

## Lancashire County Council

### Student Support Appeals Committee

Minutes of the Meeting held on Monday, 10th April, 2017 at 10.00 am at the County Hall - Preston

#### Present:

County Councillor Sue Prynne	(Chair)
A Cheetham	Cllr
C Dereli	Cllr
D Stansfield	Cllr
Lynne Brewer	Solicitor
Iris Winn	Appeals and Complaints Officer
Hina Visavadia	Appeals and Complaints Officer

#### 1. Apologies

None were received.

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

County Councillor S Prynne declared a non-pecuniary interest in connection with appeals 4241 on the grounds that the appellants resided in her Electoral Division and confirmed that she had no other association with the appellants

#### 3. Minutes of the meeting held on 6th March 2017

**Resolved:** That; the Minutes of the meeting held on the 6<sup>th</sup> March 2017 be confirmed as an accurate record and be signed by the Chair.

#### 4. Urgent Business

It was noted that the paperwork for appeals 4187 and 4247 had only been finalised after the agenda had been circulated. As a result, the Chair had been consulted and had agreed that these appeals could be presented to the meeting under urgent business in order to avoid any delay in determining it.

**Resolved:** That, appeals 4187 and 4247 were circulated to the Members of the Committee, to be considered alongside other appeals at the meeting.

#### 5. Date of the Next Meeting

It was noted that the next meeting of the Committee would be held at 10.00am on Monday 3<sup>rd</sup> July in the John O'Gaunt Room(Former County Mess), County Hall, Preston.

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

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

### **8. Student Support Appeals**

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

A report was presented in respect of 16 appeals and 2 urgent business 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 2015/16, and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

#### **Appeal 4115**

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 2.41 miles from their home address, and instead would attend their 6th nearest school which was 11.9 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mothers appeal the committee noted that the family were seeking transport assistance as the School attended was the nearest school able to meet the pupil's education/medical needs. The Committee were advised that all schools were able to offer the support that the mother stated the child may need, however the committee noted the officers' comments stating that the school attended had undertaken an assessment for the pupil and deemed that they did not need a EHC plan as the child was a high achiever and as such did not qualify for the assistance that a EHC plan would give to support the pupil.

The Policy states that transport assistance will only be applied to those children who attend their nearest suitable school that can provide suitable education for their age/aptitude etc. The Committee noted that the family stated the school attended as 1<sup>st</sup> preference and as such was awarded this school.

In considering the appeal further the Committee considered the family's financial circumstances noted that they were not in a position to decide if the family were on a low income as defined in law. No evidence had been provided to suggest that the family were unable to fund the cost of transport to school. It was also noted that the family were not eligible for Free School Meals. The Committee considered all the individual reports submitted by the parents and did sympathise with the contents of the reports and the difficulty identified in the reports for the pupil and family. However it was noted that these reports were not recent and as such did not give any up to date information as to how the pupil was performing presently.

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 4115 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2016/17.

#### **Appeal 4184**

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 2.50 miles from their home address, and instead would attend their 3rd nearest school which was 4.49 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the parents' appeal the committee noted that the family were seeking transport assistance as the School the family chose for the pupil to attend was a faith school. The mother also stated that this particular school would be able to provide assistance to the pupil as the pupil has been identified as requiring specialist support and this particular school were able to offer the support needed. The mother also stated that the pupil would be supported by an older sibling who travels on the same school bus.

The committee noted that the pupil is a baptised pupil attending the nearest faith school, the committee noted that new pupils who started at a faith schools where this was not their nearest school from September 2011 onwards are required to pay a contributory charge, for the academic year 2016/17, this figure is £540 per year.

In considering the appeal further the Committee in considering the mother's financial circumstances noted that they were not in a position to decide if the family were on a low income as defined in law. There is no statutory requirement for the County Council to provide denominational transport assistance apart from when a pupil qualifies on a low income grounds. No evidence had been provided to suggest that the mother was unable

to fund the cost of transport to school. It was also noted that the family were not eligible for Free School Meals. The appellant has been awarded Disability Living Allowance for the pupil and it includes a mobility component to assist the pupil with daily travel, therefore, provision has already been made for pupil.

The pupil has been assessed for an Education, Health and Care Plan and even though pupil has additional needs it is the County Council's view that these can be met in any mainstream setting.

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 4184 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2016/17.

### **Appeal 4242**

It was reported that a request for transport assistance had initially been refused as the pupil is attending their nearest suitable school, which is 2.8 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(ren)'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 pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The mother was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted that the family was not on the qualifying benefits to receive extended provisions awarded to such families for transport assistance. However the Committee noted that the mother had stated that the family were entitled to working tax credits. However, there was no evidence or information to support this.

**Resolved:** That Appeal 4242 be deferred until the next scheduled meeting of the Committee on the 3<sup>rd</sup> July 2017, in order to obtain:

- i. For the Committee to receive evidence of the families financial household income including any benefit awards by supplying full and up to date benefit statements and all bank account statements.
- ii. For the appeal to be presented to the Committee at its next scheduled meeting on 3<sup>rd</sup> July 2017.

### **Appeal 4185**

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 0.61 miles from their home address, and instead would attend their 3<sup>rd</sup> nearest school which was 1.91 miles away. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The mother was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mothers appeal the Committee noted that as the pupils are in receipt of free school meals then extended provision does apply if the pupils attend one of the nearest three schools between two and six miles from the home address. However the distance from home to school is only 1.91 miles and as such the pupils do not qualify in this instance as the distance is under 2 miles. The committee noted the mothers comment in regard to the pupils not attending the nearer school but were not persuaded that the difficulties of a sibling who attended would have any bearing on the younger siblings attending the nearer school.

In considering the appeal further the Committee considered all of the mother's medical circumstances and that the family are on a low income as defined by law. However no evidence had been provided to suggest that the pupils were unable to walk the distance each day from home to school. The committee also noted that you have disputed the walking route from home to school and were informed that this had been checked and the shortest walking route from school is 1.91 miles from 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 4185 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2016/17.

### **Appeal 4236**

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 0.57 miles from their home address, and instead would attend their 41<sup>st</sup> nearest school which was 4.51 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The father was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law. In considering the father's appeal the Committee noted that the child resides with the father following a private law application. The committee noted that the child had suffered significant instability and the comment made by the family support worker that any

unsettling changes would compromise attainment levels and performance in SATS for the pupil.

The committee noted that the father does not drive and the journey to school requires two bus journey and he works full time. He is committed for the pupil to remain at the current school and to complete last year of primary education.

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 was persuaded that there was sufficient reason to uphold the appeal and provide travel assistance for the pupil up to the end of (year 6) July 2017 to support the pupil in the final year.

**Resolved: That;**

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4236 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16;

**Appeal 4216**

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 2.74 miles from their home address, and instead would attend their 2<sup>nd</sup> nearest school which was 3.63 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mothers appeal the committee were advised to note that the family were claiming that the bus route distance was further than the shortest route measured by the authority. The Committee were further advised that all distances from home to school were assessed on admission and were measured using the shortest walking route to determine the nearest school.

The Committee noted that the pupil had been admitted to the school on denominational grounds, and is of the same faith. The authority still offers discretionary denominational contribution assistance with the requirement that there is a parental contribution of £540 that the family qualify for.

In considering the appeal further the Committee considered the family's financial circumstances. No evidence had been provided to suggest that the family were unable to

fund the cost of transport to school. It was also noted that the family were not eligible for Free School Meals and as such did not qualify to extended transport provision. Under the home to school transport policy if a child lives less than the statutory walking distance from the school attended it is the parents/guardians responsibility for the safety of the pupil while travelling to and from the 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 4216 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2016/17.

## **Appeal 4186**

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 2.18 miles from their home address, and instead would attend their 6th nearest school which was 3.36 miles away. The pupils are therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mothers appeal the committee noted that the family were seeking temporary transport assistance for 6 months as the mother was recovering from a caesarean and was not returning to work till July 2017 and unable to afford the cost of the bus passes to enable the pupils to get to school and back.

In considering the appeal further 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. The only evidence supplied seemed to be a statement of a bank account that did not give any indication as to the family household income and outgoings.

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 although the mother does state that she would now be eligible but the tax office work a year behind so is unable to evidence this.

The committee were advised that the family had previously been asked to supply any additional paperwork such as benefit statements, medical/doctor/GP information to

support the mothers case at the end of February 2017 by e-mail but the only item put forward was the limited bank statement supplied as referred to above. The mother again was asked to supply household bank statements and that of her Partners too prior to the committee but nothing was supplied.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4186 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2016/17.

### **Appeal 4244**

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 0.38 miles and instead attend their 17th nearest school which was 8.54 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mothers appeal the committee noted that the family had moved address early in December 2016 to ensure that the pupil's education was not disrupted. All entitlement to transport is automatically re assessed when a house move takes place. It was noted that the pupil previously qualified for assistance in the form of a taxi to school and that the mother now wished to appeal for a bus pass and for free transport awarded again. However the committee were advised that the assistance had been awarded under the previous more generous policy and that entitlement is re assessed under the present policy.

The committee was reminded that the policy is quite clear in relation to house moves and the committee were advised that an award could not be made because the family do not qualify under any of the criteria used to initially assess families that move home. The initial assessment required the committee to consider if the family were on a low income as defined in law and noted that the family were not in receipt of any of the qualifying benefits to enable extended provision to be considered. No evidence had been provided to suggest that the family were unable to fund the cost of transport to school.

Finally the committee would like the appellant to note that if they feel that there were circumstances surrounding the move that had not been disclosed at the time of applying for transport assistance then they could appeal again giving evidence and details of the reasons behind the move.

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



Committee 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 4244 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2016/17.

### **Appeal 4198**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 1.62 miles from their home address and was within the statutory walking distance, and instead would attend their 12<sup>th</sup> nearest school which was 7.47 miles away.

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

In considering the appeal further the Committee acknowledged and sympathised with the difficulties the family had faced due to both the child's medical needs and those of the mother and that this was the reason for the relocation of the family from their previous address to the current address to be able to receive assistance from family. At the meeting in December 2016 the appeal was deferred in order to gain further information from the family in order to see if assistance could be awarded by the panel and in order to make that decision had requested further information from the family to enable them to make an informed decision.

The Committee noted that the family had supplied some information and thanked the family for complying with authority's request. However significant information was not made available as the mother thought that this was an intrusion and felt that the information submitted was sufficient in order for the committee to make an informed decision. The information omitted was details as follows:-

- Confirmation of any designated carer
- Details of how the child is currently getting to and from school
- Family members who live near who can assist with assisting with the school run.
- Complete benefit statements relating to the overall income that the family are in receipt of.

The family had supplied a covering letter outlining her hesitance in supplying information to the panel as she thought it was intrusive and not needed just to award a bus pass. The panel understood the all the points raised by the mother and therefor had to make a decision based on the information that was very kindly supplied by the family outlining their

responses to the committees queries raised from the deferred appeal heard in December 2016.

The mother states that a free bus pass was awarded to the pupil previously and that this should continue. The authority's policy states that if a house move takes place then that entitlement must be reassessed and that unfortunately as the pupil is not attending their nearest school then that entitlement ceases. The authority is not stating that the pupil should move school and understands why the mother does not wish to move the pupil. The committee were made aware that provision is made within the policy for pupils who do move in their GCSE years 10 and 11 as it is recognised that it is detrimental to the pupil if a move of schools does that place during the final 2 years of secondary education.

However this entitlements is only awarded to families that are on a low income as defined in law. The committee were reminded that the policy is quite clear in relation to house moves and the committee were advised that an award could not be made because the family do not qualify under any of the criteria used to initially assess families that move home. The initial assessment required the committee to consider if the family were on a low income as defined in law and noted that the family were not in receipt of any of the qualifying benefits to enable extended provision to be considered. Although the mother had supplied benefit statements in relation to PIP and the fathers wage slip no other evidence had been provided to suggest that the family were on a low income as defined in law and unable to fund the cost of transport to school.

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

- i. having considered all of the circumstances and the information as set out in the report presented, appeal 4198 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2016/17.

### **Appeal 4254**

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 0.67 miles from their home address and was within statutory walking distance and instead would attend their 20th nearest school which is 2.46 miles away.

In considering the father's appeal the committee noted that the father had applied for transport appeals in 2016 but had been refused on the grounds that he had not applied for local schools. The father states that he had contacted local authority stating he had applied for place for pupil in all the schools in the local vicinity and there was place in only one which is the 20<sup>th</sup> nearest school. Father also states that pupil is going through difficult times and a move to another school would have an impact on the pupil mentally and academically. The father has health issues himself and also not able to pay for school

transport for the pupil. Father claims that he should have been awarded transport last year but due to errors by Local Authority he has not been awarded.

The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The father was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee in considering the matter further noted that the transport appeal was initially submitted by the appellant and heard in 2016 and the decision of the Student Support Appeal Committee was to defer a decision to give appellant the opportunity to provide further information to support case which has now been provided.

A further evidence has been submitted by the appellant from a new home address when relocated in 2017. It is noted that when a pupil changes address a new assessment of transport eligibility is undertaken and pupil was not entitled to transport assistance as there were nearer schools with places available at the time of the move. It is also noted that scarcity of school places in the area remains an issue and the place availability does change on a daily basis.

It was therefore suggested that the appeal be deferred until the next scheduled meeting of the Committee on the 03 July 2017 to allow the father to provide further evidence for the Committee to consider. Whereupon it was;

**Resolved:** That Appeal 4254 be deferred;

- i. In order for the Committee to receive father's medical evidence of his incapacity to walk any distance.
- ii. Submission of complete and up to date benefit statements/awards, Bank statements and/or any other income.
- iii. Reason for moving further away from school than the previous address.

### **Appeal 4253**

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 1.66 miles from their home address, and was within the statutory walking distance, and instead would attend their 12<sup>th</sup> nearest school which was 8.98 miles away.

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

In considering the mothers appeal, the committee noted the circumstances resulting in the mother not being able to work and as such had lost one job and received no sick pay from the other resulting in the mother relying on benefits. . In considering the mother's financial situation, the Committee noted that the family had temporary limited income until the mother is able to return to full hours/duties.

Therefore, having considered all of the mothers comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the

Committee 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 2017/18 academic year 7 only to support the family.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4253 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2016/17;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2016/17 academic year (Year 7) only.
- iii. The mother must inform the Local Authority if there is a change in circumstances whereas the request for assistance will need to be re assessed.

### **Appeal 4252**

It was reported that a request for transport assistance had initially been refused as the elder secondary aged pupil would be attending their nearest suitable school. Which was 2.13 miles from the home address and within the statutory walking distance of home. The year 2 primary aged pupil was attended his 17th nearest school which was 3.22 miles from their home address, and therefore didn't qualify under the policy or in law

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

In considering the fathers appeal, the committee noted that the family had relocated from out of the area to be closer to extended family who would be able to assist with child care. Upon relocation the father states that there were limited places for the year 2 pupil resulting in them accepting the place at the school now attended. The committee also noted that there was a nearer school available with places in year 2 that was only 1.74 miles from the home address and within the statutory walking distance from home to school and had the father made enquiries with the council that they would have been made aware of this. The Committee also noted that the year 7 pupil does attend the nearest school to the home address which is under the stipulated walking distance of under 3 miles and as such does not qualify for assistance unless the family are in receipt of the qualifying benefits that would award extended provision.

The Committee also noted that the father states that the year 7 pupil is on the SEN register but were informed that the Council had undertaken checks with the school and had been advised that test had taken place when on admission to the school the school confirmed that the pupils learning skills were of a functional level and they were not identified as needing further support for this pupil.

The father also claims that he knows of other children who live nearby who are in receipt of a bus pass to school and that he considers this to be inconsistent and unfair. The committee were reminded that if the pupil the father is referring to were from a low income

as defined by Law then the pupil would qualify for extended assistance as the school attended is within 2 and 6 miles from the home address and is the nearest school from the home address. However the committee were unable to take this into consideration as each pupil/family are assessed individually and has no bearing on the circumstances of the appellant.

**Resolved:** That appeal be deferred to be heard on 3<sup>rd</sup> July in order for the parents to present the information required by the committee to make an informed decision.

- i. The committee decided to defer the appeal as there was insufficient evidence for the Committee to establish the family's financial circumstances.
- ii. The committee wished for the Parents to supply financial evidence to support their claim.
- iii. The Committee would also like to know how the year 2 child would be expected to travel as they are requesting bus passes for both children.
- iv. The Committee noted also that the current travel arrangements involved the mother taking both children to school. The father states that this is unsustainable, please can an explanation of why this arrangement cannot continue.

### **Appeal 4227**

It was reported that a request for transport assistance had initially been refused as the pupils would be attending their nearest suitable secondary school, which was 3.66 miles from the fathers home address, however transport assistance is assessed from the Childs main home.

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

The Committee were advised that the father states that the parents have a shared custody agreement of 50/50. The Committee were advised that the father was claiming for bus passes for each of the pupils to attend school or just one. It was advised to the committee that the Local authority's records showed that the pupil's main address was that of the mothers and also that school records showed that the pupils resided with the mother for the majority until recently. The policy states that the main home in this instance was assessed as being the mother's address of both pupils and was assessed as follows:-

To decide which of the homes your child's main home is, the committee were advised that the Local Authority will follow the policy and will look at:-

- The address which you specifically chose to use when applying for a school place;
- The address at which your child spends most school days; and
- The address you give your child's doctor, dentist etc.

Also if your child spends an equal amount of the school week at each address, the Authority will usually consider the main address to be the one which you declared on your admission application. This is normally where your children wake up on the most school days during the school term (Monday to Friday).

You cannot use an address to apply for a school place and another to have transport entitlement assessed.

For a new address to be accepted there must be very exceptional reasons for the change, for example the sale of a property, house fire at one address, bereavement or relocation of the parents/carers to a single property. Parents must provide the necessary evidence for the Council to consider. A change in a child's living arrangements, for example spending more time at the new address, will not generally be considered to equate to exceptional circumstances.

The committee were advised that the father had supplied some evidence to support his claim, these were a recent pay slip of the fathers, and referral letter dated July 2016 resulting from a visit to casualty and confirmation of a visa card receipt from a bank.

The committee noted that the information provided related to only one child and referred also to the e-mail advising that the father needed to supply confirmation and evidence in the form child benefit being paid to his address and of registration with a doctor and dentist needed to be supplied in order for the committee to consider entitlement under the fathers address as being the main residence of the children as the policy only allows entitlement to be assessed from one address.

The committee regrettably felt that they could not make an informed decision on the evidence presented and that in order to give the father the opportunity once again to supply the evidence needed for the committee to make an informed decision.

**Resolved:** That Appeal 4227 be deferred in order to obtain:

- i. Evidence of any Benefit statements/Child benefit etc made to the father for both children at the fathers address.
- ii. Evidence that the children are registered at the fathers address at a doctors, dentist and school.
- iii. Contact details of the mother to establish the father's claims in relationship to shared custody and principal residence of both pupils.

### **Appeal 4256**

It was reported that a request for transport assistance had initially been refused as neither pupils would be attending their nearest suitable secondary school, one of the pupils attended their 12<sup>th</sup> nearest school which was 5.69 miles from their home address. The second pupil was also not attending their nearest secondary school and instead attending their 9<sup>th</sup> nearest school which was 4.80 miles from the home address.

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

The Committee was advised that the family had relocated to their current address in February 2017 and had actually moved further away from each of the schools. The Committee were advised that the schools the pupils now attended from the previous address was closer. The Committee also noted places were available for both pupils at

the nearer school which was 0.45 miles from the new address and within the statutory walking distance. However the committee noted that the mother had stated that this was a temporary address but no information had been provided to advise the committee of the circumstances around the house move and to what duration the family planned to stay at the current address or if another move was planned.

Resolved that - Appeal is temporary allowed up till the end of academic year 16/17 (July 2017 – Only) for both pupils.

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 they could award Temporary travel assistance up to the end of July 2017 (Summer Term Only). The Committee would like it noted however that if the mother wishes to come back with further information around the house move which is exceptional and the family had no choice but to move then the Committee are willing to look again at the appeal for both pupils providing that the evidence is provided to support this.

### **Appeal 4241**

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 0.60 miles from their home address, and instead would attend their 4th nearest school which was 2.28 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted that the pupil had recently moved to the chosen school following a successful appeal. The appellant had lost her job and had three other children to support as a single parent and in receipt of universal credit.

The appellant had been refused transport assistance on the grounds that there is a nearer suitable school that the pupil could attend but Committee noted that pupil has been granted the present school on appeal due to difficulties the pupil was experiencing at previous school. The Committee noted that pupil is receiving 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 was persuaded that there was sufficient reason to uphold the appeal and provide travel assistance for the pupil.

### **Resolved: That;**

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4241 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2016/17.

## **Appeal 4255**

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 3.20 miles from their home address and was within statutory walking distance and instead would attend their 3rd nearest school which is 4.90 miles away.

In considering the father's appeal the committee noted that the father had been given court custody of the pupils and his partner was able to take pupils to school. The father stated that both pupils have become more settled since living with him and moving them to another school would be detrimental to their emotional wellbeing.

It was therefore suggested that the appeal be deferred until the next scheduled meeting of the Committee on the 03 July 2017 to allow the father to provide further evidence for the Committee to consider. Whereupon it was;

**Resolved:** That Appeal 4255 be deferred;

- i. In order for the Committee to receive financial and up to date benefit statements/awards, Bank statements and/ any other income of the father's partner.
- ii. Is the partner living with family?
- iii. Why is partner not able to take pupils to school?
- iv. What contact does mother have with children?

## **Appeal 4247 – UB**

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 2.36 miles from their home address, and instead would attend their 7<sup>th</sup> nearest school which was 4.36 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The mother were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee was informed that when the pupil commenced year 7 in September 2016, they were not entitled to free transport as the school attended was not the nearest. In considering the appeal further the Committee noted that the mother had alleged pupils who lived near to her were in receipt of a free bus pass. The authority do not deny that some pupils may be in receipt of a free bus pass who may live close by as the previous transport was more generous and offered more assistance to pupils.

The Committee were reminded that all New Year 7 appellants choosing a place at secondary school were advised that if transport was an issue they would need to contact the area Education office who would confirm entitlement. As the pupil is in receipt of free



school meals then extended provision does apply if the pupil is attending one of the nearest three schools between two and six miles from the home address.

However the Committee noted that this provision only applied if the pupil is attending one of the three nearer schools and that unfortunately as the pupil is attending their 7<sup>th</sup> nearer school does not qualify for transport assistance under the current policy. The committee also noted that there were closer schools nearer who could still offer places which would entitle the pupil to free travel and urged the mother to consider this if the cost of travel would continue to be an issue.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4247 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2016/17.

#### **Appeal 4187– UB**

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 0.91 miles from their home address, and instead would attend their 2<sup>nd</sup> nearest school which was 1.19 miles away, both schools are within the statutory walking distance of 2 mile from home to school. The mother was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee was informed that family has relocated from out of the area to Lancashire last year, and at applying for a school place the school now attended was the nearest school to the home address that had places available at that time. It was highlighted to the committee that a school place became available for the pupil at a nearer school at the beginning of term but the pupil had already started attending the present school that the mother now seeks travel assistance for.

In considering the appeal further the Committee noted that the mother had stated that she had medical conditions that prevented her from walking the pupil to and from school.

The Committee noted that the medical evidence supplied by the mother from an assessment in April 2016 by Rochdale metropolitan borough council stated that in order for the mother to go about their daily business that aids were needed to support her day to day. The committee also noted that in certain parts of the report it stated that the mother had a mobility scooter and that she is able to go out independently, it was noted however by the committee that there is a mention that the use of the mobility scooter is only used on good days, There is however no indication whatsoever in the report that indicates the frequency of bad days that would prevent the mother from accompanying the pupil to and

from school on the mobility scooter. It was also noted by the committee that the mother's partner also could not assist with the school run as he too was unable to drive due to seizures or walk along a busy road to accompany the pupil to school when he was not working away from the home. The Committee however were unable to substantiate this as no medical evidence had been provided about the mother's partner's medical condition and how this affected his ability to walk the pupil to and from school.

The Committee were reminded that the policy stated that

*In exceptional circumstances where it is not possible due to the medical condition of one or both of the parents or carers, for them to accompany a child to school and it is not possible to make suitable arrangements for a family member or friend to accompany a child to school transport assistance will be considered. Assistance may be provided where it is felt by the County Council that some assistance should be given to ensure that the pupil travels to school safely and attends the school. Any such assistance is subject to satisfactory medical evidence being provided indicating the parental incapacity.*

*This assistance will only be provided for pupils who meet the low income criteria as outlined in Section 6 of the policy.*

*The County Council will not consider assistance where one parent is unable to accompany the child to school due to work commitments nor will it usually consider it necessary to provide assistance to secondary school aged pupils as they will usually be deemed to be capable of walking to school unaccompanied.*

In order for the committee to make an informed decision the Committee felt that it should have sight the following evidence:-

**Resolved:** That Appeal 4187 be deferred in order to obtain:

- i. Further medical Evidence from the mother to state frequency of days where she is unable to accompany the pupil to and from school.
- ii. Medical evidence in relation to the mother's partner confirming that they are unable to walk the pupil to and from school because of their medical condition.
- iii. Financial evidence in relation to the household income, the committee will need to see all complete and up to date benefit statements for the household and evidence of the mother's partner's income.

Ged Fitzgerald  
Chief Executive

County Hall  
Preston