

# **Lancashire County Council**

## **Student Support Appeals Committee**

**Minutes of the Meeting held on Monday, 29th January, 2018 at 10.00 am in  
CHG06 - County Hall, Preston**

### **Present:**

County Councillor Christian Wakeford (Chair)

### **County Councillors**

J Cooney  
C Crompton

A Cheetham

#### **1. Apologies**

CC. Y. Motala

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

None

#### **3. Minutes of the meeting held on 4th December 2017**

Resolved: That the minutes of the meeting held on 04<sup>th</sup> December 2017 be confirmed as an accurate record and be signed by the Chair.

#### **4. Urgent Business**

None

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

It was noted that the next meeting of the Committee would be held at 10:00am on Monday 12<sup>th</sup> March 2018, (room to be confirmed) County Hall, Preston.

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

Resolved: That the press and public be excluded from the meeting under Section 100(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. Student Support Appeals**

(Note: Reasons 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 33 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 2017/18, and the Policy in relation to the transport of pupils with Special Education Needs for 2013/14.

#### **Appeal 4343 and 4343a**

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 0.69 miles from their home address and instead would attend their 10th nearest school which is 2.77 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.

In considering the appellant's summary of the appeal, the Committee noted that the family had to move to an address further from the school currently attended, not through choice as stated by the appellant. The committee noted that the appellant states they have been trying to find a property closer to the school. The appellant states that it is too far to walk to the school now attended by the pupils and the appellant cannot afford bus fares as they are in receipt of benefits. The appellant stated that bus fares for all three children and for themselves would cost them £42.00 per week.

The Committee have considered the officer's comments which stated that transport assistance has been refused as the pupils are not attending their nearest suitable school.

It was noted by the Committee that the County Council's Home to School Transport Policy does have a discretionary element for families that relocate but only when a child is in either Year 10 or 11 and has started work on GCSE's and where the pupil had previously attended their nearest school and was in receipt of free school meals or the qualifying benefits. The Committee noted that the pupil is currently in Year 10 and that at the time the family relocated in February 2017 the pupil was in year 9 so would not qualify for free transport.

The Committee had noted the officer's comments stating that any family moving from one area to another does not come with an award for free transport and that any transport assistance is assessed from the new address. The Committee also noted that it would not be unreasonable for the appellant to consider moving their

child to the nearer school. The Committee also noted that the appellant have the right to choose which school they would prefer their child to go to, however it does not mean they are entitled to Home to School Transport assistance.

The committee noted that the family are in receipt of Free School Meals. The committee were advised that there is additional assistance available to low income families but only if parents are in receipt of one of the qualifying benefits for free school meals or the maximum working tax credits. Universal Credit is one of the qualifying benefits to receive additional assistance but In order to qualify for help with travel costs a pupil must be attending one of their nearest three schools. The committee noted that there are numerous schools closer to the pupil's home than the school of parental preference. The Committee noted that the pupil was in receipt of Free School Meals but still did not qualify for assistance as they were attending their 10th nearest school.

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 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 4343 and 4343a 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 4343b**

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 0.43 miles from their home address and instead would attend their 46th nearest school which is 3.15 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.

In considering the appellant's summary of the appeal, the Committee noted that the family had to move to an address further from the school not through choice. The committee noted that the appellant has been trying to find a property closer to the school now attended by the pupil. The committee also noted that the appellant had stated that it was too far to walk to the school and they couldn't afford bus fares as they were in receipt of benefits. The appellant had stated that bus fares for all three children and for themselves would cost £42.00 per week.

The committee noted the Officer's comments which states that the pupil is not entitled to transport assistance as they are not attending their nearest qualifying school. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. It was brought to the Committee's attention that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the

nearest boundary entrance of the pupil's home to the nearest entrance to the school.

The committee noted that the family are in receipt of Free School Meals. The committee were advised that there is additional assistance available to low income families but only if parents are in receipt of one of the qualifying benefits for free school meals or the maximum working tax credits and that additional assistance does apply but In order to qualify for help with travel costs a pupil must be attending one of their nearest three schools. The committee noted that there are schools closer to the pupil's home than the school attended. The Committee noted that the pupil was in receipt of Free School Meals but still did not qualify for assistance as they were attending their 46th nearest school. It was also noted by the Committee that the documentary evidence provided by the appellant from the Housing Organisation stated the family moved in February 2017 which the Committee noted was during the last academic year when the pupil was in year 5 so although the family were in receipt of free school meals and classed as low income this element of the transport policy does not apply as the child moved while in year 5.

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 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 4343b 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 4343d**

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 is 2.48 miles from their home address, and instead would attend their 2nd nearest school which was 4.26 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.

It is noted by the Committee, that the appellant stated that they believed they met all the criteria to qualify for transport assistance. The appellant had enclosed screen captures from Google maps showing that while the school of their preference is 4.3 miles from their home address, the nearest faith school is 5.6 miles walking distance from their home.

The appellant, as noted by the Committee as supplied evidence of 3 prints of screen captures from Google maps showing:

- Distance between previous address and current address
- Walking route from current address to school of parental preference
- Walking route from current address to the next faith school.

The appellant has stated, as noted by the Committee that following conversations with the Pupil Access Team the appellant was aware and agreed that the nearest qualifying school was less than 3 miles from their home, but as this is not a faith school they considered this an unsuitable school for the pupil. It was also noted by the Committee that according to the appellant, they are practicing their faith and passionate about it and strongly desired that the pupil continued their education with a focus within a faith learning environment.

The Committee noted also that the appellant had highlighted that the only available walking route between their home and the nearest qualifying school includes an A route between the villages, on which, as stated by the appellant are two extremely hazardous sections for pedestrians and the appellant considered that this was a wholly unsuitable walking route for a 11-16 year old child to use, especially in the dark mornings and dark afternoons in winter.

It is noted by the Committee, that the appellant explained that the first hazard is the accident blackspot which has a section of road with 2 blind corners merely 20 yards apart and the centre of this is the only section of road at which pedestrians may cross benefitting from pavement at both sides of the road. The second hazardous area, as detailed by the appellant, is the main traffic lights directly outside the Golf Club at which there is no pedestrian crossing point and so pedestrians have to "trust to luck" that they are crossing in good time before the lights turn to green and the huge volume of traffic.

The Committee have noted that the appellant had asked that the decision to refuse the pupil's school transport be reconsidered not just based on the above points but also because the appellant stated that they were not made aware that their change of address would lead to a reassessment of eligibility. The appellant stated that the pupil had been in receipt of free transport from the previous address for the previous 2 years and that their new address is less than 0.1 mile from their previous address.

The Committee have noted the officer's comments which stated the County Council did not dispute that the pupil was attending their nearest faith high school.

The officer's comments stated, as noted by the Committee, that when the pupil joined school in September 2014, the County Council had a much more generous Home to School Transport policy. The pupil was awarded free transport assistance as the pupil lived in one of the contributory parishes for the school now attended and at that this was one of the eligibility criteria for a bus pass.

The Committee were advised that in September 2015, the County Council removed discretionary elements of the Home to School Transport Policy. All new pupils starting at school now only receive transport assistance if they attend their nearest school and live more than three miles away. The committee were advised that when undertaking assessments there is no longer any consideration of which Geographical Priority Area or parish a pupil lives within and schools in neighbouring districts and local authorities are also considered when assessing the nearest schools to the pupil's home address.

The DfE guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school. The County Council retains a discretionary element to the Home to School Transport Policy where transport assistance is provided when a child

attends their nearest faith school and they are admitted under the denominational admission criteria. Even though the pupil does qualify for this assistance the provision is not statutory and parents are required to pay an annual contribution of £575.00 for the academic year 17/18, this contribution can be paid by 10 monthly direct debit payments. The committee noted that if the appellant was in receipt of the maximum benefits then they would be exempt from the contribution. The Committee noted the officer's comments that it is the parents' primary responsibility for ensuring their child's safe arrival at school and in all cases when assessing the suitability of routes the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably clad. The County Council's Unsuitable Routes Policy considers routes to be safe if there is a footway, verge, walkable roadside strips or footpath.

It was brought to the Committee's attention that the County Council's Home to School Transport policy is on the Lancashire County Council's website and specifically refers to there being a re-assessment of entitlement if there is a change in circumstances. Admission information which is available for all parents from each September provides a summary transport policy. Parents are advised to check the policy carefully if getting their child from home to school and back is a consideration. Parents are directed to a fully copy of the Home to School Transport Policy on the Lancashire County Council website and to seek advice from the area education office if they have any enquiries.

The committee were also unable to determine 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 and noted that the family are not in receipt of free school meals, no financial information was submitted to the Committee to state that the appellant is unable to afford the cost of a travel pass to the chosen school.

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 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 4343d 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 4350**

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 1.40 miles from their home address, and instead would attend their 2<sup>nd</sup> nearest school which was 1.52 miles away and is under the statutory walking distance of 3 miles of 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.

It is noted by the Committee, that the appellant had stated that they are an asylum seeker and as such is not allowed to work in the UK and has no income. The appellant has also stated that there are also two other children and their partner living as asylum seekers. It was noted by the Committee that the appellant had provided copies of letters from the immigration office verifying the appellant asylum seeker status.

The Committee noted in the officer's comments stating that the pupil had been refused transport assistance as they were not attending their nearest qualifying school.

It was noted by the Committee from the officer's comments that the appellant was in receipt of the qualifying benefits for free school meals. As the appellant is in receipt of the qualifying benefits for free school meals is therefore qualified for the additional transport assistance available to low income families if the pupil lived over two miles from school. It is noted by the Committee that the distance between home and school is 1.5246 miles and within the statutory walking distance.

The Committee have also noted that there is no evidence supplied to state why the pupil could not walk to school. No medical evidence was supplied to suggest there were any health issues for the pupil or the appellant.

It is also noted by the Committee there was no details of why the pupil could not attend the nearest suitable school which is 1.40 miles from the home and within the statutory walking distance.

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 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 4350 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 4351**

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 is 0.58 miles away and is instead attending their 5th nearest school which is 2.52 miles away of which both schools are under 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 had appealed to the Committee on the grounds that they had extenuating circumstances to warrant Committee in exercising its discretion and award transport was not in accordance with the Council's policy or the law. The appellant, as noted by the Committee, stated they also have another child who is disabled and has learning difficulties. The family moved house in January 2016 as they needed a bigger house with a room that the disabled child could use for themselves. The appellant supplied copies of letters from the Borough Council regarding Disabled Relief on council Tax dated May 2017.

The Committee noted, that the appellant had explained that the pupil couldn't possibly move to either of the 2 nearer schools as the pupil had been bullied all the way through primary school and the other children that bullied the pupil now go to the nearer schools. The appellant claims that the bullying in primary destroyed the pupil's confidence and made the pupil depressed and stated that it got to the stage where the pupil refused to eat for a week because of it so the appellant has stated that they are not going to put the pupil through bullying at high school as well.

It was noted by the Committee that the appellant had stated that the pupil had settled well at the school of their preference and was happy and had friends there, the appellant doesn't want to move the pupil from the school of their preference. The appellant stated that the pupil was the only child from their previous school to go to the school of their preference and that offered a fresh start for the pupil.

The appellant had stated, as noted by the Committee, that the pupil has to get the bus to and from school because of the distance and also because the walking route was unsuitable. The appellant states that this also meant that the pupil is home for when their younger disabled sibling returns from school on the minibus. The appellant states that the sibling, according to the appellant, becomes anxious and upset if no one is home when they get back and sometimes the appellant is late because they have to collect their other two children from school.

Considering the officer's comments, the Committee noted that transport assistance had been refused as the pupil was not attending the nearest school and was attending the 5th nearest school. Both schools are located within the statutory walking distance of 3 miles of the home address. It is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

It was brought to the Committee's attention that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school. Admission information is available to all parents at the time of applying for school places. A summary transport policy is made available to all parents. Parents are advised to check the policy carefully if getting their child from home to school and back is a consideration. Parents are directed to a full copy of the Home to School Transport Policy on the Lancashire County Council website and to seek advice from the area education office if they have any queries. The County Council also has officers in attendance at most schools open evenings to give advice on transport eligibility and admission queries.

The officer's comments have stated, as noted by the Committee, that had the family been classed as in receipt of a low income, the pupil would have qualified for free home to school transport (as the child attends one of their 3 nearest schools within 2 and 6 miles. ) In this instance the family are not in receipt of free school meals, no evidence had been provided from the appellant confirming that they are in receipt of the maximum amount of working tax credits or entitled to



free school meals. In light of this, the family did not have a statutory eligibility to free home to school transport on low income grounds.

The Committee noted that the appellant had stated issues concerning suitability of route to get to and from school. Parents have the primary responsibility for ensuring their child's safe arrival at school. The County Council will only consider the suitability of a route where a child is attending their nearest qualifying school. When making this consideration the County Council assumes that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably clad.

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 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 4351 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 4357**

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 4.22 miles away and instead attends their 6th nearest school which is 6.06 miles away. . The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family had appealed to the Committee on the grounds that they had extenuating circumstances to warrant Committee in exercising its discretion and award transport was not in accordance with the Council's policy or the law.

It is noted by the Committee, the appellant had stated that they have 2 older children who had/did attend the school of parental preference and so the school was known to the family and it provided a safe and familiar environment for the pupil. The appellant explained that the school of their choice is a recognised feeder school for the primary school the pupil attended and the area they live in was part of parish.

The Committee had noted that the appellant had stated that they felt that the family were being penalised because they live 0.3 miles closer to the nearest suitable school. The appellant stated that the nearest suitable school was not a familiar school for the pupil and they were now in a position where they might have to split the siblings up. The appellant stated that they are unable to drive the children to school as the partner works in another town and they have other children too.

The appellant had also stated, as noted by the Committee, that they were asking that parental choice was taken into account for the wellbeing of the children, particularly as the difference was only 0.3 miles. The appellant had enclosed a letter of support from the head teacher of school the pupil used to attend and stated that they also had the support of the church who completed the church

reference form and knew the pupil well. The appellant had stated that as far as they were concerned, the school of their choice was their nearest suitable school. The Committee have noted, that according to the appellant, they had completed the church reference but was advised this would only have given them £3 discount and the appellant felt this should be made clearer on the application form.

It is also noted by the Committee, that the appellant had stated that all but one of the children who live in their area attend the school of their choice and the appellant felt strongly and stated that both the head of church and head of school support the appellant's choice that this is a grey area that is being overlooked in terms of natural choice for the local area and that they should not have to pay £575 for their child to attend their feeder secondary school.

The appellant had concluded, as noted by the Committee, by expressing thanks for taking time to consider their appeal and adds that, as a public sector worker themselves, they understand their current financial constraints. However, they felt they have a valid point and should have the support to allow their child to continue their free education at a faith school.

The Committee noted the officer's comments which stated that the pupil has not been entitled to assistance with home to school transport as the pupil is not attending their nearest suitable school and that it is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

It was brought to the Committee's attention that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school. Admission information is available to all parents at the time of applying for school places. A summary transport policy is made available to all which parents and carers are advised to check carefully if getting their child from home to school and back is a consideration. Parents are directed to a full copy of the Home to School Transport Policy on the Lancashire County Council website and to seek advice from the area education office if they have any queries. The County Council also has officers in attendance at most schools open evenings to give advice on transport eligibility and admission queries.

The DfE guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

The Committee were advised that in September 2015, the County Council removed discretionary elements of the Home to School Transport Policy. All new pupils starting at school now only receive transport assistance if they attend their nearest school and live more than three miles away. The committee were advised that when undertaking assessments there is no longer any consideration of which Geographical Priority Area or parish a pupil lives within and schools in neighbouring districts and local authorities are also considered when assessing the nearest schools to the pupil's home address.

It is noted by the Committee that the officer's comment states that the County Council continues to provide discretionary denominational transport assistance where a pupil attends their nearest faith school and have been admitted under the faith criteria. The Committee noted that the pupil would therefore have qualified for denominational transport assistance. The Committee were also made aware of the fact that the County Council does not consider whether a particular school serves a parish in which the pupil lives.

In considering the appeal further, it was noted by the Committee, that since 2011, parents of pupils who start at a faith school, where this is not their nearest school, have been required to pay a contributory charge. For the academic year 2017/18 the parental contribution is £575.00 which can be paid by 10 monthly direct debit payments. If the parent was in receipt of the maximum amount of Working Tax Credit or the qualifying benefit for free school meals then they would have been exempt from the contribution.

It is noted by the Committee that the family are not in receipt of free school meals nor was any evidence provided to indicate being in receipt of the maximum amount of working tax credits. It is noted that if circumstances did change and family became eligible for free school meals or received the maximum amount of working tax credits, the family would qualify on low income ground based on faith as they would be attending their nearest faith school (based on the policy in force for the 2017/18 academic year- should an application be received after the end of THIS academic year, but the transport policy may be subject to change).

The Committee have taken into consideration the supporting letters from the Head teacher of school.

Therefore, having considered all of 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 4357 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 4362**

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 0.28 miles from their home address and instead would attend their 8th nearest school which was 7.61 miles away.

The Committee noted the appellant's summary which stated that they had an older child who also attended the school of their preference and like that pupil, had also attended the primary school which was a feeder school for the school the pupil was attending. The appellant explained that it was now impossible for them to move the pupil to a different school as they have already confirmed with the school of their choice that the pupil would attend and had purchased uniforms and booked their locker and iPad usage etc.

It is noted by the Committee, that the appellant had stated that they lived in a borough of West Lancashire, paid their council tax to West Lancashire and as stated previously, the pupil's previous school was a feeder school for their area. The appellant states that to suggest at this late stage that the pupil to go to another school was "totally ridiculous", as stated by the appellant. The appellant added that Merseyside and West Lancashire schools had different school times and taking time off work to accommodate this would not be possible. The Committee have noted that the appellant had concluded by explaining that they were a low income family and the burden of school bus would have had an impact on their finances.

Considering the officer's comments, the Committee noted that transport assistance had been refused as the pupil was not attending the nearest suitable school and was in fact attending the 8th nearest school. It is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

It was brought to the Committee's attention that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school. Admission information is available to all parents at the time of applying for school places. A summary transport policy is made available to all which parents and carers are advised to check carefully if getting their child from home to school and back is a consideration. Parents are directed to a full copy of the Home to School Transport Policy on the Lancashire County Council website and to seek advice from the area education office if they have any queries. The County Council also has officers in attendance at most schools open evenings to give advice on transport eligibility and admission queries.

The Committee have noted from the officer's comments that even though the appellant had stated they are a low income family, no record of an active free school meal claim as at point of writing these notes (02/11/2017) were held by the Local Authority. It is stated by the officer, as noted by the Committee, that if the family did qualify for free school meals they would not have qualified for free transport as there were closer schools to home and the distance to school of parental preference exceeded the 6 mile upper limit to authorise transport on low income grounds. No documentary evidence had been submitted to specifically supporting Lancashire County Council funding assistance with transport for both pupils.

It was noted by the Committee that no supporting evidence has been provided by the appellant to suggest that the appellant is unable to meet the cost of home to school transport for the pupils. The committee noted that the pupils are not in receipt of Free School Meals thus extended provision under low income also does not apply. The Committee's noted that even if the family had met the low income criteria within the Lancashire County Council's Home to School Transport Policy, they would still not be granted assistance with transport as the school the appellant chose for the pupils is 7.36 miles from their home address and therefore over the distance criteria of 6 miles awarded for families on low income,

the committee noted that the Council has no statutory duty to provide transport assistance in these circumstances.

Therefore, having considered all of the appellants' 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 4362 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 4365**

It was reported that a request for transport assistance had initially been refused as both the pupils were attending a school that is under the statutory walking distance (2 miles) of the home address. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. 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.

The Committee have noted, that the appellant had stated that the walking distance from their home to school was 1.9 miles. However, according to the appellant, they felt this route was unsafe as it meant the pupil would have had to walk alone through woods and along roads with no pavement. This would be completely unsafe in the dark of winter and the appellant states they would not allow the pupils undertake the journey. The appellant explained that the other routes in the area – which avoided the woods and roads with no pavements – were further than 2 miles and would have taken an unreasonable length of time to walk. The appellant believed that the only safe and suitable route was by bus. It is noted by the Committee, that the appellant had stated that they are a single parent supporting 3 children, one of which was disabled. The appellant's only income is benefits, which left no spare money after bills. The appellant believed that they match the criteria for a free bus pass as the only safe walking route was over 2 miles in their opinion and the pupils were entitled to free school meals. The appellant had enclosed copies of their benefit entitlement to support this. The Committee have noted the officer's comments which stated that in August 2016, one of the schools in the area closed. At that time, the County Council undertook an assessment of the possible walking routes around the town and between the site of the nearest suitable school. The Local Authority had a detailed unsuitable routes policy which was applied when considering the walking routes. The committee noted that in this consideration, the County Council took into account footways, verges, walkable roadside strips, footpaths and bridleways. The suitable routes were programmed in to the County Council's computerised map measuring system to enable officers to determine the shortest walking routes between addresses and nearest suitable school. The walking route included public footpath and pedestrian routes through the housing estates. Using these routes, the pupil lived under two miles from the school.

The Committee are reminded that parents have the primary responsibility for ensuring their child's safe arrival at school. In all cases, when assessing the suitability of walking routes the County Council will assume that the child(ren) are accompanied, where necessary, by a parent or other responsible adult and is suitably clad.

The Committee have noted that the pupils are in receipt of Free School Meals and have also taken into account the supporting evidence of benefits claimed by the appellant.

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 provided the Committee felt that the school the pupil would attend was under the statutory walking distance for Low income families of 2 mile from home and did not qualify for free transport assistance.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4365 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 4367**

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 3.56 miles and instead is attending a school which was 11.37 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 have noted, from the appellant's summary, that the family moved home in November 2016, from another area to the present address due to a change of the family's living arrangements. The appellant explained that the pupil had been using a free school bus to travel to school for the past 3 years. A house move to the new area meant that the pupil now needed to access the bus from a bus stop with the other children who go to the same school and live in the same area. The appellant stated that when they notified the county council of their new home address they were informed that the pupil would no longer qualified for a free bus pass.

It was noted by the Committee, that the appellant had queried why the pupil had been discriminated against as, they stated, the other children from the same school and who live in the same area had free transport.

The Committee have noted that the appellant had further explained that the pupil lived with the other parent for part of the week. The appellant had stated the other parent's name and address and also mentioned that the pupil required access to the bus from both parents' addresses.

The committee also noted that the appellant had also stated, that the area where they live is a geographical priority area for the school where the pupil currently attends and a move of school to facilitate free transport for the pupil at the start of

their exam year group would be emotionally and academically detrimental. The Committee noted that the pupil is in year 10.

Considering the officer's comments, the Committee noted that transport assistance was refused as the pupil is not attending their nearest qualifying school. The County Council does have a discretionary element to the transport policy where assistance is given to pupils who move home once they have started their GCSE courses. The assistance is only available where a pupil has been attending their nearest suitable school and where the family meet the low income criteria. Additionally committed noted that the pupil changed address in the Autumn Term of Year 9.

The Committee were advised that from September 2015, the County Council removed discretionary elements of the Home to School Transport Policy. For any pupil who moves address there is a re-assessment of entitlement and transport assistance is only awarded if they attend their nearest school and live more than 3 miles away. When undertaking assessments there is no longer any consideration of which Geographical Priority Area a pupil lives within and schools in neighbouring districts and local authorities are also considered.

The Committee have noted that the Department of Education issues statutory guidance that requires changes in the County Council's Home to School Transport Policy to be phased in so that children who start under one set of transport arrangements continue to benefit from them until they either conclude their education at that school or change school or home address. The phasing in of policy changes allows situation to arise where some pupils in one locality receive assistance whilst others do not.

It is brought to the Committee's attention that where there is a shared parenting arrangement in place between the mother and father, the County Council will only provide transport from one address. To decide which address is the 'main' address consideration is given to the address at which a child spends most school days. The address that is used is the one where a child wakes up on most school days during the school week (Monday to Friday) or which parent receives child benefit.

In considering the appeal further the Committee noted the Appellant's financial circumstances and 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 Appellant was unable to fund the cost of transport to school. It was also noted by the committee that no evidence had been provided by the family to state they were on benefits and it was also noted by the committee that the family was not eligible for Free School Meals.

Therefore, having considered all of the parent'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 4367 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 4368**

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 3.44 miles from their home address and is outside the statutory walking distance (3 miles), and, instead would attend their 3<sup>rd</sup> nearest school which was 4.42 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The Committee have noted the appellant's summary which stated that the appellant had measured the distance from the family home to the nearest suitable school using Google maps and stated that the distance was in fact 3.4 miles and so they believed the pupil would have been entitled to free transport had they attended that school.

It is noted by the Committee that the appellant had explained that when the time came to apply for a school for the pupil, they studied Ofsted reports of schools carefully and decided to apply for a place at the school of their preference.

The appellant had stated, as noted by the Committee, that their home address is outside the 3 miles guideline for any secondary school and understand that the bus fare of £3.70 each day would be the same for the nearest suitable school or the school of their preference. The appellant reasoned that had they chosen the nearest suitable school, the pupil would have been eligible for free transport but the fact they chose the school of their preference had not increased the cost for the council but had denied them access to free travel.

The Committee noted that the appellant had asked why transport assistance had been denied as it would have been free had they chosen a different school and there was no difference in the ticket price for both schools.

The Committee have observed the print out of Google map showing the distance from the home address to the nearest suitable school.

Considering the officer's comments, the Committee noted that transport assistance had been refused as the pupil was not attending their nearest school. It is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. The DfE guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

It was brought to the Committee's attention that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school. Admission information is available to all parents at the time of applying for school places. A summary transport policy is made available to all which parents and carers are advised to check carefully if getting their child from home to school and back is a consideration. Parents are directed to a full copy of the Home to School Transport Policy on the Lancashire County Council website and to seek advice from the area education office if they have any queries. The



County Council also has officers in attendance at most schools open evenings to give advice on transport eligibility and admission queries.

The committee noted the officer's comments, that the County Council has two bespoke packages of mapping software specifically purchased for the accuracy of measurements undertaken for both admissions and transport purposes and both have a proven history of accuracy. Measurements undertaken using AA Route Planner assess the distance of the route a car would take between two points rather than the walking route. MARIO is also provided to give parents a guide regarding distance but is not as accurate a measuring tool.

The Committee noted that had the family been classed as in receipt of a low income, the pupil would qualify for free home to school transport as they would be attending their 3<sup>rd</sup> nearest school at a distance between 2 and 6 miles, however the family were not in receipt of free school meals nor had evidence been provided of the family being in receipt of the maximum amount of working tax credits. In light of this, the family did not have a statutory eligibility to free home to school transport.

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 4368 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 4369**

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 3.54 miles from their home address and instead would attend their 10th nearest school which is 5.78 miles away.

The Committee had noted that the appellant had stated that they chose the school of their preference for the pupil as not only was it the only faith school in their area, but it was the only school with any transport links running through their village. The appellant had explained that had they chosen the nearest suitable school for the pupil, although the school was slightly nearer the Secondary school had no ties to the pupil's primary school, it was non-denominational and the pupil would have no way of attending as their buses did not pass anywhere near their village.

It is noted by the Committee, that the appellant felt that £575 (plus 5% extra per year) was far too much to charge for their child to attend high school, especially as they knew of friends who lives less than a mile nearer to the preferred school who were in possession of free bus passes. The appellant had suggested that a sliding scale for the costs would be fairer and noted by the committee.

The Committee have considered the officer's comments which stated that transport assistance had been refused as the pupil was not attending their nearest suitable school. It is parental preference for schools and academies and

the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

It was brought to the Committee's attention that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school.

It was noted by the Committee that The DfE guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

The Committee have noted that the appellant had stated issues with the lack of availability of transport services to get to any other school. The County Council has a statutory obligation to provide free transport to a child if they are attending the closest school to home and where the distance exceeded 3 miles.

Lancashire County Council would work out the most cost effective way of transporting the child to and from the closest school which could include taxi transportation for all or part of the way if attending the nearest school.

Admission information is available to all parents at the time of applying for school places. A summary transport policy is made available to all which parents and parents are advised to check the policy carefully if getting their child from home to school and back is a consideration. Parents are directed to a full copy of the Home to School Transport Policy on the Lancashire County Council website and to seek advice from the area education office if they have any queries. The County Council also has officers in attendance at most schools open evenings to give advice on transport eligibility and admission queries.

The Committee also noted that the family do not qualify for Free School Meals. The committee were advised that there is additional assistance available to low income families but only if parents are in receipt of one of the qualifying benefits for free school meals or the maximum amount of working tax credits but in order to qualify for help with travel costs a pupil must be attending one of their nearest three schools within 2 to 6 miles or their nearest faith school within 2 to 15 miles. This would explain the appellant's point in that people who lived closer to the school, would have been assessed on their individual circumstances and assessed based on the Lancashire County Council home to school transport policy.

The Committee have noted that no supporting evidence had been supplied by the appellant to state they were on low income and also the family were not in receipt of free school meals.

The Committee have taken into consideration the email supplied by the appellant explaining their reasoning for requesting assistance with a free bus pass.

Therefore, having considered all of the appellants' 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 4369 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 4373**

It was reported that a request for transport assistance had initially been refused as both the pupils would not be attending their nearest suitable school, which was 0.91 miles from their home address, and instead would attend their 5th nearest school which was 9.50 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.

The Committee noted that the appellant had stated the family moved in March 2017 from another area due to danger, risk and harm to the family. The appellant explained that the move to the present area was because their elder child was "jumped" in 2016 after school and throughout the following year both siblings suffered constant abuse and threats. The appellant's older child was moved to a new school for their safety but the siblings remained in the same school at the previous address.

It is stated by the appellant, as noted by the Committee, that in August 2016, the appellant contacted the police because the youths who had jumped the older child came to the family's home at the previous address and threatened to throw grenades through the window and petrol bombs through the letter box. They also threatened to stab the older child. However, the Police failed to arrive or move the youths on. The youths, according to the appellant, did eventually leave but went on to murder an innocent man in the next street. As a result of this, the family were classed as Band A Emergency and the Police, a support worker and Housing Association supported their move to the present area.

The appellant had stated, as noted by the Committee, at the present area, they were allocated a new family support worker and Education Welfare Officer who helped find a school that could take both pupils as soon as possible. The appellant stated, to save money, they tried to find a school with a similar uniform to the one they had for their previous school.

The Committee noted that the appellant had stated that the enforced move – taken to ensure the safety of the family had meant money was short and the family were on benefits.

The Committee noted the officer's comments which stated that the pupils had not been entitled to assistance with home to school transport as the pupils were not attending their nearest suitable school. It is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. The DfE guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular

school, or to have transport arrangements made by their local authority to and from any such school.

It was brought to the Committee's attention that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school.

The Committee have noted that the appellant mentioned similarity in uniform between the school of their preference and the previous school being a factor in the school selection. The officer's comment stated that had they been approached whilst seeking places in the present area, they would have explained that the council had a very small discretionary fund for uniform assistance that was available to families in exceptional circumstances.

It is noted by the Committee, that according to the officer's comments, it stated that if the appellant provided evidence on the following this discretionary uniform assistance could have been assessed.

- Proof that the older child and the pupils had suffered from constant abuse and threats.
- Proof the Police were contacted when the youths came to the appellant's home and threatened them.
- Proof from the Police, Support Worker and Housing Association relating to the incidents and move to the new area.

The Committee's noted that even though the family were in receipt of free school meals, and had met the low income criteria of Lancashire County Council's Home to School Transport Policy, they would still not be granted assistance with transport as the school the appellant chose for the pupils was the 5<sup>th</sup> closest school to the home address and transport can only be granted if children are attending 1 of their 3<sup>rd</sup> nearest schools providing the distance to the school is between 2 and 6 miles.

The Committee have noted that should the appellant be able to provide proof from the Police of the incidents that had occurred in their previous home, they would be able to apply for discretionary fund for uniform assistance for the pupils. The Committee have taken into consideration supporting letter from support worker and assessment from neighbourhood centre relating to children of the family.

It was therefore suggested that the appeal be deferred until the next scheduled meeting of the Committee on the 29<sup>th</sup> January 2018 to allow the appellant to provide further evidence for the Committee to consider. Whereupon it was;

- Resolved: That Appeal 4373 be deferred;
- Proof that the older child and the pupils had suffered from constant abuse and threats.
- Proof the Police were contacted when the youths came to the appellant's home and threatened them.
- Proof from the Police, Support Worker and Housing Association relating to the incidents and move to the new area.
- Proof of receipt of any Benefits
- Proof of receipt of any medical evidence

- Proof of financial evidence including payslips, bank statements
- Any reason why the pupils can't walk to school
- Any reason why the appellant can't take pupils to school.

### **Appeal 4379**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest qualifying school, which was 9.15 miles from their home address and instead would attend their 4th nearest school which is 10.2 miles away.

The Committee have noted that the appellant had stated they are appealing for transport assistance for the following reasons:

They believe that the school of their preference is the nearest suitable school for the pupil. The appellant explained that they understood that the council has no obligation to give support for transport to the nearest school suitable to the pupil's needs and said that this, by definition meant, 'appropriate for a particular person, purpose or situation'. The appellant stated that the pupil is a brighter than average pupil, which was shown by their strong SATs results and by being one of only 150 children that passed the 11+ exam, giving the pupil the opportunity to attend a school that would best suit their higher academic needs.

The appellant explained that, on the contrary, their closest school (which is the nearest qualifying school) does not offer the best outcome for pupils, even for brighter children. The appellant quoted the Ofsted report for the nearest qualifying school and said the report showed that the pupil would be academically disadvantaged if they attended there.

The appellant further stated that they felt their request for transport support was not unreasonable in the context of where they live and explained that if the pupil were to attend the nearest qualifying school, the school transport would cost £578 but this would be free under the terms of the county council policy. The season ticket for the school of their preference was £730 which, at £158 difference, was a very small additional cost.

The appellant felt that it was "grossly unfair" that they had been asked to pay the full travel amount and at worst should only be paying the difference. They understand that there were travel subsidies for faith schools which they said are also "selective" and they felt there should be a similar approach for grammar schools.

The Committee have considered the officer's comments which stated that transport assistance has been refused as the pupil is not attending their nearest qualifying school. The statutory guidance from the Department for Education states that schools can be considered when undertaking assessments to receive transport assistance, if they have places available and "provide education appropriate to the age, ability and aptitude of the child, and any SEN that child may have". The County Council considers the nearest qualifying school can provide an education to meet the pupil's needs. There is no statutory requirement to give additional provision for children attending grammar schools. IT would not be appropriate to consider OFSTED findings as these could change once a pupil has been admitted to a school.

It is noted by the Committee that County Council retains a discretionary element to the Home to School Transport Policy where transport assistance is provided

when a child attends their nearest faith school and they are admitted under the denominational admission criteria. There is however currently a parental contribution required of £575.00 per annum.

It is brought to the Committee's attention that in Summer Term 2017, the County Council undertook a consultation and a cabinet decision was taken to remove the denominational transport provision for new pupils from September 2018.

The Committee have noted the following evidence supplied by the appellant:

- Copy of Ofsted report summary for the nearest qualifying school (inspection dates 10-11 November 2015)
- Copy of the pupil's SATs results
- Season ticket prices September 2017

It is noted by the Committee that the family are not in receipt of Free School Meals.

Therefore, having considered all of the parent'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 4379 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 4382**

It was reported that a request for transport assistance had initially been refused as the pupil was not attending their nearest qualifying school, which is 1.72 miles away and instead attends a school, which is 12.78 miles from home. The pupil was therefore not entitled to free transport in accordance with the Councils policy or 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 that was not in accordance with the Councils policy or law.

The Committee noted that the appellant stated they were a single parent who was unable to pay for the pupil's fares as their only income is through the benefits they receive. The appellant explained that they had no option but to accept the accommodation at the present home address at the time it was offered, but said they were actively looking to move back to the area they lived at although it may take some time for this to happen. However, with this in mind, they did not want the pupil to move from the school of their preference and moreover, they believed that leaving that school would have a negative effect on his learning.

It was noted by the Committee that the appellant stated that the worry of not being able to afford Jordan's bus travel was making them very stressed and their doctor was treating them for depression and anxiety.

The appellant also further explained, as noted by the Committee, that they were currently on a debt payment plan with a debt payment service and they have been allocated a support worker from the Housing Association who was helping them with their move back to the area they lived at previously.

The Committee have noted the officer's comments which state that the County Council had refused transport for the pupil as the family changed address when the pupil was in year 7 and the expectation was that the pupil would move to a nearer school with places available. It was brought to the Committee's attention that there were a number of schools in the area with places available in the pupil's year group.

It has been noted by the Committee that transport assistance was awarded by the Student Support Appeals Committee on 5 September 2017 for the academic 2017/18. The appellant was advised that they would need to submit a further appeal for any support to continue. The notes of guidance issued with the appeal form informed the appellant that appeals were evidence based and they appellant may wish to provide a letter or an email from their support worker to confirm that the family were seeking to relocate back to the area.

It was noted by the Committee that the appellant had provided supporting evidence detailing their benefit and letter from housing association regarding bidding for a property. It was noted that the pupil was in receipt of Free School Meals.

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 even though 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 school that is 12.7miles away from the home address. Therefore, having considered all of 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 4382 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 4384**

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 2.72 miles from their home address and instead would attend their 3rd nearest school which is 5.83 miles away.

The Committee noted, that the appellant had stated that the pupil previously had a free bus pass for their old address but was refused a free pass for the new address due to changes in the eligibility criteria. The appellant said they had moved twice since the pupil had attended the school of their preference and it had never been an issue before.

It is noted by the Committee that the appellant had stated that the pupil is now in Year 11, a crucial year when it would not be appropriate for the pupil to move schools and the appellant feared this would have an impact on the pupil. The appellant had explained, as noted by the Committee, that they work full time in town and so was unable to take the pupil to school and back. The appellant added that the pupil was still using the same bus stop to get the school bus. The Committee have considered the officer's comments which stated that transport assistance has been refused as the pupil was not attending the nearest qualifying school from their new home address. It is brought to the Committee's attention that The County Council does have a discretionary element to the transport policy where assistance is given to pupils who move home once they have started their GCSE courses, and where they have been attending their nearest suitable school and where the family meet the low income criteria. It is noted by the Committee that The County Council was not holding any documentary evidence that the appellant was in receipt of the maximum amount of Working Tax Credit.

It is brought to the Committee's attention that the pupil was awarded transport assistance from the old address when they joined the school of parental preference in September 2013. At that time, the County Council had a more generous transport policy with many non-statutory elements.

The Committee were advised that in September 2015, the County Council removed discretionary elements of the Home to School Transport Policy. All new pupils starting at school now only receive transport assistance if they attend their nearest school and live more than three miles away. The committee were advised that when undertaking assessments there is no longer any consideration of which Geographical Priority Area or parish a pupil lives within and schools in neighbouring districts and local authorities are also considered when assessing the nearest schools to the pupil's home address.

The Committee have noted that the officer's comments stated that they recognised that it can be very difficult for a pupil to move schools in Year 11. When schools use different examination boards this can mean that different topics for the same subject maybe covered in a different order. Pupils can find themselves with a lot of catch up to do and may even have to drop a subject. The pupil changed address in October 2016, and in the summer term of Year 10 a school transfer would have been easier at that point.

The committee were unable to determine 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 and noted that the family are not in receipt of free school meals, no financial information was submitted to the Committee to state that that the appellant is unable to afford the cost of a travel pass to the chosen school. However, 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 was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of July 2018.

**Resolved, That;**

Having considered all of the circumstances and the information as set out in the report presented, appeal 4384 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 in accordance with the Home to Mainstream School Transport Policy for 2017/18

- The transport assistance awarded in accordance with i. above be up to the end of July 2018 academic year only.
- The Appellant must inform the Local Authority if there is a change in circumstances whereas the request for assistance will need to be re assessed.

### **Appeal 4385**

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 2.77 miles from their home address and instead would attend their 4th nearest school which is 3.52 miles away from home.

The Committee have noted the appellant's summary which stated that the pupil had been refused transport assistance because they did not attend their nearest school. However, the appellant said they lived in a rural area and there was no bus route to either of the alternative schools that had been suggested.

It is noted by the Committee that the appellant explained that the nearest bus stop to the two nearer schools from their home is 1.6 miles away and they considered the walk to that bus stop was unsuitable and dangerous for pedestrians (especially an 11 year old child) as there were no pavements and the route goes along really busy roads. The appellant stated that the nearest school with a direct route for the pupil to use was the school of their preference. The appellant added that children from the pupil's primary school tended to go to school they have chosen for the pupil which is why there has always been transport provided to that school from their area.

The appellant further explained, as noted by the Committee, that their partner worked shifts and they had a younger child at primary school so they were physically unable to take both children to their respective schools at the same time. The appellant added that their neighbour had been granted a bus pass for the above reasons.

The Committee noted the Officer's comments which states that the pupil is not entitled to transport assistance as they are not attending their nearest qualifying school. It is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy.

The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

The Committee were reminded that the admission information which is available for all parents from each September provides a summary transport policy.

Parents are advised to check the policy carefully if getting their child from home to school and back is a consideration. Parents are directed to a full copy of the Home to School Transport Policy on the Lancashire County Council website and to seek advice from the area education office if they have any enquiries. The County Council also has officers in attendance at most secondary school open evenings to give advice on transport eligibility and admission queries.

It is noted by the Committee, that had family been classed as in receipt of a low income, the pupil would have qualified for a free home to school transport as

according to the policy as the school would be 3<sup>rd</sup> nearest where a place could have been offered at and the distance is between 2 and 6 miles. In this instance the family were not in receipt of free school meals nor had evidence been provided of family being in receipt of the maximum amount of working tax credits. In light of this, family did not have a statutory eligibility to free home to school transport. This may be the reason the neighbour, referred to by the appellant, who qualified for free transport, as stated by the officer.

The Committee have noted that the appellant had stated issues concerning suitability of route to get to and from school. The Committee have been advised that suitability of route can only be considered if child is attending their nearest school.

It is noted by the Committee that no documentary evidence had been submitted supporting Lancashire County Council funding assistance with transport for the pupil.

No financial information or benefit statements were provided by the family to indicate that they are unable to meet the cost of travel for the pupil to and from school. The committee also noted that the pupil is not in receipt of free school meals and as such also not entitled to extended provision under the transport policy.

Therefore, having considered all of the appellants' 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 4385 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 4387**

It was reported that a request for transport assistance had initially been refused as the pupil is not attending the nearest suitable school which is 1.38 miles but instead is attending the 4<sup>th</sup> nearest school, which is 4.25 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 had appealed to the Committee on the grounds that they had extenuating circumstances to warrant Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

It is noted by the Committee that the appellant had stated that the pupil had a health issue and would struggle with transport to high school. The appellant explained the pupil is not statemented as the pupil had learned to do a lot for themselves. However, they would still have experienced problems with bus travel, despite the appellants encouraging the pupil to 'practice' making various trips to the bus. The pupil would panic before getting on the bus and, once on, they became anxious and extremely nervous – more so as the bus got full. The appellant was concerned because the pupil had tried to get off the bus before

their stop on a number of occasions, had a few "tantrums" on the bus and when they had completed their journey was aggressive, moody and argumentative. The appellant felt, as noted by the Committee, that if there was the school bus it would have an impact on the pupil's day at school and their ability to learn. The appellant has asked that the pupil be considered for a taxi to school, even if it is only for a few months, so they can get accustomed to the new school, new routine and environment. The move to a high school – any high school – would be a massive change to the world and routed that the pupil be familiar with.

Considering the officer's comments, the Committee noted that transport assistance had been refused as the pupil was not attending the nearest suitable school. It is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

It was brought to the Committee's attention that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school. Admission information is available to all parents at the time of applying for school places. A summary transport policy is made available to all which parents and carers are advised to check carefully if getting their child from home to school and back is a consideration. Parents are directed to a full copy of the Home to School Transport Policy on the Lancashire County Council website and to seek advice from the area education office if they have any queries. The County Council also has officers in attendance at most schools open evenings to give advice on transport eligibility and admission queries.

The Committee have noted from the officer's statement that even if the appellant had been classed as being on low income, free transport would not be authorised as there were 3 closer schools to home that places are available or places would have been offered had they been stated as a higher percentage that school of parental preference.

It is noted by the Committee that the pupil has no statutory entitlement to free transport and furthermore the appellant was requesting taxi transportation. It is brought to the Committee's attention, that if a child was entitled, Section 7a of the Home Transport policy states Lancashire County Council would only provide a bus pass.

The Committee have considered the supporting letters from the public care foundation relating to the pupil (dated 13 November 2014 and 7 August 2017). There is also an email from the appellant as supporting evidence (09 November 2017).

The Committee have noted the family are not in receipt of Free School Meals. 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 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 4387 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 4389**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 2.56 miles from their home address, and instead would attend their 2<sup>nd</sup> nearest school which was 2.70 miles away and is under 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.

The Committee have noted the appellant's summary which stated that a school pass was refused because there was another school that was closer to their home, but the appellant explained, that school is not faith school so they are making this appeal on denominational ground.

Considering the officer's comments, the Committee noted that transport assistance was refused to the pupil as they were not attending their nearest qualifying school. The DfE guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

It was noted by the Committee that County Council retains a discretionary denominational transport assistance is still available but only where a pupil is attending their nearest faith school and the school is over three miles from home and a parental contribution of £575.00 per annum is paid. There is an additional element to transport assistance for low income families. If parents are in receipt of one of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit, free travel is provided to a pupil's nearest faith school, if the school is situated between 2 and 15 miles from home.

The Committee tried to determine 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 and the family are not in receipt of free school meals. The Committee noted that no evidence had been submitted to the panel indication that the family were unable to fund the cost of a bus pass for the pupil.

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 4389 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 4390**

It was reported that a request for transport assistance had initially been refused as the pupil was not attending their nearest suitable school, which is 2.92 miles from their home address and is within that statutory walking distance of 3 miles. Under the home to school transport policy if a child lives less than the statutory walking distance from the school attended the parent or carer is responsible for their child's safety while travelling to and from the school with the exception of those unable to walk by reason of SEN/disability and those whose routes are unsuitable.

The Committee have noted the appellant's stated they are appealing as they were questioning the method used to assess the walking distance from their home to the school as they did not believe it was a true representation of the route that the pupil would have to take.

The appellant stated, as noted by the Committee, that the county council's calculated route consisted of shortcuts away from populated busy roads which they considered to be too risky for a young person to walk especially during the dark winter months.

It was noted by the Committee, that the appellant explained that the children using the bus service are not dropped off at such a distance away that they had to make their own way through short cuts. Instead, the drop off point was on the same road as the main entrance – a route along safe roads – and they had calculated this route to be 3 miles in distance.

The Committee have noted the officer's comments which stated that transport assistance had been refused as the pupil lived within the statutory walking distance of the school of parental preference.

The Committee also noted the officer's comments that it is the parents' primary responsibility for ensuring their child's safe arrival at school and in all cases when assessing the suitability of routes the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably clad. The County Council's Unsuitable Routes Policy considers routes to be safe if there is a footway, verge, walkable roadside strips or footpath.

It was noted by the Committee that the appellant had stated concerns over the suitability and safety of the route used in calculating the distance to school.

Having looked at this route there is a distance of 159 metres (174 yards) to get from appellant's driveway to the busy road which was the main commuter route between the two areas. It is followed by a walk for 115 metres (125 yards) to the main entrance of the school of parental preference.

In considering the appeal further the Committee noted the Appellant's financial circumstances and 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 Appellant was unable to fund the cost of transport to school. It was also noted that the family are not on maximum benefits and were not eligible for Free School Meals.

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 4390 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 4392**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, at which a place could have been offered if the school had been state as a higher preference, which was 2.58 miles from their home address, and instead would attend their 4th nearest school which was 3.15 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant stated, as noted by the Committee, that they chose the school of their choice for the pupil as the pupil's elder sibling attended the same school. The elder sibling already had a free bus pass. The appellant explained that they were currently looking for work but are on income support so can't afford bus fares for the pupil.

The Committee noted that the appellant further stated that even though the pupil could receive a bus pass to one of the 3 schools that the county council had identified as being nearer to their home, the move away from the school of their choice and their elder sibling would upset the pupil and so the appellant would not move the pupil.

It was noted by the Committee that the appellant had explained that they had looked at the schools identified as nearer to their home and said the schools were all respectively 2.4miles, 2.7miles and 2.9 miles. The appellant said that since the school of their choice was 2.9 miles away could the decision be reconsidered.

The Committee have considered the officer's comments which state that transport assistance has been refused as the pupil is not attending their nearest suitable school. It is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. The DfE guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

It was brought to the Committee's attention that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest entrance of the pupil's home to the nearest entrance to the school. Admission information is available to all parents at the time of applying for school places. A summary transport policy is made available to all which parents and parents are advised to check the policy carefully if getting their child from home to school and back is a consideration. Parents are also directed to a full copy of the Home to School Transport Policy on the Lancashire County Council website and

to seek advice from the area education office if they have any queries. The County Council also has officers in attendance at most schools open evenings to give advice on transport eligibility and admission queries.

The Committee have noted that although the household are classed as being on a low income and did qualify for free school meals, home to school transport can't be awarded as the pupil was attending the 4<sup>th</sup> closest school to home. If any of the three nearer r school were stated as higher preference than the school of parental choice on the school admissions application form a place would have been offered at the selected school and transport awarded on low income grounds.

It is noted by the Committee that the appellant had stated that the elder sibling of the pupil had a free pass to get to the school of their choice which the officer stated is correct but that is due to the fact that the elder sibling was assessed at point of moving house in 2015, and at that point due to closer school's being full in the year group to which the elder sibling belonged, transport was authorised due to the school of parental choice being one of the three nearest and met the distance criteria. This was not the case in this instance for the pupil as places could have been offered at closer schools.

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 4392 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 4393**

It was reported that a request for transport assistance had initially been refused as the pupil is not attending the nearest qualifying school which is 4.59miles and instead is attending their 2nd nearest school, which is 5.07 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 appealed to the Committee on the grounds that they had extenuating circumstances to warrant 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 appeal application had been completed by the pupil themselves. The pupil explained that they have been attending the school of their choice for 5 years. For the first 2 years the received a free bus pass as they lived at a different home address. The family then moved to another address from where they could walk to school so did not apply for a bus pass. It was reported that they lived there for 2 years until April 2017 when the family moved to their present address because the landlady wanted to sell the house. The pupil had stated, as noted by the Committee, that they had been refused a bus pass because there was a nearer school to their home address which had spaces. The pupil had said that they were halfway through their GCSE's at the

school they attend presently and states that the course is different at the nearest qualifying school and it would set them back in their GCSE exams. The pupil has stated that they are in the top set in Maths at the present school and felt that no other school would give them better teaching than the current attended school. The pupil explained that their sibling received a free bus pass as there were no spaces for the sibling at the nearest qualifying school in their year group. The pupil states that they try to travel with their sibling when they can. It is noted by the Committee, that the pupil have stated that having researched the most cost effective options for their travel to the school of their choice, they advised that the cheapest options was a monthly pass with one of the bus companies costing £56.99 per month over ten months this was "a fortune" at £569.90. The pupil stated that their (single) parent worked full time so was unavailable to offer lifts to school.

The pupil described, as noted by the Committee, another reason they needed a bus pass. The pupil stated that on 18 January 2016 they were assaulted by a group of boys from another school and their nose was broken during the assault: the pupil had included a copy of the Hospital's procedure form and Lancashire Constabulary letter relating to the crime with their appeal. As a result of this their mother was concerned for the pupil's safety and preferred they travel together with their sibling.

In conclusion, as noted by the Committee, the pupil stated that they can understand why the 'nearest school' criteria was in the policy but they did not want to move school at this stage of their education. The pupil added that if they could have a free bus pass for the nearest qualifying school, they would happily get off at the bus stop for the nearest qualifying school and walk the rest of the way to the school of their choice as the two schools are only 0.4 miles apart. The Committee have considered the officer's comments which stated that transport assistance has been refused as the pupil was not attending their nearest qualifying school. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. Additionally, the Department of Education's statutory guidance; Home to School travel and transport guidance requires the County Council to determine whether a place could have been offered at the nearest school. When the pupil changed address in April 2017, there was a place available at the nearest qualifying school in Year 10. There was not a place for their younger sibling in Year 9 and hence transport assistance was awarded.

The officer's had recognised, as noted by the Committee, that it can be very difficult for a pupil to move schools in Year 11. When schools use different examination boards this can mean that different topics for the same subject may be covered in a different order. Pupils can find themselves with a lot of catching up to do and may even have to drop a subject. The committee noted that had the pupil changed schools when they moved address in April 2017, in the spring term of Year 10, a school transfer would have been easier at this point.

It was brought to the Committee's attention that the County Council does have a discretionary element to the transport policy where assistance is given to pupils who move home once they have started their GCSE course, and where they have been attending their nearest suitable school and where the family meet the low income criteria. It is noted that the County Council is not holding any



documentary evidence that the parent is in receipt of the maximum amount of Working Tax Credit or that the pupil qualifies for free school meals.

The committee have acknowledge the letter from Lancashire Constabulary regarding the assault and the copy of hospital consent regarding treatment following the assault.

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 eligible for Free School Meals and not attending the nearest suitable school.

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 4393 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 4396**

It was reported that a request for transport assistance had initially been refused as the pupil is not attending the nearest qualifying school which is 0.60miles, and within the statutory walking distance and instead is attending the 4<sup>th</sup> nearest school, which is 2.36 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 appellant appealed to the Committee on the grounds that they had extenuating circumstances to warrant Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The appellant, as noted by the Committee, stated that they were appealing on financial hardship grounds. The appellant stated they were currently in the second year of a nursing degree based at University. They had taken out a student loan to pay the tuition fees and also had a student living loan of £10,779 per year, the course was full time and they were unable to work until they qualified, which would be in September 2019. Their only other income was child benefit of £137.60 per month and child tax credit of £54.88 per week. The appellant also states that to support them financially with the cost of university, they also received the parents learning allowance of £1617 per year which was to help them with the cost of books and other essentials.

The Committee noted that the appellant had explained that they chose the school of their choice for the pupil as it had an 'outstanding' Ofsted rating. They felt that the nearer schools – whose Ofsted ratings are only 'good' – didn't offer the same standard of education or opportunities that the school of their choice did.

It was noted by the Committee, that the appellant stated that as they had to attend University/placements during the week and that the appellant was unable to take the pupil to school themselves. They had to make other arrangements also to get the younger pupil to a local Primary school too.

The Committee have noted the officer's comments which stated that as the pupil was receiving free school meals the appellant did meet the low income criteria and therefore would have qualified for assistance if the pupil attended one of the three nearest schools to their home address. The school of their choice, however, is the fourth nearest school to home.

It is also brought to the Committee's attention, that transport appeals are evidence bases. The notes of guidance provided with the appeal form do state that if a parent is making a case on financial grounds then it is essential that the fullest detailed documentation is provided as this will evidence that a parent cannot fund the cost transport themselves. The notes state that any information received will be dealt with in strict confidence with regard to bank statements, benefit statements etc. or any other financial information provided by the appellant.

The Committee have noted that the statutory guidance from the Department for Education states that schools can be considered when undertaking assessments to receive transport assistance if they have places available and "provide education appropriate to the age, ability and aptitude of the child, and any SEN that child may have", there is no consideration given to OFSTED ratings.

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 eligible for Free School Meals. The committee were advised that there is additional assistance available to low income families but only if parents are in receipt of one of the qualifying benefits for free school meals or the maximum working tax credits. Universal Credit is one of the qualifying benefits to receive additional assistance but In order to qualify for help with travel costs a pupil must be attending one of their nearest three schools within 2 to 6 miles or their nearest faith school within 2 to 15 miles. It is also noted that the school is within the statutory walking distance of 3 miles from the home.

Therefore, having considered all of the parent'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 4396 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 4397**

It was reported that a request for transport assistance had initially been refused as the pupil is not attending the nearest qualifying school which is 2.73miles, and within the statutory walking distance, but instead is attending the 3<sup>rd</sup> nearest school, which is 2.86 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 appellant explained, as noted by the Committee, that although their application for a bus pass for the pupil was declined for distance reasons, they stated that they live 4.5 miles by car from the school. The Appellant state that the walking route was further and they did not want the pupil to walking that far on their own. The appellant added that they work full time and was unable to take the pupil to school themselves.

The Committee noted that the appellant further stated that It had been suggested that they move the pupil to the nearest suitable school but the appellant states they would not do this as the pupil is of faith and has done all their faith sacraments therefore, they wanted to attend a faith school and that the school attended was the one which fed from the pupil's primary school and is where all the pupils friends went.

Considering the officer's comments, the Committee noted that transport assistance had been refused as the pupil was not attending the nearest school and furthermore, the distance to school attended is under the statutory walking distance of 3 miles from home to school.

It is also noted by the Committee that the County Council has two bespoke packages of mapping software which have a proven history for the accuracy of measurements undertaken for both admission and transport purposes.

Measurement undertaken using Google Maps assess the distance of the route a car would take between two points rather than the walking route. MARIO is also provided to give parents a guide regarding distances but is not as accurate a measuring tool.

The Committee noted it is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. The DfE guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

It was brought to the Committee's attention that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest entrance of the pupil's home to the nearest entrance to the school. Admission information is available to all parents at the time of applying for school places. A summary transport policy is made available to all which parents and carers are advised to check carefully if getting their child from home to school and back is a consideration. Parents are directed to a full copy of the Home to School Transport Policy on the Lancashire County Council website and to seek advice from the area education office if they have any queries. The County Council also has officers in attendance at most schools open evenings to give advice on transport eligibility and admission queries.

The Committee noted the appellant's statement about the walking route from home to school deemed as unsuitable for a pupil to walk. The committee however noted that the suitability of the route is only taken in to consideration where a pupil is attending their nearest school and therefore no consideration of the suitability of the walking route is assessed if the pupil is not attending their

nearest suitable school. The committee were advised of the policy and noted it states "If we think that the shortest walking route to a school is not suitable for children when walking with an adult, we will look to find a suitable alternative which is less than the legal walking distance to school. We use the shortest route to decide the nearest school. If we can't find a suitable walking route, we will provide free transport to the nearest school. The council will not consider the suitability of a walking route to a school unless the child goes to their nearest 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 eligible for Free School Meals and not attending the nearest suitable school.

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 4397 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 4398**

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 is 2.14 miles away and is instead attending their 7th nearest school which is 10.12 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family had appealed to the Committee on the grounds that they had extenuating circumstances to warrant Committee in exercising its discretion and award transport was not in accordance with the Council's policy or the law.

The Committee noted the appellant stated that they were a single parent working part time who received no financial assistance from the pupil's other parent. The appellant said that at the moment they were giving the pupil £4 per day to cover their bus ticket and they would struggle to pay the yearly fee of over £400.00.

The appellant explained the pupil had 100% attendance in their first year at the school of their choice- the pupil is now in year 8 and had made new friends since attending the school of preference.

The Committee noted the officer's comments which stated that transport assistance had been refused as the pupil was not attending their nearest suitable school. The Committee noted it is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or

academy. The DfE guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

It was brought to the Committee's attention that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest entrance of the pupil's home to the nearest entrance to the school. Admission information is available to all parents at the time of applying for school places. A summary transport policy is made available to all which parents and parents are advised to check the policy carefully if getting their child from home to school and back is a consideration. Parents are directed to a full copy of the Home to School Transport Policy on the Lancashire County Council website and to seek advice from the area education office if they have any queries. The County Council also has officers in attendance at most schools open evenings to give advice on transport eligibility and admission queries.

It was noted by the Committee that the appellant had stated that they were in of low income but unfortunately did not qualify for free school meals give evidence they were in receipt of the maximum amount of working tax credits. The Committee have been informed that even if the family did meet the qualifying criteria of extended provision on low income grounds, it is noted that there is still a closer school with spaces available and as the distance to the school of parental choice was over 6 miles the pupil would still not qualify on low income grounds.

In considering the appeal further the Committee considered the family's financial circumstances, it was noted by the committee that 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 not attending the nearest suitable 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 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 4398 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 4399**

It was reported that a request for transport assistance had initially been refused as the pupil is not attending their nearest qualifying school, which is 1.5 miles away and instead attends their 3<sup>rd</sup> nearest school, which is 3.7 miles from home. The pupil was therefore not entitled to free transport in accordance with the Councils policy or 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 that was not in accordance with the Council's policy or law.

The Committee was informed that the appellant circumstances had changed since the application for bus pass for the pupil was declined. The Committee noted that one of the pupil's parent died during family holiday following an accident at sea. The appellant states that the pupil was traumatised by the accident and the Committee sympathized with the family situation.

In considering the family financial circumstances The Committee noted that the appellant works only part time and now has no maintenance payments from the father of the pupil anymore. It was noted that the appellant is struggling financially and had provided a copy of a bank statement showing what the committee considered maintenance payments. The Committee also noted that there was no other evidence to suggest that the family was on low income as defined in law and that the pupil is not in receipt of Free School Meals. Furthermore, no evidence was provided to demonstrate that the family are unable to fund the cost of home to school travel costs. Appeals are evidence based, so it is essential that appellants include with the form any other documents which will support their case and demonstrate that they are unable to fund the cost of transport themselves. If the family was classed as in receipt of low income, the pupil would qualify for free home to school transport as the school currently attending school is the 3<sup>rd</sup> nearest and the distance is between 2 and 6 miles.

Therefore, having considered all of the appellant comments and the officer responses as set out in the Appeal Schedule, application form and supplementary statement the Committee 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 4399 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 School Transport Policy.

### **Appeal 4401**

It was reported that a request for transport assistance had initially been refused as the pupil was not attending their nearest school and instead attended a school which is 1.9m from the home address. The nearer school and that attended are both under the statutory walking distance (2 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 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 was informed that the appellant is finding it increasingly difficult to balance the commitments of caring for the pupil's disabled mother and to take the pupil to school and back. The committee noted that the appellant states that the partner is in receipt of disability benefits, however no evidence or medical evidence was provided by the appellant of the partner's disability. In considering the family financial circumstances, The

Committee was informed that the pupils receives Free School Meals and therefore entitled to extended transport provision.

Transport appeals are evidence based. The notes of guidance provided with the appeal form do state that if an appellant is making a case on financial/medical ground then it is essential that the fullest detailed documentation is provided as this is evidence that the appellant cannot fund the cost of transport or assist with transport themselves due to other commitments in relation to the care of others. The committee noted that no evidence had been submitted from the appellant to evidence what level of caring was required and if this impinged on any assistance the appellant was able to offer in escorting the pupil to school.

The Committee were reminded that there is an additional entailment for transport assistance for low income families and free travel is provided if a pupil is attending one of their three nearest schools, as long as the school is situated over 2 miles from home address. The committee noted that the school the pupil attends and that of the nearer school are both under the statutory walking distance of 2 miles and therefore do not qualify for transport assistance.

Therefore, having considered all of the appellant comments and the officer responses as set out in the Appeal Schedule, application form and supplementary statement the Committee 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 4401 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 School Transport Policy.

### **Appeal 4402**

It was reported that a request for transport assistance was initially refused as the pupil would not be attending their nearest suitable school, which was 0.1 miles from their home address and instead would attend their 107th nearest school which is 9.3 miles from the home. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The family appealed to the Committee on the grounds that they had extenuating circumstances to warrant 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 noted that the appellant request for a transport assistance for the pupil to travel on the school bus from and to the carers residence. The appellant stated that up until now they were able to transport the pupil to and from school. However since the appellant was made redundant from their current job and her hours of work will be changing she will no longer be able to collect the pupil from school herself. It was also noted that that the pupil is happy and settled at the current school with friends and a daily routine so the family do not feel it necessary to move the pupil from there.

In considering the family financial circumstances, The Committee noted a that the appellant stated that both parents work full time and whilst they are aware that it is their responsibility to ensure that their children get to and from school safely, this is not always possible due to work commitments. It was also noted that the pupil is not in receive of Free School Meals and no evidence has been provided

to suggest that the appellants are unable to fund the cost of the bus pass to the school.

The Committee felt that the school the pupil is attending 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 appellant comments and the officer responses as set out in the Appeal Schedule, application form and supplementary statement the Committee 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 4402 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 School Transport Policy.

### **Appeal 4408**

It was reported that a request for transport assistance had initially been refused as the pupils were attending a school that is under the statutory walking distance (3 miles) from the home address. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. 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 has a medical condition however no sufficient medical evidence was provided. In addition the appellant stated that she is the only person and has no income other than her benefits.

In considering the appeal further the Committee was informed that both children are eligible for Free School Meals and as such are entitled to extended travel provision from home to the nearest 3 schools if the distance from school is between 2 and 6 miles from home.

It was noted by the committee that there is additional transport assistance available to low income families but only if parents are in receipt of one of the qualifying benefits for free school meal or maximum amount of Working Tax Credit. The extended provision awarded to families on a low income does apply in this instance, however the qualifying distance of 2 miles has not been met in both instances as both children live under 2 miles from each school.

The committee also noted that the appellant states that she has a medical condition and had supplied a letter from the GP confirming the general condition and the medication that the appellant was taking. However the committee noted that no evidence had been provided to state that the appellant cannot accompany both pupils to and from school or the need for transport assistance.

Therefore, having considered all of the appellant comments and the officer responses as set out in the Appeal Schedule, application form and supplementary statement the Committee 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 4408 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 School Transport Policy.

#### **Appeal 4415**

It was reported that a request for transport assistance had initially been refused as the pupil is not attending their nearest qualifying school, which is 3.7 miles away and instead attends their 3<sup>rd</sup> nearest school, which is over 5 miles from home. The pupil was therefore not entitled to free transport in accordance with the Councils policy or 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 that was not in accordance with the Councils policy or law.

In considering the appeal the Committee was informed that the pupil sibling, who already attends the school has a free bus pass and that the appellant was told that the appeal would be pointless as current policy was applied. It was mentioned that in 2015, the Authority removed discretionary elements of the Home to School Transport Policy and that all new pupils starting at school now only receive transport assistance if they attend their nearest school and live more than 3 miles. The children who start under one set of transport arrangements (the pupil's sibling) continue to benefit until they either conclude their education at that school or chose to move to another school or home address whereas transport entitlement would be re assessed under the current policy.

The appellant argues that the shortest safe walking routes to the nearest schools was calculated wrongly and that children safety was not considered. It was also noted by the Committee that the appellant stated that the transport should be free for all children and will contact his MP to investigate why this is not so. The Committee noted that the appellant attached print outs from Google Maps showing what in the parental opinion are the shortest, safest routes from the home to the school.

It was noted by the committee that the Authority has 2 bespoke packages of mapping software specifically purchased for the accuracy of measurements undertaken for both admission and transport purpose. It was also mentioned that the Authority has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. The admission information which is available for all parents from each September provides a summary transport policy. Parents are advised to check the policy carefully if getting their child from home to school and back is consideration. In considering the family circumstances the Committee noted that there was no evidence to suggest that the family was on low incomes as defined in law and that the pupil is not in receipt of Free School Meals. Furthermore, no evidence was provided to demonstrate that the family are unable to fund the home to school travel costs.

Therefore, having considered all of the appellant comments and the officer responses as set out in the Appeal Schedule, application form and supplementary statement the Committee 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 4415 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 School Transport Policy.

### **Appeal 4425**

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 4.1 miles from their home address and instead would attend their 2<sup>nd</sup> nearest school which is 4.4 miles from the home. The pupils was therefore not entitled to free transport in accordance with the Council's policy or the law.

The family appealed to the Committee on the grounds that they had extenuating circumstances to warrant Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted that the family are unhappy with Home to School Transport Policy and they disagree that the closest suitable school is considered to be the school the Authority have identified as the closest school to the home address. It was noted by the committee that the appellant selected the school attended because it has excellent support facilities for pupils with learning difficulties and that the appellant feels that it is illogical and overly bureaucratic to measure 0.2 mile difference when calculating home to school routes. The Committee was informed that the Authority does not have the discretion to award help with travel cost where there is only a small discrepancy in the distances between 2 schools.

It was further noted by the committee that the appellant 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 would be provided in whichever mainstream setting the pupil attends. The committee also note the appellants statement regarding the award of transport for another pupil who lives close by who they claim are in receipt of a free bus pass, the committee were reminded that they could not assume the reason why a bus pass had been allocated to another pupil and that they were not in a position to consider this statement by the appellant.

In considering the family financial circumstances, the Committee was informed that the pupil does not receive Free School Meals. There is an additional entitlement for transport assistance for low income families. If parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit then transport assistance can be awarded to pupils who attend one of their 3 nearest schools to the home address and that the distance is within 2-6 miles. No evidence has been provided to suggest that the appellants are unable to fund the cost of the bus pass to the school of preference.

Therefore, having considered all of the appellant comments and the officer responses as set out in the Appeal Schedule, application form and supplementary statement the Committee 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 4425 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 School Transport Policy.

#### **Appeal 4429**

It was reported that a request for transport assistance had initially been refused as the pupil was attending a school that is under the statutory walking distance from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The 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 distance from the appellant home to the school is below the required distance criteria and as stated by the appellant that the pupil is unable to walk or cycle. The appellant also stated that the pupil is disabled and uses a wheelchair for distance however no medical evidence was provided by the appellant to substantiate this claim. It was noted by the committee that the appellant stated that the school are happy to discuss the pupil's needs and the SEN department has permission to share information relating to the pupil. The committee were advised that it is appellant responsibility to provide all the information and evidence to support the case. The Committee noted that the pupil is attending the nearest suitable school, however, the notes with the transport appeal form make it clear that for exceptional circumstances to be considered the appellant needs to provide professional evidence. The committee noted that this had not been supplied by the appellant and also noted an e-mail from the appellant stating that the summary was fine which clearly stated the omission of evidence to support the appellants claim.

In considering the appellants financial circumstances, the Committee was informed that the pupil qualifies for Free School Meals, therefore extended provision would be considered as the pupil is attending their nearest school, the committee noted that the distance is under the statutory walking distance of 2 miles, therefore it does not apply in this instance.

Therefore, having considered all of the appellant comments and the officer responses as set out in the Appeal Schedule, application form and supplementary statement the Committee 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 4429 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 School Transport Policy.

#### **Appeal 4430**

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 1.2 miles and 0.1 miles from their home address and instead two would attend their 8<sup>th</sup> nearest school and one pupil would attend their 12<sup>th</sup> nearest school which are 2.1 miles and 1.1 miles from the home address to the nearest schools. The pupils

were therefore not entitled to free transport in accordance with the Council's policy or the law.

The family appealed to the Committee on the grounds that they had extenuating circumstances to warrant Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appellant's appeal the Committee was informed that the family recently moved to Lancashire from Ireland. The appellant had stated that they had moved to a temporary address. It was noted by the committee that the appellant prefers a faith/single sex school for the secondary school aged pupils and that the primary aged pupil has foot problems. The appellant states in an e-mail also that the pupils are asthmatic however no medical evidence was provided to substantiate any of these claims from the appellant. The committee were reminded that in order to exercise their discretion and award transport the appellant has the opportunity to submit evidence to substantiate any claim that the appellant raises to strengthen their case. The committee noted that no evidence at all was supplied from the appellant for any of the children to state that they were unable to walk the required distance to each of the schools. The Committee were reminded that parents have the primary responsibility for ensuring their child's safe arrival at school. In all cases, when assessing the suitability of walking routes the County Council will assume that the child(ren) are accompanied, where necessary, by a parent or other responsible adult and is suitably clad.

In considering the family financial circumstances, The Committee was informed that the pupils qualify for Free School Meals and that the appellant is currently without a job and on very low income and that they struggle with the travel expenses and that free bus passes for the pupils would enable them to attend school regularly. The committee noted that the appellant had only submitted one page of the notification from Job Seekers allowance and no other benefit statements had been submitted to give a concise overview of the family's financial circumstances. The guidance supplied to appellants clearly states that it is the responsibility of the appellant to provide all the information and evidence to support their case.

In considering the appeal further, it was mentioned that the appellants have the primary responsibility for ensuring their children safe arrival at school. It was also added that there is additional entitlement to transport assistance for low incomes families if a pupil (secondary aged children) is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home and for primary school, had the school been one of the nearest 3 schools and over 2 miles, free transport would have been granted. The committee noted that the 2 secondary schools were the 8<sup>th</sup> nearest schools and the primary school was the 12<sup>th</sup> nearest school to the home address, thus confirming that this part of the policy does not extend to any of the pupils as none of the pupils are attending one of their nearest 3 schools from the home address to each of the schools attended.

The committee also noted that the DfE guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

Therefore, having considered all of the appellant comments and the officer responses as set out in the Appeal Schedule, application form and supplementary statement the Committee 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 4430 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 School Transport Policy.

### **Appeal 4435**

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 1.5 miles from their home address and instead would attend their 26th nearest school which is 11.6 miles from the home. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The family appealed to the Committee on the grounds that they had extenuating circumstances to warrant Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee was informed about the pupils bullying problems at the previous school which left the pupil with permanent health problem. The Committee acknowledged the appellants concerns about the fair justice system at the previous school and the committee also noted that previously the pupil qualified for a free bus pass.

In considering the family financial circumstances, the Committee noted that the pupil is not in receipt of free school meals and that no evidence was provided by the appellant to suggest that they are unable to fund the cost of the bus pass to the school now attended.

In considering the appeal further it was noted that in September 2015, the County Council removed discretionary elements of the Home to School Transport Policy. All new applications for transport assistance now only receive assistance if they attend their nearest suitable school and live more than 3 miles away. The committee noted that the previous school is considered unsuitable for the pupil to now attend but also noted that there are other suitable schools in the area that are considerably closer to the school now attended. Therefore, having considered all of the parent's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal on the information or evidence provided by the appellant.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4435 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 School Transport Policy.

L Sales  
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