, the mother also states that the family had to move homes due to domestic violence issues with an ex-partner and has a support worker who can support this. It is noted by the committee that the pupils is in receipt of free school meals.

The Committee notes that transport assistance has been refused as the pupil is not attending their nearest suitable school. Additional assistance is available for families that meet the low income criteria but only if they are attending one of their three nearest schools of between 2 and 6 miles from the home address. The committee were advised that the pupil is attending a school which is the 6<sup>th</sup> nearest school. The Committee were also advised that all three of the closer schools to the home address had places available. The Committee noted that the parent had supplied a contact name for the mother's domestic violence support worker. Unfortunately the committee noted that the pupil access team had informed the parent that it is the responsibility of the family to provide evidence of their claim. To date the parent has not provided any documents to support the appeal.

**Resolved:** That; Having considered all of the circumstances and the information as set out in the report presented, appeal 4262 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 2017/18.

### **Appeal 4259**

It was reported that a request for transport assistance had initially been refused as the pupil is not attending their nearest suitable school, which is 0.39 miles from their home address and was within the statutory walking distance, and instead would attend their 2<sup>nd</sup> nearest school which was 2.40 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

It was stated by the mother that she had been verbally turned down for her request for assistance with transport because she had moved the pupil due to how the previous school had dealt with the pupil's medical needs and that the school now attended was the 2<sup>nd</sup> nearest school to the home address. The committee noted that the Mother has stated that the pupil has progressed well in the school currently attending. The committee also noted that as a place had been provided within the statutory walking distance of 2 miles and that the decision to move the pupil had been that of the mothers.

However, in considering the mother's appeal further the Committee noted the pupil had been offered and attended the nearer school that was located within 2 miles of the home address. It is also been noted by Committee that staff at County Council would not have advised the parent not to appeal.

The Mother had supplied contact details for a number of health professionals who could be contacted. However the pupil access team had informed the mother that it is the responsibility of the parent to provide any document supporting their case and Pupil Access Team are not able to seek medical records on behalf of families due to Data Protection Act.

The Committee also noted that due to the lack of places for year 3 in the area, there is not a primary school closer to home that the pupil could currently transfer to. If the school the pupil currently attends is deemed by the Committee to be the nearest suitable school then

the pupil would qualify. However the Committee noted that the family had supplied no evidence to support the reasons for moving the child from the school previously attended or any reports from health professionals to substantiate the claims after being advised by the pupil access team that it is the parents responsibility to evidence any claims.

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 the school now attended was one of parental preference and not persuaded that transport assistance should be awarded.

**Resolved:** That; Having considered all of the circumstances and the information as set out in the report presented, appeal 4259 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 2017/18.

### **Appeal 4246**

It was reported that a request for transport assistance had initially been refused as the pupil is not attending their nearest suitable school, which is 2.67 miles from their home address and was within the statutory walking distance, the pupil was attending their 4<sup>th</sup> nearest school which was 5.75 miles from the pupils 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, it was stated by the mother that she is now a single parent on low hours and low income and that the partner is presently serving a custodial sentence. The Committee has noted that there is no statutory requirement for the Council to provide free denominational transport assistance unless pupil qualifies on low income grounds. Transport assistance would be provided if a parent is in receipt of qualifying benefits for free school meals or on maximum working tax credits. However the committee has noted that no evidence to support the mothers claims were provided to demonstrate the financial circumstances of the family.

Therefore, having considered all of the mothers 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 4246 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 2017/18.

### **Appeal 4274**

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 2.30 miles from their home address and within the statutory walking distance, and instead would attend their 7th nearest school which is 6.76 miles away.

The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The father is 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 father states that the pupil came to live with him and he is having to manage on a low wage to support the pupil and himself while waiting to hear what benefits he is entitled to. The father has been notified that the pupil does not qualify for travel assistance as there are schools nearer to home that the pupil could attend. The Committee noted that the father has stated that the pupil had to leave the previous school attended due to personal reasons and he has tried to find a school near to home but there were none available.

The Committee noted that the school previously attended confirmed that the reason the pupil moved school was due to an incident and that the father had withdrawn the pupil because the school and the father could not agree on the severity of the incident and that the decision was made before the possibility of the permanent exclusion of the pupil reached. The father also states that because of the distance now from home to the school now attended by the pupil that the cost is having an impact on the family's financial circumstances.

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.

The committee also noted that even though a number of secondary schools were full in area there were still places available at nearer school than the one the pupil currently attends.

**Resolved:** That; having considered all of the circumstances and the information as set out in the report presented, appeal 4274 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 2017/18.

### **Appeal 4281**

It was reported that a request for transport assistance had initially been refused as even though the pupil would be attending their nearest suitable faith school, which was 3.86 miles from their home address. The parents would have to make a financial contribution. The parents are appealing against the financial contribution per annum toward the provision of denominational transport assistance that the parents are required to make. 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 mothers appeal the Committee noted the mother's concern about the contribution the parents are expected to pay towards cost of bus pass. The mother stated that she works full time and cannot drive due to a medical condition and that the father cannot drive the pupil to school as he works full time.

The Committee noted that the medical evidence produced relates to her condition in 2008 some 9 years previous and that this did not give any up to date evidence to substantiate the mothers claim. Also submitted was a letter from the fathers employers who did confirm the hours worked and what days on and off he was expected to work, unfortunately no evidence was provided of what time the father was expected to start work and finish or if this coincided with the school run or not.

The family also state that there is no extended family available to assist with the school run and they also had a younger sibling that was required to be taken to school. The mother feels that due to her disability that this takes away her choice in respect of transporting the pupil to school and this should not impact on the family's circumstances.

It is noted that the pupil is not receiving free school meals and therefore the family are not entitled to extended provision awarded to families on a low income and as such 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. The committee also noted that no financial information was provided to support the parents claim that they could not afford the denominational contribution that the parents are expect to make towards the cost of a bus pass.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4281 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 2017/18.

### **Appeal 4269**

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 0.5 miles from their home address and was within the statutory walking distance, and instead would attend their 4<sup>th</sup> nearest school which was over 1.4 miles away and still within the statutory walking distance of 3 miles from home to school.

The appellant was 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 appellant states that the school is 1.6 miles from home and the walk would take 35 minutes each way. The Committee was advised that the Council's bespoke mapping software calculated the distances using pedestrian walk ways in accordance with the law and that this had proved accurate for many years.

The father states that recently the family's benefits have been reduced and as such they are not able to pay for a taxi, the family would appreciate any help with transport assistance as the father also does not drive. The family states that the pupil has health issues which hinders walking to and from school, it was also noted by the Committee that the pupil is not on free school meals.

The Committee has noted from Officer's Notes, the appeal form and the letter supplied by the father giving the details of an MRI appointment which was scheduled in April 2017 and a subsequent appointment for the 1<sup>st</sup> May 2017. However no follow up details of any reports from those appointment had been supplied by the family to substantiate that the pupil was unable to walk. The Committee also noted that the father had also stated that the pupil also had asthma and that this was made worse by walking, again no evidence was supplied by the father to evidence this.

In considering the family's financial circumstances the Committee 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 and from school. It was also noted that the family were not eligible for Free School Meals and as such did not meet the extended provision awarded to families from a low income. The Committee noted that benefit statements had been requested by the authority by e-mail on the 25<sup>th</sup> May 2017 but had not been supplied, it was also noted that the father had confirmed and acknowledged that he was happy with the schedule and wished for the appeal to go ahead on 20<sup>th</sup> June 2017 by e-mail.

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 4269 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 2017/18.

### **Appeal 4275**

It was reported that a request for transport assistance had initially been refused as the pupil would be attending their preferred choice of faith school, which was 12.02 miles from their 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 against the denominational contribution for transport for the pupil to travel to and from school that is required to be paid by the family. 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 states that the pupil has a couple of health issues and that the pupil struggles with these. It was stated by the mother that the pupil due to her medical condition finds it difficult travelling on the bus and as such the parents have to take pupil to school and that this journey is a one hour round trip. The mother works part time to enable her to take the



pupil to medical appointments and it is also stated that the pupil has had lot of time off school due to these appointments.

The committee noted that the father is self-employed and the family are struggling financially to support funding the cost of the pupil's bus pass and car journeys to and from school. The committee noted that the mother states that she has found it difficult to work and support the pupil and has recently changed her working hours to make this easier. The mother had initially applied for transport assistance for the pupil and was refused as the family do not qualify as they are not on top rate of working tax credits or on free school meals. The committee noted that the pupil has been supported by friends and teachers at school. The Committee noted also that the mother has asked for the committee to consider awarding a free bus pass due to pupil's medical health needs and difficulties.

The Policy states that it is required by law to meet the cost of home to school transport for pupils aged eight years of age or over from non-low income families where they attend their nearest school and this school is over 3 miles from home. It is noted by Committee that prior to September 2011, the Council exercised discretion and granted free transport to those pupils who attended the nearest faith school, proved they met the distance criterion and had been admitted to the school on denominational grounds, but due to reduction in Council budgets from September 2011, parents of pupils in these circumstances have been required to make a contributory charge and for academic year 2017/18 the contribution is £575.00.

It is also noted by Committee that there is a statutory element for pupils who attend their nearest faith school and meet low income criteria, the low income criteria is determined by the Department of Education and provides assistance for children whose parents are on the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. It has been confirmed by the mother that she is not in receipt of the maximum amount of Working Tax Credit or entitled to free school meals.

The Council's Home to School Transport Policy does offer some discretionary assistance in respect of the medical needs of pupils who normally attend their nearest school. This discretionary award is for pupils who are diagnosed in year 10 and 11 with a medical complain and as the pupil was diagnosed at the beginning of Year 9 they do not meet this criteria.

It is noted that it would be difficult for a pupil to change schools part way through their GCSEs but it would be a possibility for a pupil who is experiencing such discomfort on a long journey to and from school.

In considering the appeal further the Committee considered the family's financial circumstances and 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 on the maximum working tax credits or eligible for Free School Meals. The Committee considered all the individual reports submitted by the parents and did sympathise with the contents of the reports and the difficulty identified in the reports for the pupil and family. However it was noted that these reports were not recent and as such did not give any up to date information as to how the pupil was coping presently, the letter from the specialist nurse on the 22<sup>nd</sup> May 2017 confirms the pupil's medical condition and

the unpredictability of the condition it does not give any clear indication of the pupil current relapse or remission status.

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 4275 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 2017/18.

### **Appeal – 4278**

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 2.7 miles from their home address, and instead would attend their 2nd nearest school which was 3.03 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The mother was 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 states that they are moving home and she has one pupil who is leaving school at the end of June 2017 after their exams and that they will continue to fund their transport. The mother is appealing for the sibling in order for the pupil to be granted transport assistance as they will be starting in year 10 as of September 2017. The mother has stated that she strongly disagrees with the current law that dictates that working parents can only receive assistance with travel for pupils who attend the nearest school to the home address, whilst parents on a low income get assistance awarded provided they attend one of the three closest schools to the home address.

The mother also feels that the distance warrants someone to accurately check and look at the measured distance more closely. The mother also feels that the pupils are happy at the school now attended and settled and that the pupil has chosen her subject options and the family are not sure whether the nearer school have taken theirs yet. The mother also states that she feels that the pupil who is in final year of education, year 11 should be granted a bus pass for June to cover travel or be reimbursed the bus fares.

The Committee were informed that transport assistance had been refused as the pupils are changing address and as such are now not attending their nearest school. It was also noted by the committee that the family are not on a low income and that the family would not therefore be classed as a low income family as defined in law to warrant any assistance with transport. The committee were informed that an assessment was taken to get the correct measurement of the distance for home to school and a copy was sent to family showing the route taken and measurements.

The committee noted that at the time of the transport appeal being heard, that the year 11 pupil would have left. The committee also were informed that if parents wished the pupil to remain at school that school now attended and that school is not the nearest school and they do not meet low income criteria then there is no statutory entitlement for the County Council to meet the costs of home to school transport.

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.

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 4278 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 2017/18.

### **Appeal 4277**

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 2.82 miles from their home address, and instead would attend their 2nd nearest school which was 3.26 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The mother was 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 is appealing for a bus pass for the pupil and states that when walking to the school along the school bus route it is further than stated by the authority. The mother had previously applied for a bus pass for an elder sibling which had been granted and is now applying for the younger sibling to receive a bus pass. The mother outlines the dangers associated with using the route to walk to the nearest school and also argues that the walking route is further away than the school the pupil is attending and that this makes the school the pupil attends to be the nearest school to the home address and not the 2<sup>nd</sup> nearer school as measured by the authority.

The mother states that they have measured the distances to both schools and the shortest walking route to the preferred school is shorter than the one stated as closest. The Mother understands that neighbouring families have been offered free home to school transport to and from school to where the pupil currently attends. It is noted that the pupil is not receiving free school meals. The Committee were advised that the authority will consider that if the shortest walking route to schools is not suitable for children when walking with a responsible adult, a suitable alternative would be looked into which is less

than the legal walking distance to school. The shortest route is taken into account to then decide the nearest school and if a suitable walking distance cannot be found then the legal walking distance from the school. The shortest route is taken into account when deciding which is the nearer school and if a suitable walking route cannot be found then free transport is provided to the nearest school.

Suitability of a walking route to a school is not considered unless the pupil goes to their nearest school. A copy of the routes measured has been provided and using these routes, demonstrates that the school mother has stated as the preferred school is the 2<sup>nd</sup> nearest school to home. The mother has referred to other children in the neighbourhood who have travel passes and it is stated that there is a statutory requirement to provide free transport for children whose families are on a low income as defined by law, travelling to their nearest faith school as long as the school is between 2 and 15 miles from the home address. Denominational transport assistance for pupils attending their nearest faith school is provided for families not on a low income though there is a financial parental contribution that parents are required to pay.

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.

The present Committee have looked at the previous application for the elder sibling and have agreed with the authority that school attended by both pupils is the 2<sup>nd</sup> nearest school and that the previous award made to the elder sibling was in fact made in error. The Committee therefore have withdrawn the award offered to the elder sibling and that entitlement will now cease at the end of this the summer term 2017. The Committee, therefore, recognised that the previous committee had made an error and awarded transport on appeal.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4277 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 2017/18.

### **Appeal 4283**

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 1.91 miles from their home address, and is within the statutory walking distance, and instead would attend their 4th nearest school which was 2.65 miles away. The pupil were therefore not entitled to free transport in accordance with the Council's policy or the law. The mother was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted the pupil's additional learning needs and how they affected their daily life and their sense of danger. The mother also stated that she could not allow the pupil to walk to the school that had been identified as

the nearest suitable school as the pupil was vulnerable and could not travel independently. It was also stated by the mother that the pupil became incredibly anxious and would scream uncontrollably when having to use public transport. It is noted that the pupil is in receipt of free school meals.

The Committee were informed that transport assistance had been refused as there is a nearer suitable school that the pupil could attend. It is acknowledged that there is medical evidence which supports the mother's statement that the pupil would not be able to cope on public transport if on her own. The School Transport Policy does have a statutory entitlement that awards transport assistance for pupils who have long term medical issues but this is only offered where pupils attend their nearest school.

It is further noted by the committee that the mother had expressed a preference for the chosen school as she felt this school was the most appropriate to meet the pupil's needs, however, it is stated that if a pupil does have a Statement of Special Education Needs or an Education, Health and Care Plan then the necessary support should be provided in whichever mainstream setting the pupil attends.

It was noted by the Committee that the parent is in receipt of the qualifying benefits for the pupil to receive free school meals. The mother states that as the family are on a low income the cost of a taxi to and from school would place a burden on the family's financial circumstances.

The Consultant Paediatrician has made a reference to the size of the school the pupil is to attend as having less students on roll than that of the nearest school, identified the committee noted that the authority had checked this and the nearer school actually has less pupils on roll than the chosen school of preference.

It was therefore suggested that the appeal be deferred until the next scheduled meeting of the Committee on the 4<sup>th</sup> September 2017 to allow the mother to provide further evidence for the Committee to consider. Whereupon it was;

**Resolved:** That Appeal 4283 be deferred;

- i. To obtain an up to date copy of the child's Education and health and care plan.

### **Appeal 4226**

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 3.35 miles from their home address, and instead would attend their 2nd nearest school which was 7.31 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The father was 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 father states he is appealing for transport assistance for the pupil so that the pupil can continue to attend the same school as their sibling and can support the sibling as they have special needs. The father states that the sibling has been provided with a bus pass because the closest school does not have any space. The father is appealing because he

has been refused as there is another school nearer to the home address that can accommodate the elder sibling.

The pupil is currently going into year 11 and will be studying towards their final exams and the father feels it would be unsettling to move the pupil to a different school at this time. The father states also that the pupil is responsible for helping the sibling to get to and from school each day and also help the sibling to cope with the various medical conditions that they have. He also states that the pupil helps the sibling in controlling their behaviour and any likelihood of the sibling causing harm to themselves or other pupils. The father states that if the elder sibling had to change school it would cause major problems for both siblings, he also confirms that all medical details for the sibling are available and school have copies of these. The committee noted that the pupils are not in receipt of free school meals.

In considering the appeal, the Committee noted that the pupil was, however, not awarded transport assistance as there were places available in a nearer school. It is recognised that it is more difficult for pupils to move schools once they have started exams and discretionary assistance is available for pupils who change address after the start of year 10 but this only applies if families meet the low income criteria. Travel costs would be paid if the family were in receipt of qualifying benefits for the children to receive free school meals or maximum amount of qualifying benefits of working tax credits, which the family are not in receipt of. The Committee noted that the pupil will be leaving school in June 2018 and would therefore not be in a position to assist their sibling. The Committee also noted that the assessment on the sibling stated that an assessment was done on the sibling to consider if they would require special needs transport or a passenger assistant and it was confirmed by the Special Needs Team that the sibling can travel independently.

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 4226 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 2017/18.

### **Appeal 4268**

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 0.54 miles from their home address, and is within the statutory walking distance of the home, and instead would attend their 20th nearest school which was 3.05 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family was 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 appellant states the pupil was both verbally and physically bullied whilst at school and the appellant had attended school on a number of occasions to alert them of her concerns but states that the bullying continued and it affected the pupil's health. The mother then decided to move pupil to different school and states that the pupil's health and academic progress has improved and the pupil is much happier.

The appellant has medical issues herself and has provided up to date medical evidence. Both the school and the family support worker support the appellant's appeal and request for transport assistance. It is noted that the pupil is receiving free school meals.

In considering the appeal, the Committee noted from the officers comments that transport was refused to the pupil as they are not attending their nearest suitable school. It is noted that the appellant moved the pupil due to concerns around bullying and many of the schools that were closer to home at the time of the removal were full and only those listed on the schedule had places available.

The School Transport policy does have a discretionary element that makes provision for children whose parents are unable to transport them to and from school due to medical incapacity and where there is no other family member or friend who can help. The policy however requires that the pupil is attending their nearest suitable school and that transport is only provided for a maximum of 12 weeks. However, the previous school attended has confirmed that the bullying issues could have been addressed had the appellant continued to work with the school to resolve any issues.

Therefore, having considered all of the appellant'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 4268 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 2017/18.

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