

Lancashire County Council

Student Support Appeals Committee

Minutes of the Meeting held on Monday, 4th September, 2017 at 10.00 am in County Hall - Preston

Present:

County Councillor Charles Edwards (Chair)

County Councillors

C Wakeford
A Cheetham

Y Motala

1. Apologies

None.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

3. Minutes of the meeting held on 3rd July 2017

Resolved: That; the Minutes of the meeting held on the 03rd July 2017 be confirmed as an accurate record and be signed by the Chair.

4. Urgent Business

It was noted that the paperwork for appeals 4218, 4287, 4291 and 4323 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 4218, 4287, 4291 and 4323 were circulated to the Members of the Committee, to be considered alongside other appeals at the meeting.

5. Urgent Business Signed Approval

None.

6. Date of the Next Meeting

It was noted that the next meeting of the Committee would be held at 10.00am on Monday 02nd October 2017 Room G02, County Hall, Preston.

7. 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. School 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 20 appeals and 4 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 4237

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 5.35 miles from their home address, and instead would attend their 4th nearest school which was 8.28 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 appellant's appeal the Committee noted that the family had recently moved to the area and the appellant states they receive free bus travel for the two younger siblings but the pupil is not eligible for transport assistance to secondary school. At present the family take the pupil to the bus stop for them to get the bus to school but this is proving problematic as the appellant has to be available at home to collect younger siblings from the mini bus. The appellant had been getting help from parents who collected the pupil from the bus stop but they are unable to do this longer term due to health issues. The appellant has been enquiring about a mini bus service and was informed by the company that they need to have a bus pass to use service and the appellant feels that the distance from family home to school is about 3 miles and the road is unsuitable for walking.

The Policy states that transport assistance will only be applied to those children who attend their nearest suitable school. The Committee noted that the family stated the school attended as 1st preference and as such was awarded this school. The options available for transport to the parents preferred school are catching the bus which goes directly to school or paying for a Season Ticket to travel on the local 'feeder taxi' service which collects other pupils in the area to connect with the bus service and this would only be possible whilst there is capacity on the taxi. It is also noted that continued running of the taxi is not guaranteed and neither is that of the bus services.

Parents do have the right to express a preference for the school they prefer their child to attend, however, this does not entitle them to transport assistance and it is the parents' responsibility to ensure the pupil gets to school and there is no indication that appellant cannot manage travel options financially.

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.

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 4237 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 4261

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 2.29 miles from their home address, and instead would attend their 30th nearest school which was 5.91 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted that the family were seeking transport assistance as the appellant was involved in a road traffic accident and had moved near family for support while recovering from injuries. The Appellant had lost their job due to accident and does not own a vehicle which has affected

pupil's school attendance. The Appellant has stated that the pupil is on a waiting list for another school but it is not stated how far school is from home. It is also noted that pupil is waiting to be assessed for the second time at a Child Development Centre. The family had considered sending pupil to the nearest school but felt that it would not be in the best interests of pupil to start there and then be moved to the school for which they are on waiting list as the pupil struggles in large social environments. The Appellant has asked if consideration could be given for transport assistance while pupil is waiting for space at school for which the pupil is on the waiting list.

In considering the appeal further, the Committee noted that the letter provided from the head teacher about the pupil's attendance does show absences on Mondays as being higher in comparison to other days and authorised and unauthorised absences are totalling to a higher percentage of school days missed. It is also noted on the record that the Appellant had contacted school twice in July 2017 to report the pupil would be missing school as there were issues with the car. It is not clear whether the car referred to was new or owned by some else, as they had reported the family car was written off during the accident in September 2016.

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. 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 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 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 4261 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 4270

It was reported that a request for transport assistance had initially been refused as the pupils were attending their nearest suitable school, which is 1.97 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 career 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 pupils 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.

The appellant stated that the school was 3.2 miles from home and was requesting a bus pass for all 3 pupils as family benefit has been reduced and they would appreciate any help the Committee could provide. It was also noted that the appellant did not drive and that one of the pupils has health issues.

It was noted by the Committee that the distance between home and school has been assessed by the County Council to be 1.97 miles and not 3.2 miles as stated by appellant. It was also recognised that there is limited school place availability in the area and it was accepted that the allocated school was the nearest primary school which could accommodate all of the siblings when family first moved to the area. At the previous address the younger siblings were entitled to a taxi as they were under age 8years and although the older siblings were not eligible, they were allowed to accompany the younger siblings to school. It has been made clear to appellant that the transport would be revoked when the pupils reached 8 years of age.

The Committee noted that appellant had been asked to provide benefit details in May and as yet it has not been provided.

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 less than 2 miles and within statutory walking distance even for pupil's on low income from home so therefore 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 4270 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 4280

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 5.98 miles from their home address, and instead would attend their 4th nearest school which was 6.25 miles away. 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, it was noted that the pupil was the victim in a very serious incident and due to that the family were forced into changing the pupil's choice of school place. The Appellant felt that the pupil should therefore be entitled to a free bus pass for school.

The appellant states that the pupil should not be penalised for an incident in which the pupil was the victim and in addition the appellant has to stay at home to care for the youngest sibling who has additional needs and the appellant is self-employed and financial burden is a worry for them.

In considering the appeal, the Committee noted that at the time the school offers were made in March 2017, the pupil did not have sufficient priority for a place at any of the three preferred schools. The 3rd nearest school was eventually allocated with a place available but a place subsequently also became available at the preferred school and the pupil was offered a place off the reserve (waiting) list.

It was also noted that there are good reasons why the school where the pupil was allocated a place and was attending is not considered suitable and there are substantiated by documents from the Children's Social Care. It is also recognised that the appellant had expressed a preference for the 2nd nearest school to the home but due to the pupil being unable to satisfy the admission criteria at a sufficiently high point a place could not be allocated.

Taking into consideration all school allocation, it has been noted that had the pupil applied for the nearest suitable school which is 3rd on the list with places available then the pupil would have been allocated a place and would have been entitled to assistance with school transport.

There are also no financial information or benefit details provided by the family to show they are having financial difficulties and pupil is 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 4280 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 4285

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 3.34 miles from their home address, and instead would attend their 2nd nearest school which was 4.00 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 appellant concurs that preferred school is the nearest school to home address. The route to both the nearest suitable school and the preferred school, however is unsuitable, even if a child were accompanied as there is no lighting or footpath. The appellant states that the pupil would be using the same bus if the pupil were to travel to either the nearest suitable school or their the preferred school and the pupil would be getting off at the same stop so therefore no additional cost would be incurred by the council. The appellant states nearest suitable school would be heavily oversubscribed if it was deemed to be the nearest suitable school for all children living in the area. The appellant stated they did not realise the pupil would be awarded points against the schools admission criteria for attendance at a church primary school. The Appellant also argued that if they had placed the nearest suitable school as their first preference and not secured a place for the pupil then they would have been awarded transport assistance if allocated a school further afield.

The Appellant stresses that the most important factor is that the pupil is a staunch atheist and had attended a faith school as there were no community schools in the surrounding area but they were reassured that the school attended had a holistic approach to the delivery of religious education.

The Appellant believed the Home to School Transport policy is discriminatory in considering a faith school to be the nearest suitable school when assessing the eligibility to receive transport assistance and there should be provision within the policy for firm non-believers.

It was noted by the Committee that transport assistance had been refused to the pupil as they were not attending their nearest suitable school. The County council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school.

Eligibility to receive transport assistance is assessed by determining the distance between the pupil'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. Consideration is not taken into how the journey might be undertaken or the cost of the journey on the school or public transport. 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 if parents had expressed a preference for the school on application. The County Council is able to establish if this is the case as all admission authority schools are required to provide a copy of their ranking list of prioritized pupils to Pupil Access Team for the purpose of school place allocation. It is therefore possible to establish the admission criteria from which the last place was offered when the school is oversubscribed.

It was noted that recent lower application numbers for the nearest suitable school have meant that applicants have been able to secure places at the school without scoring any points against the school's admission criteria or where an applicant is awarded minimal points for attendance at a faith primary school. There was every opportunity for parents to have secured a place at the nearest suitable school had this been their first preference. The DfES guidance also 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 admission information which is available for all parents during the admissions round provides a summary transport policy which parents are advised to check carefully if getting their child from home to school and back is a consideration. Parents are advised to check the website and seek advice for the area education office and officers in attendance at schools open evenings.

No financial information or benefit details were provided by the family to show they are having financial difficulties and pupil is 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 4285 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 4286

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 0.40 miles from their home address, or their nearest faith schools which was 2.80 miles away and would attend their 2nd closest faith school which is 4.29 miles from home. 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.

The Committee noted that the pupil had had a bereavement in the family and that this has impacted on the pupil's self-confidence and ability to make friends. The Pupil has been receiving medication and counselling to help them cope. The school the pupil was attending is a feeder school for the one the appellant expressed a preference for and the pupil has been provided with on-going pastoral support and is also getting support from friends.

It has been noted by the Committee that the appellant is now a single parent and unemployed and is struggling with anxiety and depression. The Appellant also states that they were informed that a bus pass would be available as a result of being a single parent and they have been trying to resolve the issue of home to school transport assistance and have appealed at the earliest opportunity.

In considering the appeal further the Committee noted the appellant had been refused transport assistance as the pupil is not attending the nearest faith school to home. The appellant meets the low income criteria and therefore would have a statutory entitlement if pupil was attending their nearest faith school and the school was between 2 and 15 miles from home or one of their three nearest schools between 2 and 6 miles from home. However the preferred school did not fall into either of these criteria

In September 2015, the County Council removed much of the discretionary elements of the Home to School Transport Policy. All new pupils starting at school now only receive transport assistance if they are attending their nearest school and live more than three mile away.

It is noted by the Committee that at the time the appellant was making the application for the pupil, they were going through bereavement, and it would not have been a priority to establish the rules around the provision of transport assistance. The family has been through a very distressing time which is having an impact on the health of the pupil and appellant but there is not however discretion with the current Home to School Transport Policy to award transport assistance in these difficult circumstances.

The appellant has provided evidence of low income and letters regarding pupil's health issues. The pupil is in receipt of free school meals.

In considering the appellant's appeal, the Committee noted the circumstances resulting in the appellant not being able to work resulting in the appellant relying on benefits. In considering the appellant's financial situation, the Committee noted that the family had temporary limited income until the appellant is able to gain employment.

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 temporary travel assistance for the pupil up to the end of December 2017/18.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4286 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 December 2017 academic year only.
- iii. 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 4288

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 3.53 miles from their home address, and would attend their 2nd closest faith school which is 3.95 miles from home. 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 appellant states that the nearest suitable school has been notoriously difficult to obtain a place at even though it has a strict faith related admission policy and felt that as a non-believing family they had to consider other options as in previous years had been difficult to gain entry.

The appellant also feels that considering the difference between the distances to the two schools, it would not cost the council any extra money to fund the bus pass and also explains the complexity of the decision making process parents go through. They also feel that although the pupil attended a faith school in the past, they no longer want a faith school for the pupil now and are appealing as pupil will be attending the nearest non-faith school.

In considering the appeal further the Committee noted that transport assistance had been refused as pupil is not attending their nearest suitable school. It is parental preference for school and council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. Eligibility to receive transport assistance is assessed by determining the distance between the pupil's home and the nearest school they could attend. Consideration is not given on how the journey might be undertaken on school or public transport. 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 if parents had expressed a preference for the school on their secondary school application. The County Council is able to establish whether this is the case as all own admission authority schools are required to provide a copy of their ranking list of prioritized pupils to the PAT for the purpose of school place allocation and so therefore able to establish the admission criteria from which the last place was offered when the school is oversubscribed.

It is noted by Committee that due to lower numbers of applications recently the applicant would have been able to secure a place at nearest suitable school had they applied for it as their first preference. The DfES guidance also 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 such school.

Admission information is also available for all parents during the normal schools admission round and they are advised to check the policy carefully regarding home to school transport. Parents are also able to seek advice from the area education offices and officers are also available in most schools during open evening to advise on transport eligibility and admission enquiries.

The Committee noted pupils were 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 4288 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 4289

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 0.08 miles from their home address, and instead would attend their 31st nearest school which was 6.02 miles away. The pupil is therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal, the Committee noted that the appellant states the family were forced to move house due to a prolonged and serious period of harassment and violence that had been targeted at them by previous neighbours. The Appellant states that the pupil is doing very well at the school now attended and has friends and support there. The appellant feels that to move the pupil to a different school now along with all the trouble the family has experienced prior to the move in November 2016 would be stressful and unfair. The pupil is undergoing tests at the Hospital at the present moment but the Committee noted that there are no details or evidence supplied in relation to what tests are being undertaken or any medical condition. The Appellant is asking for support to be continued in the form of a taxi and feels that the pupil deserves the best education and had to move from where the family previously resided through no fault of the pupil.

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 but it is noted that the family were eligible for Free School Meals and as such did qualify for extended transport provision.

The Committee however noted that the pupil had been previously awarded transport assistance on appeal on a temporary basis until the end of the 2016/17 academic year on the understanding that the pupil was on the waiting list for a place to become available in the correct year group at a nearer school. The Committee noted that since the last appeal places had become available at the preferred school and at a number of other local primary schools within walking distance to the new address. The Committee felt that these options should be explored by the parent as it would not be unreasonable to expect a child of this age to relocate to a nearer school to the home address at this time and to form relationships with peers in the area who would transfer to the same local secondary schools. The Committee were also concerned that the pupil was going back to the area where the incidents had occurred on a daily basis and were concerned there would be in the school peers living in the area who could be related or be friends of the perpetrators and they could not understand why the child was being taken back to attend school in the area which they had to move from as in their opinion this would be detrimental to the child moving forward.

In considering the appeal the Committee noted that families from a low income were entitled to extended transport assistance if the pupil attended a school that

was between 2 and 6 miles from the home address, unfortunately this only applies to the nearest 3 schools from the home address. The Committee noted that the pupil attends the 31st nearest school to the home address.

The County Council policy states that any family moving from one area to another, that transport would not be provided if parents could not get their children to a school of their choice due to distance and it would be reasonable in moving the pupil to a nearer school. Parents have the right to choose which school they would prefer their child to go, however this does not mean they are entitled 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 4289 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 4293

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 2.93 miles and instead attend their 2nd nearest school which was 3.34 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal, the Committee noted that the appellant states she did not receive notification regarding transport entitlement and on visiting the Area Education Office she was informed that the pupil was not entitled and feels that Council's transport policy is flawed and discriminatory and has implications on pupil's safety and welfare. The Appellant states they face a significant financial burden as a result of not being awarded free travel for the pupil despite the pupil gaining a place at second nearest suitable school. She is also aware of other pupils who live over three miles away and are receiving free transport to the school and feels the pupil should receive the same assistance. the Appellant states she was advised that if they put the school the pupil goes to as her first preference then she would definitely be offered a place unlike the nearest suitable school as applications on this school are prioritized based on church attendance and the pupil does not attend church regularly and therefore there was no guarantee of a place. The Appellant feels the pupil is being penalized on

the basis of her academic ability and there is inconsistency in the County Council's transport policy which is unfair for working families and has contacted her MP who has written a supportive letter. The Appellant states that there are school busses passing their house which is over the qualifying distance of three miles but feels council is still not willing to provide a bus pass.

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 and the family are not in receipt of free school meals. Transport assistance has been refused as pupil is not attending her nearest suitable school and it is parental preference. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. Eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. Consideration is not given to how the journey might be undertaken on school or public transport. Additionally, the DfES's statutory guidance requires the Council to determine whether a place could have been offered at the nearest school if parents had expressed a preference. It is therefore possible to establish the admission criteria from which the last place was offered when the school is oversubscribed.

It is also noted that the numbers of applications at the nearest suitable school meant that applicants have been able to secure places at school and the appellant would have been able to secure a place if the school had been the first preference on the application. The DfES guidance also 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 Home to School Transport policy is formulated in line with the statutory guidance and applied equitably to all transport assessments undertaken across the County Council. The DfES guidance specifically states that the nearest suitable school is "Taken to mean the nearest school with places available that provides education appropriate to the age, ability and aptitude of the child".

Admission information is also available for all parents during the admissions application period and they are advised to check the policy carefully regarding home to school transport. Parents are able to seek advice from the area education offices and officers are also available in most schools during open evenings to advise on transport eligibility and admission enquiries.

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 4293 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 4294

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 2.54 miles and instead attend their 2nd nearest school which was 3.59 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 Appellants appeal, the Committee noted that they are not entitled to a free bus pass for the pupil and they state that they cannot afford the parental contribution required to purchase a denominational bus pass. The appellant has a younger sibling who they take to school and therefore the pupil will need to make their own way to school. The route the pupil would take is unsafe to walk due to the volume and speed of traffic on a busy highway. The Pupil lives over the qualifying distance of 3 miles from school chosen by the appellant.

the Appellant also feels that the nearest suitable school would not be suitable for pupil due to faith reasons and states that the school is only a possibility as it single sex school. If pupil had been the opposite sex then transport would have been provided as the preferred school would have been the nearest school pupil could have attended. The Appellant had researched which school would have been better for the pupil due to speech issues and felt the preferred school was right for pupil and would offer the support needed to meet the pupil's needs. Transition work has already taken place with the school SENCO and there are measures in place for the pupil starting in the new academic year.

In considering the appeal further, it was noted that transport assistance had been refused as the pupil is not attending the nearest suitable school. 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 qualifies for this assistant, the provision is not statutory and parents are required to pay an annual contribution of £575.00.

In regard to safety of the route that a pupil would travel between home and school is only considered when a pupil is attending their nearest school. It is also 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 appellant had researched the special needs provision available and deemed the preferred school the most appropriate to provide the necessary support, however, County Council considers that unless pupil has an Education, Health and Care Plan that names a particular school, then all mainstream schools are funded and should have the facilities to meet any additional needs.

The Committee noted pupil was 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 4294 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 4297

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 3.63 miles from their home address, and instead would attend their 2nd nearest school which was 4.11 miles away.

In considering the appeal, the Committee was informed that the appellant feels that parents should be able to choose the best and most suitable education for their child. The Appellant feels the pupil would thrive in a small school.

The Appellant also states that the transport policy is confusing and if the pupil had not managed to secure a place at the nearest suitable school the pupil would have been given transport assistance to the preferred school but to secure a place at the preferred school they had to put it as first choice. The appellant acknowledges that a place could have been offered at the nearest suitable school but feels that the preferred school is more suited to the pupil's needs. The appellant also feels the route would be unsafe to walk and therefore the County Council has a duty of care to provide a bus pass.

In further considering the case, the Committee noted that the choice of school was down to parental preference and Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. Eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they

could attend. The DfES 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.

Admission information is also available for all parents from start of admission term and are advised to check the policy carefully regarding transport from home to school and back. Parents are able to seek advice from the area education offices and officers are also available in most schools during open evenings to advise on transport eligibility and admission enquiries.

It is also noted that the route is not deemed to be unsafe for a child to walk when accompanied by an adult. Parents have the primary responsibility for ensuring their child's safe arrival at school. In all cases when assessing the suitability of routes the County Council assumes that the child is accompanied where necessary by a parent or other responsible adult and suitably clad.

There is also no other reason why the pupil cannot make use of the bus to make the journey to school.

The Committee noted the pupil was 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 4297 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 4298

It was reported that a request for transport assistance had initially been refused as neither pupils would be attending their nearest suitable secondary school which is 3.53 miles and instead one of the pupils attended their 2nd nearest school which was 3.95 miles from their home address. The second pupil would attend school which was 4.01 miles from the home address.

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

Both pupils were offered places at the preferred choice of school and according to the appellant even though the nearest suitable school is geographically the closest school the appellant did not believe both pupils would have sufficient priority to secure places and hence expressed preferences for the schools they have been offered. The appellant has been informed that if pupils had attended the nearest suitable school they would have been entitled to free home to school transport. The Appellant feels the family have been discriminated against. The Appellant also feels it would not be safe for pupils to walk to school and states she has accessed the GOV.UK website which states that if there is no safe walking route then free transport must be given.

The appellant had been refused transport assistance on the grounds that there is a nearer suitable school that the pupils could attend. In further considering the case, the Committee noted that it was parental preference for schools and academies and the Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. Eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. The DfES 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.

Admission information is also available for all parents from start of admission term and are advised to check the policy carefully regarding transport from home to school and back. Parents are able to seek advice from the area education offices and officers are also available in most schools during open evenings to advise on transport eligibility and admission enquiries.

It is also noted that the route is not deemed to be unsafe for a child to walk when accompanied by an adult. Parents have the primary responsibility for ensuring their child's safe arrival at school. In all cases when assessing the suitability of routes the County Council assumes that the child is accompanied where necessary by a parent or other responsible adult and suitably clad.

The Committee noted pupil was 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 4298 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 4302

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 4.15 miles from their home address and instead would attend their 2nd nearest school which is 4.80 miles away.

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

The Committee were advised that had the pupil not secured a school place at their only preference of school then a place would have been sought at two other non-faith schools, both of which are also not the nearest school. The appellant states they had been led to believe that faith attendance was a pre-requisite for securing a place at the nearest suitable school and as the family are not religious the appellant did not feel they were eligible to apply. The appellant also stresses that the preferred choice of school is one bus stop further away from home than that of the nearer school.

The Committee noted the Appellants concerns relating to the pupils health issues stating that it would make it impossible for the pupil to walk or cycle to school. The appellant states both the nearest non faith suitable schools and the school of their choice are all over 4 miles from home. The Committee noted the Appellants concerns that the route that pupil would have to travel to get to school is unsafe with a high rate of accidents, no footpaths or street lighting. The Committee noted that the Appellant has approached her MP about the unfairness of the County Council's Home to School Transport Policy and feels that the current policy is discriminatory in respect of considering faith schools as part of the assessment to receive home to school travel and that the family will struggle to fund the cost of home to school travel.

In further considering the case, the Committee noted that the Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy irrespective of faith. Eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. The DfES guidance states 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.

Admission information is available for all parents from the start of admission term and parents are advised to check the policy carefully regarding home to school transport if transport is a factor in applying for a school place at a particular school. Parents are able to seek advice from area education offices and officers

are also available in most schools during open evenings to advise on transport eligibility and admission enquiries.

It is also noted that the levels of applications and the changes in pupils meeting the criteria for admissions at the nearest suitable school has meant that applicants have been able to secure places at the nearer school and the pupil would have been able to secure a place if the school had been the first preference on application.

The County Council does retain some discretionary transport assistance available for pupils with medical needs that would prevent them from walking to school. This assistance, however, is only available if the pupil is attending their nearest suitable school and similarly, the safety of the route between home and school is taken into account but only where a pupil is attending their nearest suitable school.

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 and noted that the family are not in receipt of free school meals, no evidence was submitted to prove that the family were unable to fund the cost of a bus pass for the pupil.

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 4302 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 4303

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 2nd nearest school which was 2.41 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant 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 appeal, the Committee noted that the appellant is appealing against the refusal of a free travel pass and the parental contribution that is required by the family towards denominational transport assistance. The

appellant states she has made an application for the chosen school based on the pupil's faith and states that the appellant also works in a faith school. The appellant feels the County Council policy is discriminatory. The appellant states that walking to school is also not an option due to route being unsuitable and as the pupil has health issues which makes it particularly difficult to walk especially in the winter months.

The appellant also states that a neighbour's child has been provided with a free bus pass for the same school that the pupil would be attending and stresses it has not been granted on low income grounds and the appellant feels it is unfair for some children to benefit from free travel while others are not given the assistance.

In considering the appeal further, it was noted by the Committee that transport assistance had been refused as the pupil is not attending their nearest suitable school and the County Council retains a discretionary element in 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, however it is a requirement that there is a parental contribution of £575 that the family qualify for.

The County Council does retain some discretionary transport assistance available for pupils with medical needs that would prevent them from walking to school. This assistance, however, is only available if pupil is attending their nearest suitable school and similarly, the safety of the route between home and school is taken into account but only where a pupil is attending their nearest suitable school, the Committee noted that the pupil will be attending their 2nd nearest school, thus this discretion does not apply to the pupil.

Prior to September 2015, the County Council had a much more generous Home to School Transport policy. The DfES guidance requires that "The introduction of any such changes should 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 choose to move to another school. Pupils who were awarded free travel prior to September 2015 will therefore continue to receive assistance until they leave that school.

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 noted that the family are not in receipt of free school meals, no evidence was submitted to the Committee to indicate that the Appellant is unable to fund the contributorily denominational amount required by parents to fund the cost of a travel pass.

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 4303 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 4304

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 1.26 miles from their home address and instead would attend their 16th nearest school which is 5.23 miles away.

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

The Committee were advised that according to the appellant there has been no change in her circumstance since her previous successful appeal and the appellant states that none of the closest schools were chosen by them or the pupil transferring to secondary school in 2016. It is also stated by the appellant that there are family and friends that reside in the area where the pupil is attending school to assist in the case of an emergency.

The Committee noted that appellant has a health issue and had provided all the medical evidence currently available.

In considering the appeal further, it was noted that transport assistance had been refused as there were a number of nearer schools that the pupil could have been admitted to. The pupil was awarded interim transport assistance by the Student Support Appeal Committee in November 2016 for the academic year 2016/17 only. Due to family circumstance and the high level of support being given to the appellant. The appellant was advised in the appeal decision letter that any re-appeal should be accompanied by recent professional medical evidence from the services that she is working with. It is noted that even though the appellant has provided supporting letters they are not recently dated letters.

The Appellant states the pupil was not offered a place at the preferred choice of school as the school was oversubscribed and the pupil lived too far away on application to secondary school as pupils are prioritized for places at this school based on geographical proximity from the pupils home to school. The Appellant states that the pupil subsequently secured a place through an admission appeal, however the Committee were informed that the Appellant withdrew the appeal and the place at this school was offered to the pupil from the waiting list.

The Committee noted that the pupil is in receipt of free school meals and that the Appellant is receiving Personal Independent Payments.

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 4304 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 4306

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 3.5 miles from their home address and instead would attend their 7th nearest school which is 5.8 miles away.

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

The Committee were advised that according to the appellant, the preferred choice of school has been the local school for the children of that area. The Appellant states that the pupil has had an invaluable network of friends and support at the previous school which has been essential due to a bereavement within the family, the Appellant also states that the pupil was awarded a place at the preferred school by an Independent Appeal Panel.

The Committee noted the appellants statement that they were unaware of the change in the transport policy until they contacted the Authority about a bus pass to explain that the pupil travels to and from grandparents for pre-school care and is requesting a bus pass from the grandparents' home address which is 2.7 miles away from the preferred school and is asking the Committee to reconsider the Home to School Transport decision.

The appellant has outlined the family's financial circumstances and has also explained the reasons for selecting the chosen school.

In considering the appeal further, the Committee noted that the pupil had been refused transport assistance as there is a nearer suitable school that the pupil could attend. It is noted by the Committee that the pupil was not initially offered a place at the preferred choice of school as the family did not meet the faith

commitment criterion but was subsequently offered a place from the schools waiting list.

The Committee were advised that admissions information is available for all parents from the beginning of admission term and parents are advised to check the policy carefully if home to school transport is an important issue. Parents are also able to seek advice from the area education offices and officers are also available in most schools during open evenings to advise on transport eligibility and admission enquiries.

It is noted that prior to September 2015, County Council had a much more generous Home to School Transport policy and pupils were awarded assistance if they resided in certain school's Geographical Priority Area and lived over three miles away. From September 2015, all new pupils starting at school are only provided with transport assistance if they attend their nearest school and live more than three miles away. When undertaking assessments there is no longer any consideration of which Geographical Priority Area a pupil lives in and schools in neighbouring districts and local authorities are also considered.

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. No evidence was submitted to the panel to confirm that the cost of the bus pass could not be met by the appellant.

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 4306 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.

Appeals 4307

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 4.05

miles from their home address and instead would attend their 2nd nearest school which is 4.24 miles away.

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

The appellant states that they do not consider the nearest school to be suitable as it is of a different faith. The appellant states also that they are aware of other pupils in the area that have got free transport to the school pupil is attending.

In further considering the case, the Committee noted that the Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. Eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. The DfES 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 is noted that prior to September 2015, County Council had a much more generous Home to School Transport policy and pupils were awarded assistance if they resided in a school's Geographical Priority Area and lived over three miles away. . In relation to policy changes the DfES guidance states: "Good practice suggest that the introduction of any such changes should 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 choose to move to another school". There are therefore older pupils who will be still receiving free travel. From September 2015, all new pupils starting at school are only provided with transport assistance if they attend their nearest school and live more than three 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 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 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 4307 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 4317

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 0.83 miles from their home address and instead would attend their 10th nearest school which is 3.62 miles away.

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

The Committee, in considering the appeal, noted from the parent's comments that the pupil and sibling had attended breakfast club at primary school as they both start work early and therefore could not drop either pupil off at school at the start of the school day. The appellant is seeking free transport as the pupil has health issues which affects the pupil's ability to undertake day to day activities and has submitted a doctor's letter stating this and confirming that the pupil is on medication. The appellant further states that the pupil's medical condition prevents the pupil from walking or cycling to school.

In considering the appeal further, it was noted that transport assistance had been refused as pupil is not attending nearest suitable school and 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 which the authority still offers with the requirement that there is a parental contribution of £575 that the family are required to pay.

The Committee were advised that within the County Council's Home to School Transport Policy there is provision for pupils who are physically unable to walk to school. Substantial medical evidence however has to be provided. Additionally, this provision is only available where a child is attending their nearest school.

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, no evidence was submitted to the Committee to indicate that the family were unable to pay the denominational contribution of the bus pass for the pupil.

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 4307 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.

Appeals 4320

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 1.25 miles from their home address and instead would attend their 7th nearest school which is 9.51 miles away.

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

The Committee, in considering the appeal, has noted the appellant's case which states the pupil has health issues and due to the complexities of managing the pupil's medical care, regular nursing support is required. The appellant states that the preferred school is the only school in the area that can meet the pupil's needs as the school have a specific focus on provision for children with a range of disabilities/medical conditions. The appellant states that this is primarily achieved by the continuous on-site presence of qualified nursing support. The Medical condition the pupil has is recognised as a life-long and incurable one and it is recognised that access to specialist nursing support will improve pupil's experience at school and reduce the likelihood of indirect discrimination. This specific school, according to appellant, is the only mainstream school in the locality where such nursing support assists in complying with the Equality Act 2010, given the pupil's specific requirements. The Committee noted that the pupil has an individual healthcare plan in place already to limit the impact of the disability/medical condition and hopefully avoiding the need for an EHC in the future. The Committee also noted there is a detailed letter from the health team and hospital to support the application for pupil to be offered a place at preferred chosen school.

In considering the appeal further, it was noted that transport assistance had been refused as there is a nearer qualifying school the pupil could attend. The County Council would not normally deem that one particular school is better equipped to meet a child's medical needs than another unless a child has an Education, Health & Care plan stating this. It is noted, however, that the pupil's school application for a place at the preferred chosen school was supported by the health team from the hospital as there was in-house nursing support available at the preferred school.

The preferred chosen school is a mainstream school without any specialist status for making provision for pupils with special educational needs. It is accepted that the presence of other pupils with similar medical condition might provide the pupil with some support and to act as good role models. The County Council's Home to School Transport Policy does allow for transport assistance to be awarded on medical grounds but this is only available where pupils are unable to manage the journey to school and where they are attending the nearest qualifying school they could attend.

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 that the family are not in receipt of free school meals. The Committee noted that no evidence had been provided to indicate that the family were unable to fund the cost of a bus pass for the pupil.

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 4320 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 4321

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 0.59 miles from their home address and instead would attend their 9th nearest school which is 3.79 miles away.

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

The Committee, in considering the appeal, noted that the pupil is attending their first preference school. The appellant is on a low income and is receiving maximum working tax credit and the pupil attracts pupil premium funding due to low income and feels that paying for a bus pass will place the family in financial difficulty.

In further considering the appeal, the Committee noted that the appellant wanted a faith school for the pupil, however the Committee noted there are schools which are nearer of the same faith the pupil could attend.

A season ticket for the school bus service will cost £578.00 per annum which can be paid by Direct Debit over 10 months. It is accepted that this may place pressure on the family finances. There is additional assistance available for families on low income but this would only be available if appellant was in receipt of one of the qualifying benefits for her children to receive free school meals or the maximum amount of working tax credit. The pupil would also have to be attending nearest faith school to qualify. The provisional tax credit award notice provided by appellant shows that there has been a reduction in award due to income. The appellant is not, therefore, in receipt of the maximum amount of Working Tax Credit and as such the family do not meet the low income criteria. The Committee noted that the pupil has previously been in receipt of free school meals and therefore it is agreed that the school would have been receiving pupil premium.

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 4321 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 4218-UB

It was reported that a request for transport assistance had initially been refused as the pupil would be attending their nearest suitable school, which was 2.73 miles from their home address, and is within the statutory walking distance (3 miles). 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.

The appellant states they are appealing on the grounds of distance between the pupil's home and school and states that the school attended is the nearest school to their home. The Appellant advises they have measured the distance from their home to the exit gate of the school and states the distance is 2.98 miles. However, the appellant also claims that the school entrance gate is a further 50 yards which makes the distance over 3 miles. The appellant also considered the safest walking route for the pupil to take to school, avoiding having to cross any

major roads, and along the cycle route and states that it was 3.23 miles. The Committee also noted that the appellant has also plotted the route on an AA Route Planner which showed the distance as 3.9 miles. The appellant states that the route the authority has assessed as the shortest walking route to and from school is unsafe. The Committee were advised that the authority had undertaken an assessment of the route considered to be the shortest walking route and reported that the route was deemed to be safe. The Committee were advised that the safe walking route to a school is undertaken assuming that the pupil is accompanied by a parent or other responsible adult and that the pupil is suitably clad for the journey to and from school. It is the responsibility of the parents or carer to ensure the safe arrival of the pupil to and from school.

The appellant and partner both work full time and where possible they try to transport the pupil to school and back but would find it reassuring for pupil to have a bus pass to use when they are not able to provide transport to the pupil.

In further considering the appeal, the Committee noted that, the pupil has been refused transport assistance as school is under the statutory walking distance of three miles and the route deemed as a suitable walking route.

It is also taken into account that most phone applications and Google Maps measure the distance that a car would drive between two points, the County Council's mapping software has a proven record of accuracy based on a walking route to school.

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 4218 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.

Appeals 4287- 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 3.51 miles from the home address, and instead would attend their 6th nearest school which was 5.52 miles away. 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.

The appellant outlines the family's views relating to the Home to School transport policy. The appellant states the close proximity of the school bus stop to the family home and the fact that traditionally, the preferred school has been the choice for the children in their area. The appellant also states that the family meet specified Denominational criteria. The appellant has outlined the logistical difficulties of the home to school journey for the pupil between the area they live and the nearest suitable school, together with the potential Health and Safety concerns – which have now arisen – since the suggestion of nearest suitable school has emerged. The family feel very discriminated against for the location of their home and their faith commitment.

The appellant states they also have another child with health conditions who requires full around-the-clock care which is provided by the family and as a result the appellant cannot work and so the cost of £575.00 is cost-prohibitive for the family. The appellant also states that in order to transport the pupil by car, they would need to organise further family care for the other child as they require constant monitoring and one-to-one care. The appellant also has another younger child who needs to be taken to and collected from school. The family has requested that each aspect of the case be considered individually.

In considering the appeal further, it was noted that transport assistance had been refused as pupil is not attending nearest suitable school and 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 which the authority still offers with the requirement that there is a parental contribution of £575 that the family qualify for. There is additionally a statutory entitlement for pupils attending their nearest faith school if the family meet the low income criteria.

The Committee noted that governors at the preferred school give priority to families whose parents meet the faith commitment and reside within the school's admission area. The Committee were advised that the county council also agreed that all but three of the year 6 pupils at the pupil's primary school were transferring to the preferred school. Further considerations for the family have also been the ease of travel, with the bus stop outside the house and family connections with the school going back many years. The bus journey to the nearest suitable school is described as problematic with a walk required to the boarding and alighting point for a public service bus. None of these factors however feature with the County Council's Home to School Transport Policy which is based solely on a distance measure between the child's home and the school to be attended.

Officers have stated in the comments that the school that is considered the nearest suitable school is slightly closer to the area where the pupil lives and all of the assessments are done by bespoke mapping software that determines the nearest school.

The Committee has noted that in regards to full time care required for the pupil's sibling, It is agreed that the family circumstances are exceptional and the logistic of ensuring care on a 1:1 must place enormous pressure on the appellant as carer and on the family's financial circumstances and it is recognised the family routines could be disrupted if the appellant undertakes the school run with the pupil.

However, the county Council, can only make decisions by applying the Home to School Transport Policy equitably to each assessment. The discretion to provide additional assistance sits with the Student Support Appeals Committee.

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 noted that the family are not in receipt of free school meals. The Committee noted that the family had not submitted any evidence to indicate that they are unable to pay the cost required for the school bus pass.

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 4287 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 4323-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 10.25miles from home address, and instead would attend school which was 10.37 miles away. 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.

The family has provided maps which outline alternative routes between the home and the preferred school. The family have included a map which shows the location of a neighbouring family which they understand are in receipt of Home to School Transport assistance and feel it is unfair to treat each family differently.

In further considering the appeal, the Committee noted that the pupil has been refused transport assistance as the pupil is not attending their nearest qualifying school. The County council in accordance with the published Home to School Transport Policy determines the nearest school by measuring the respective

distance using the shortest routes from the home address to the closest entrance to the school.

It is also noted that although the County Council, does on occasion consider foot paths and other pathways when considering the suitability of a walking route, these are only considered in built up areas. The County Council has viewed the footpath highlighted and although some of the path follows a track some of the route is across fields without any solid surface or lighting.

It is acknowledged that the family approached the Local Authority for advice regarding Home to School Transport assistance prior to the deadline for school applications. Initially, the Authority provided assurances that the school, the family had put as their first preference was the nearest school to the family home. However, a recheck was carried out, a follow-up email and apology was sent to the family, two hours later, stating that the another school was in fact, the nearest school to the family home. The email was sent to the family in good time for the school application to be processed.

In respect of the neighbouring pupil who has been awarded transport assistance, a further investigation will take place.

It is noted by the Committee that the appellant has provided a copy of their tax credit award notice for the financial year 2015/16 the Committee noted that this notice is 12 months out of date and at that time the family were not in receipt of the maximum amount of Tax Credit which would have brought additional entitlement under the low income criteria.

Transport assistance, however, would only have been offered if preferred school was situated within 6 miles of the home address. 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 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 4323 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 4291

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 4.79 miles from home address, and instead would attend school which was 12.41 Miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The 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 appellant had won an appeal for the pupil during the last academic year and would like transport assistance to continue as they state that the circumstances have not changed. There has been a bereavement in the family which has affected the pupil and the parent.

The appellant states that they are currently working with a support group to assist the family's financial situation and to repay loans. The Appellant is hoping the family's financial situation will improve in the next year and would like the Committee to consider the support of the pupil's bus pass which is £730.per annum.

The County Council has refused transport assistance as pupil is not attending their nearest suitable school. There are three schools that still have places available which are nearer to the home address. The nearest suitable school for the purpose of assessing transport assistance is any school that can provide education appropriate to a pupil's age, ability and aptitude. The authority states that had the pupil applied for the 2nd preference school as their first choice then pupil would have been offered a place at that school.

The additional entitlement to transport that comes with qualifying for Free School Meals only covers schools within two to six miles of the home address. The distance to first preferred choice school is over 12 miles from home. There are three nearer schools within 2 to 6 miles, which the pupil would be entitled to transport assistance being awarded.

It is parents' right to choose which school they would prefer their child to attend and the authority sympathises with the family's personal circumstances, however a preference for a particular school does not mean that a child has a right to free transport to that school.

It was therefore suggested that the appeal be deferred until the next scheduled meeting of the Committee on the 06th November 2017 to allow the Appellant to provide further evidence for the Committee to consider. Whereupon it was;

Resolved: That Appeal 4291 be deferred;

- i. To obtain up to date medical evidence of the pupil from any medical professionals currently being given to the pupil.

- ii. To obtain up to date current financial evidence and benefit information.
- iii. Update from victim support on the support currently being offered to the family.
- iv. Update from the Head teacher on any school support being currently offered to the pupil.

L Sales
Director of Corporate Services

County Hall
Preston