

Lancashire County Council

Student Support Appeals Committee

Minutes of the Meeting held on Monday, 6th November, 2017 at 10.00 am in County Hall, Preston

Present:

County Councillors

C Wakeford
A Cheetham

Y Motala
S Clarke

1. Apologies

CC Charles Edwards (Chair Person)

2. Disclosure of Pecuniary and Non-Pecuniary Interests

CC Christian Wakeford declared a non-pecuniary interest in relation to appeal 4159 on the grounds that he knows the pupil family.

3. Minutes of the meeting held on 2nd October 2017

Resolved: That; the Minutes of the meeting held on the 02nd October 2017 be confirmed as an accurate record and be signed by the Chair.

4. Urgent Business

It was noted that the paperwork for appeals 4410, 4332, 4284, 4334, 4394, 4322 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 4410, 4332, 4284, 4334, 4394, 4322 were circulated to the Members of the Committee, to be considered alongside other appeals at the meeting.

5. Date of the Next Meeting

It was noted that the next meeting of the Committee would be held at 10.00am on Monday 04th December 2017, CH1;14, County Hall, Preston

6. Exclusion of the Press and Public

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

7. Student Support Appeals

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

A report was presented in respect of 21 appeals and 6 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 2016/17, , and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

Appeal 4255

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

In considering the father's appeal the committee noted that the father had been awarded shared court custody of the pupils and that both pupils had then come to reside with the father. The committee noted that the partner had initially been able to take the pupils to and from school but circumstances had changed resulting the father and his partner being unable to take the pupils to and from school. The father stated that both pupils have become more settled since living with him and moving them to another school would be detrimental to their emotional wellbeing.

The appellant stated, as noted by the Committee that the father had applied for home to school transport assistance as one of the pupils was moving into year 10 at school and the father did not want to disturb the pupil by moving school as they were about to start GCSE work. The Committee noted that a previous appeal for transport was refused as there was a nearer school and had places available. However, the appellant stated, that this was not an option for the pupil as it would have been potentially catastrophic and raised issues with the appellant's previous partner. Consequently the appellant's present partner continued to take the pupils to school and back. The appellant stated that the younger pupil started at the same school to be with the older pupil and that is why it was chosen as their first preference of school when they applied for it. However, the appellant's partner has now got a new job which meant that the partner was no longer able

to transport the pupils to school and home again and that is why the appellant is asking for transport assistance now.

The Committee have noted the appellants comments which explains that one of the pupil is working towards their exams and the younger pupil has made an excellent start in the school, has settled in well and built up excellent relationship with the staff at the school, included the pastoral head. The appellant is looking forward to the pupils hopefully achieving good results at the end of their time there. The committee noted that the appellant hoped that the statement and the supporting documentation will show that they had no choice but to relocate the pupils to live with them and the reasons the stability is needed for them now.

The Committee have considered the officer's comments which stated that transport assistance has been refused as there is a nearer suitable school that the pupils could attend. It is taken into consideration by the Committee that the County Council have noted the detailed case presented by the appellant, particularly in respect of the stability offered to the older pupil at the same school and they recognise the difficulties that a pupil experiences changing schools once they have commenced their exams.

It is noted by the Committee, that according to the officer's notes, the younger pupil could have been offered a place at nearer schools if the appellant had expressed these schools as a preferences.

The Committee have considered all the appellant's and officer's comments and have noted that the family are not in receipt of Free School Meals. It was also noted by the Committee that the family are not on a low income and that the family would not therefore be classed as a low income family as defined in law to warrant any assistance with transport under the 16/17 transport policy.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4255 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 is 0.08 miles away with a place available in the appropriate year group and is instead attending their 31st nearest school which is 6.02 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family had appealed to the Committee on the grounds that they had extenuating circumstances to warrant Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law. The Committee have noted the appellant's summary which stated 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 a previous neighbour. The appellant explained that the pupil is doing very well at the school and have friends and

support there. The appellant feels that to move the pupil to a different school now, on top of all the troubles the family had experienced, would be stressful and unfair. It is noted by the Committee, that the appellant has stated that the pupil is undergoing tests at the hospital at the present moment.

The appellant, as noted by the Committee, has politely asked that the support is continued as the pupil deserves the best education and to be happy- as they had to move out of the area through no fault of their own.

The Committee have noted the officer's comments which stated that transport for the pupil was awarded on appeal in January 2017 on a temporary basis until the end of the 2016/17 academic year and since the last appeal places have become available at the nearest school.

The County Council acknowledges, as stated by the Committee, verification from Lancashire Police about the appellant's situation and the need to relocate to another area. The inspector has further explained that the appellant will not be able to live in the area they have moved from and it would not be a possibility for a foreseeable future.

The Committee have noted the officer's comments stating that any family moving from one area to another does not come with an award for transport and that any transport assistance is assessed from the new address. The Committee noted that if parents could get their children to a nearer school in the new area then it would not be unreasonable for the parent to consider moving their child to the nearer school. The Committee also noted that parents have the right to choose which school they would prefer their child to go to, however it does not mean they are entitled to Home to School Transport.

The family are in receipt of Free School Meals. The committee were advised that there is additional assistance available to low income families but only if parents are in receipt of one of the qualifying benefits for free school meals or the maximum working tax credits. Universal Credit is one of the qualifying benefits to receive additional assistance but In order to qualify for help with travel costs a pupil must be attending one of their nearest three schools within 2 to 6 miles or their nearest faith school within 2 to 15 miles. There are numerous schools closer to the pupil's home than the school of parental preference. The Committee noted that the pupil was in receipt of Free School Meals but still did not qualify for assistance as they were attending the 311st nearest school. The Committee have also noted supporting evidence from the health profession in regards to the pupil's health and supporting information from professional bodies with the appellant's move from their previous home.

The Committee having considered the appellant's and the officer's comments have awarded temporary transport assistance only until the end of December 2017 to allow the appellant enough time to arrange for the pupil to be moved to the nearest suitable school.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4289 be allowed on the grounds that the reasons put forward in support of the appeal did t 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 is 4.79 miles away and is instead attending their 8th nearest school which is 12.41 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family had appealed to the Committee on the grounds that they had extenuating circumstances to warrant Committee in exercising its discretion and award transport was not in accordance with the Council's policy or the law.

The Committee considered the appellant's and officers notes during the appeal hearing on 3rd September 2017 and deferred the case until November to enable the appellant to bring further evidence to the next hearing.

In considering the appeal, it was noted that the appellant stated they are currently working with the Debt Help Organisation to assist the family's financial situation and are in the process of applying for a debt relief order. The Committee noted that the appellant is trying to repay creditors with settlements.

The appellant stated that they were bereaved of a partner who had specifically expressed for the pupil to be educated at the school where pupil is currently attending and that the pupil was happy and settled there now. The appellant would like committee to consider awarding support in the form of a bus pass for the pupil.

Considering the officer's comments, the Committee noted that transport assistance had been refused as the pupil was not attending the closest school and was in fact attending the 8th nearest school, the committee noted the officers statement that there were also 3 schools that had places available and which were nearer to the home address. The committee noted the officers comments that the nearest suitable school, for the purposes of assessing transport assistance is any school that can provide education appropriate to a pupil's age, ability and aptitude. It was noted by the Committee that had the appellant applied for one of the nearest suitable school, they would have been offered a place at that school and that this would come with transport assistance.

The officer's comment, as noted by the Committee, stated that additional entitlement to transport that comes with qualifying for Free School Meals, only covers the schools within two to six miles of the home address. It is noted by the committee that it is the parent's right to choose which school they would prefer their child to attend and the authority sympathises with the family's personal circumstance, however a preference for a particular school does not mean that a child has a right to free transport to that school.

However, the Committee have been made aware that the appellant was given an opportunity to come forward with the following evidence for the case to be considered:

Medical evidence of appellant's current medical situation from the GP and any report from a medical professional that is relevant and current.

Report from School to advise on the current wellbeing of the pupil and what if any current pastoral support is in place and any reports from the nurture group co-ordinators of the school.

It was noted by the Committee, that the appellant was sent quite a number of emails reminding them to send further evidence before the next hearing and the only information received from the appellant was the pupil's progress report from the school .

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4289 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 2017-2018 academic year only (July 2018).
- 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 4310

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which is 2.00 miles from their home address and is within that statutory walking distance of 3 miles and instead is attending their 4th nearest school which is 4.49 miles. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal, it was noted that the appellant explained that they considered their choices carefully when choosing the school of choice as they considered it was the closest suitable faith school to their home. The appellant states that the pupil attended a faith primary school that worked closely with only 2 other faith high school neither of them are work closely with the primary school attended and believes that the school they have chosen is their closest faith school due to the links with the primary school attended.

The committee have noted that the appellant is "devastated" that the school they chose was on faith grounds and had attended the school several times for prayers, workshops, open days and taster days and in addition the primary school the pupil attended was very small in class numbers and for the pupil to join a year group with a large admission number would be very daunting for any child. The appellant states that the pupil's familiarity with the school of their choice has helped the pupil grow in confidence as they move forward with the next stage of their education.

The Committee have considered all of the appellant's views with regard on the current bus service in place. The minibus currently supports 8-10 children in the rural area the assistance that the appellants state that they do not expect free or subsidised transport, they are just looking for help with redirecting this route. The Committee noted that the appellant has stated that both parents work full time and whilst they are aware that it is their responsibility to ensure that their children get to and from school safely, this is not always possible due to work commitments. The appellant has explained that there is a nearer bus stop which would enable the pupil to walk safely to this stop. However, the current service is approximately 1.5 miles for the pupil to walk and the appellant is concerned that is it a long distance and t considers that the route it unsafe as there are no street

lights or footpaths and this could be more dangerous during the dark winter months.

The Committee has taken into account that the appellant has asked if route could be reviewed and that a slight 1.5 mile detour could be considered. The appellant also believed that this route has been covered in previous years and knows of another family who may require this service in the future.

Considering the officer's comments, the Committee noted that transport assistance had been refused as the pupil is not attending their nearest qualifying school. The officer's comment states that had the pupil put the closest suitable school as their first preference, they would have been allocated a place.

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

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

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

The Committee noted when assessing home to school transport entitlement, it is not possible for there to be consideration on how the pupil might undertake the journey to school. The availability and capacity of bus service can change depending on demand and revenue from bus fares. The Committee noted that parents have the primary responsibility for ensuring their child's safe arrival at school. The County Council will only consider the suitability of a route where a child is attending their nearest qualifying school. When making this consideration the County Council assumes that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably clad.

The officer's comments states that it is not within the remit of the Student Support Appeals Committee to determine the routes taken by school buses. The additional costs that might be incurred by re-routing a school bus would only be met if a child had a statutory entitlement to transport assistance.

The Committee also noted that the family do not qualify for Free School Meals. The committee were advised that there is additional assistance available to low income families but only if parents are in receipt of one of the qualifying benefits for free school meals or the maximum working tax credits. Universal Credit is one of the qualifying benefits to receive additional assistance but In order to qualify for help with travel costs a pupil must be attending one of their nearest three schools within 2 to 6 miles or their nearest faith school within 2 to 15 miles.

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 4310 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 4312 and 4312a

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 0.90 miles from their home address and within the statutory walking distance (3 miles), and, instead would attend school which was 7.36 miles away. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted that the appellant stated that the E7/10 (Transport Assistance) forms were filed last year and their circumstances have changed since last year. The Committee have noted letter from the solicitors confirming access arrangements between the appellant and their former partner and the pupils. A solicitors statement of the applicant circumstances has also been included which outlines sensitive information about the family's circumstances. The Committee noted the officer's comments which stated that the pupil has not been entitled to assistance with home to school transport as the pupils are not attending their nearest suitable school. The committee also noted the officers comment that had the appellant made an application for the pupils for the nearest suitable school at the time they moved to the area then a place would have been offered to the pupils even though there was pressure for places at the nearer school.

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

The Committee has considered all the information provided by the appellant but noted that the solicitor's statement supplied by the appellant had pages missing and that the statement given by the appellant is only referencing their information

in regards to the court case. The Committee noted also that no evidence had been provided to suggest that the family were unable to fund the cost of transport to school. The committee noted that the family were not eligible for Free School Meals, therefore they are not entitled to extended provision awarded to families who qualify under extended provision on low income grounds.

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 4312 and 4312a 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 4324

It was reported that a request for transport assistance had initially been refused as the pupil is attending a school that is under the statutory walking distance (3 miles) of the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The 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 stated that the distance measure from their home to the school the pupil is attending should be more than 3 miles. The appellant states that the route taken by Lancashire County Council includes a section of road which the appellant feels is unsuitable to walk.

The Committee have noted that the appellant has sent in three separate printout showing the routes to school which the appellant feels would be more suitable for a child and which according to the appellant takes the distance to more than 3 miles.

The officer's comment states, as noted by the Committee, that one of the roads is an unsuitable route for an unaccompanied child to walk as there is a blind bend and insufficient stepping off points, a map of the route which is determined safe by the County Council was supplied to the appellant which the Committee have noted as the safe walking route.

The Committee are reminded that parents have the primary responsibility for ensuring their child's safe arrival at school. In all cases, when assessing the suitability of routes the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably clad. No financial information or benefit statements were provided by the family to indicate that they are unable to meet the cost of travel for the pupil to and from school. The committee also noted that the pupil is not in receipt of free school meals and as such also not entitled to extended provision under the transport policy.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4324 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 4327

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 7.85 miles from their home address, and instead would attend their 4th nearest school which was 9.50 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.

The Committee have noted that the appellant stated that they felt the school they have chosen for the pupil is the nearest suitable school as it is where children from their local area feel comfortable and happy amongst friends they have grown up with. The appellant also states that the school they have chosen for the pupil is a relatively small school unlike the one that is considered by the Council as the nearest suitable school.

The appellant explained that both of the pupil's older siblings attended the school the pupil is now attending and previously received transport assistance, the appellant believes there are spaces on the school bus which travels within 500 yards of their home on route to the school. The appellant states that as a business person and trying to be cost effective this would be a far better option than sending a form of transport to collect the pupil and further stated, as noted by the Committee, that they are willing to ensure the pupil got to the nearest bus stop safely in the morning and collect the pupil from there at night.

The Committee on considering the Officer's comments has noted that the County Council has refused transport assistance as there is a nearer qualifying school that the pupil could attend.

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

It is noted by the Committee that the pupil's older siblings qualified for transport assistance as the family resided in the Geographical Priority Area for the school they attended prior to September 2015 and that the County Council had a much

more generous home to school transport policy and that many of the discretionary elements of this policy were removed from September 2015. The admission information which is available for all parents from each September provides a summary transport policy. Parents are advised to check the policy carefully if getting their child from home to school and back is a consideration. Parents are directed to a full copy of the Home to School Transport Policy on the Lancashire County Council website and to seek advice from the area education office if they have any queries. The County Council also has officers in attendance at most secondary school open evenings to give advice on transport eligibility and admission queries.

It is also brought to the Committee's attention that the availability and capacity of bus services can change depending on demand and revenue from bus fares.

The committee were unable to determine the family's financial circumstances and noted that they were not in a position to decide if the family were on a low income as defined in law and noted that the family are not in receipt of free school meals, no financial information was submitted to the Committee to state that the appellant is unable to afford the cost of a travel pass to the chosen school.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4327d 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 4328

It was reported that a request for transport assistance had initially been refused as the school the pupil is attending is less than 2 miles from the home address and within the statutory walking distance of 3 miles from home to school. The family are appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law. It has been brought to the Committee's attention that the transport appeal form was completed on behalf of the appellant by Support Service Officer.

The Committee have noted that the officer has stated that the pupil is currently under the Support Team as the pupil suffers from low self-esteem and anxiety. As a young child the pupil witnessed domestic issues and subsequently gets very stressed when away from appellant. The pupil will not leave the family home without the appellant or other family member due to the fear of being alone. It is noted by the Committee that the pupil will not participate in after school activities in case they miss the bus home and the appellant states they are not confident enough to walk home. The committee were advised that the appellant is unable to collect or drop off the pupil as they have a younger sibling and that the appellant also has to support another family member due to a severe illness suffered by that family member.

Also noted by the Committee that the Support Team Staff have been working with the pupil and the family and have identified that as the pupil is unable to walk to and from school due to anxiety, the pupil needs to be able to access the school bus instead.

Taking into account the Officer's comments, the County Council has refused transport assistance as the pupils live less than 2 miles from the school that they attend.

The Committee have noted the Officer's comments, which state that they are aware of the difficult home circumstances and that the family meet the low income criteria but there is no discretion for the County Council to award transport assistance if a pupil lives under the qualifying distance from school. The Committee have noted that no medical evidence has been provided to determine that the pupil is unable to walk. The appellant refers to support from Wellbeing and Early Help and also that the pupil is on a CAF, however no evidence or reports have been submitted to the committee for consideration. The appellant has stated that they also support other ill family members but no evidence has been supplied to support this. The committee also noted that there was no evidence to suggest that the appellant was unable to fund the cost of a bus pass to the chosen school of preference and that there is no evidence submitted from the school on the pupil's attendance record to highlight there is an attendance problem. The committee noted that the appellant has not provided all the pages of the benefits statement they are in receipt of or any medical evidence, however it was noted by the Committee that the family are in receipt of Free School Meals.

Therefore, having considered all of the Appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence provided 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 4328 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 4333

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school which was 1.52 miles and within the statutory walking distance and instead is attending their 6th nearest school which was 4.18 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 stated that a place had been offered at the nearer school. The appellant states that the pupil was offered a place at the nearest suitable school but appealed for a place at the school of their choice as the children who the appellant claimed had assaulted the pupil would be attending the nearer school. The appellant also stated that the

pupil's confidence was affected due to the attack and had to make new friends. The appellant feels it would have detrimental impact on the pupil's wellbeing if the pupil had to move schools.

Considering the officer's comments, the Committee noted that transport assistance was refused as the pupil is not attending their nearest suitable school. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. The Committee have noted that the information submitted with the pupil's transport appeal is a copy of the information that was submitted for the purpose of the pupil's admission appeal for the school of their choice and it does not make any reference to home to school transport and there is no evidence provided which would support the request for assistance with home to school transport being funded by Lancashire County Council. The committee were advised that securing a place at the school of choice on appeal does not come with an award for transport assistance.

The Committee have noted that medical evidence has been supplied which is in relation to the appellant's medical condition but it does not make any reference on the appellant's statement to this or how this impacted on the school the pupil now attends. It is noted by the Committee that the appellant had applied for school transport but had been refused on 11th July 2017.

The Committee's noted that whilst the pupil changed primary school following the incident that the nearest school was expressed as a second preference when the application for the pupil's choice of secondary school was made at the beginning of year 6. The Committee have also noted that there are still places available at the two other schools both of which are considerably closer to the home address. In considering the appeal further the Committee considered the family's financial circumstances and noted that they were not in a position to decide if the family were on a low income as defined in law. No evidence had been provided to suggest that the family were unable to fund the cost of transport to school. It was also noted that the family were not eligible for Free School Meals. The committee were advised that there is additional assistance available to low income families but only if parents are in receipt of one of the qualifying benefits for free school meals or the maximum working tax credits. Universal Credit is one of the qualifying benefits to receive additional assistance but in order to qualify for help with travel costs a pupil must be attending one of their nearest three schools within 2 to 6 miles or their nearest faith school within 2 to 15 miles.

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 4333 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 4335d

It was reported that a request for transport assistance had initially been refused as both the pupils would not be attending their nearest suitable school, which was 1.18 miles from their home address, and instead would attend school which was 2.35 miles away and is under the statutory walking distance. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee have noted that the appellant explained that the older pupil suffered with severe anxiety and would not travel alone. Consequently the older pupil is taken and collected from school by the family. The appellant states that the family are delighted that the older pupil has agreed to travel by bus to school with the younger pupil who would be starting school in September 2017. The family feels this will considerably improve the older pupil's confidence and aid recovery from anxiety and will also assist the appellant and partner in their working lives.

It is noted by the Committee that the appellant has also submitted evidence explaining that the older pupil's mental health condition means they have never been out of the house without an adult and expecting the pupil to walk 3 miles to school on a very busy road with the younger pupil is completely unrealistic according to appellant.

The Committee noted, that the appellant states that the family are on a very low income and that the cost for travel on the school bus for both pupils at £82 per month is not affordable. The appellant explains that the older pupil has been very brave to agree to use the bus but as they can't afford it, the older pupil is unable to access the service and the family are unable to change their financial situation through working because they need to be available to take and collect the older pupil from school. The appellant also feels that getting the bus with the younger pupil would greatly improve the older pupil's mental health and give the older pupil a bit of confidence the pupil desperately needs.

It is noted by the Committee that the appellant has stated that the older pupil is receiving assistance from SENCO officer at school.

The Committee have also noted the evidence supplied that the older pupil had been seen by a medical professional to treat their social anxiety in February 2017. It was noted by the committee from the evidence that the appellant and older pupil felt it was longer a concern and was discharged with self-help materials and assured that they should seek a re-referral should they need support in the future.

Considering the officer's comments, the Committee noted that transport assistance was refused for the older pupil because the school the pupil attends is under the statutory walking distance. Transport for the younger pupil was refused because there was a nearer suitable school with places available when a place was being sought at a distance of 1.118 miles by walking route. The school the family have chosen as their preference is the fourth nearest school from the home address and within the statutory walking distance.

The Committee noted that the policy states that it is the parents' primary responsibility for ensuring their child's safe arrival at school, in all cases, when assessing walking routes, the assessment is undertaken that the child is

accompanied, where necessary, by a parent or other responsible adult and suitably clad.

It has been brought to the Committee's attention that even though the appellant has indicated that the older pupil is unable to travel to school alone there is no evidence to suggest that the pupil would not be able to walk to school as the distance to the school of the appellant's choice is 2.35 miles from their home address and is under the statutory walking distance. The Committee have noted that with both pupils attending the same school they would be able to walk to school together so the older pupil would not be travelling alone.

It is also noted by the Committee that they recognise that there is medical evidence which supports the appellant's assertion that the older pupil suffers from server anxiety however there is no indication that travelling to school by public transport would alleviate this.

The committee were advised that transport assistance would have been available to the older pupil as they are attending one of the three nearest schools and it is between 2 and 6 miles but only if parents were in receipt of one of the qualifying benefits for free school meals or the maximum working tax credits. The younger pupil would still have not been entitled to transport assistance as they are attending their fourth nearest school. No documentary evidence had been submitted specifically supporting Lancashire County Council funding assistance with transport for both pupils.

The committee noted that the family were not eligible for Free School Meals, therefore they are not entitled to extended provision awarded to families who qualify under extended provision on low income grounds.

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 4335d 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 4336

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 0.61 miles from their home address, and instead would attend their 11th nearest school which was 3.60 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 has stated, as noted by the Committee, that they are in receipt of benefits but no proof of benefits have been supplied. The appellant states that their partner had to give up work 7 years ago on the ground of ill health. The appellants benefit for ill health had recently stopped and the partner is appealing

against this decision. The family states that they had saved enough money for school uniforms but did not expect to have to pay for the pupil's bus pass as the older sibling who already attends the same school is in receipt of a free bus pass. The family are concerned that the pupil may not be able to go to the school as they can't afford travel and would have great difficulty getting all the children to different schools at the same time.

Considering the officer's comments the Committee noted that transport assistance was refused as the pupil is not attending their nearest qualifying school.

The committee were advised that there is additional assistance available to low income families but only if the parents are in receipt of one of the qualifying benefits for free school meals or maximum working tax credits to receive additional assistance but In order to qualify for help with travel costs a pupil must be attending one of their three nearest schools within 2 to 6 miles to qualify for assistance. The committee noted that the pupil's attends the 11th nearest school to the home. The Committee also noted that the pupil was in receipt of Free School meals but unfortunately still did not qualify for transport assistance. The committee were also advised that the elder sibling is in receipt of a free bus pass as the appellant claims which was confirmed by Area Officers and was awarded when the policy was generous

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 4336be 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 4339d

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 is within the statutory walking distance of 2 miles of the home address. There is a shared parenting arrangement in place and the County Council does not deem the appellant's home to be the 'main' address.

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 explained that both the pupils live with the appellant for 3 days per week and with the other parent for 4 days a week. This routine was established by a family court order dated March 2017.

The Committee have noted that the appellant explained that from Mondays to Wednesdays, the pupils can walk to school from the other parent's house (identified as the main address for both pupils) but on Thursday and Friday they are with the appellant and have to use public transport to get to school and back.

It is noted by the Committee that according to the appellant, benefits are paid to the other parent who the appellant states as refusing to contribute financially towards the pupils when they are with the appellant, which also included holidays periods when they spend 3 weeks out of the six with the appellant. The appellant adds that they have tried to claim from HMRC but had been refused because of the split week custody arrangement.

The appellant goes on to state that they are on employment support allowance and most of that money goes on bus fares which are currently £6 return each way. The oldest pupil's bus fare will be £9 return and so these expenses, along with food and other outgoings, take most of the appellant's allowance.

It is noted by the Committee, from the Officer's comments that transport assistance had been refused for both pupils because when there is a shared parenting arrangement in place between both parents, the County Council will only provide transport from one address which is decided by considering at which address the child spends most school days. This is considered by assessing where the child wakes up on most school days during the school week which is Monday to Friday.

The Committee have noted that the appellant stated in the appeal information submitted that the pupils return to the appellant's house on a Thursday evening and then travel to and from school on a Friday from the appellant's address. The County Council's Home to School Transport Policy considers, therefore, that the other parent's address is the 'main' address for transport assessment purposes as the pupils are waking up most school days there. The committee noted that the pupils will only travel to school from the appellants address on a Friday.

It has been brought to the Committee's attention that there is a copy of a letter from the support worker explaining the appellant's support in caring for the pupils. It is also noted that the appellant has provided a copy of the map showing the route from the appellant's house to the school the pupils attend.

The committee noted that no financial information or benefit statements were provided by the appellant to indicate that they are unable to meet the cost of travel for the pupils to and from school.

The committee also noted that the pupils are in receipt of free school meals as the parent the pupils live with the majority of time is on qualifying benefits. The committee were advised that there is additional assistance available to low income families but only if parents are in receipt of one of the qualifying benefits for free school meals or the maximum working tax credits. Universal Credit is one of the qualifying benefits to receive additional assistance but In order to qualify for help with travel costs a pupil must be attending one of their nearest three schools within 2 to 6 miles or their nearest faith school within 2 to 15 miles. This does not apply to the appellant.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4339d 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 4342

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 2.34 miles from their home address, and instead would attend their 5th nearest school which was 3.55 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee have noted, that according to the appellant's summary, the family suffered a difficult separation. The family were threatened and for their safety, they moved out of the area. The appellant states that the family were approached on their way to and from school, the Police became involved which resulted in a court case and upon Police advice, the family relocated to another area.

It is noted by the Committee, that according to the appellant, the pupil did not wish to attend the nearest suitable school because they were concerned that the perpetrators who were threatening also had children in the nearest school as identified by the Local Authority. The appellant also states that they prefer school of different faith to that of the nearest school.

The appellant states that they do not drive and cannot provide transport for the pupil. The appellant also suffers with severe health issue and very rarely leaves the home. The children have also received counselling due to the incident. It is also noted by the Committee that one of the children has health issues.

The appellant is asking the Committee to consider a bus pass for the pupil as they state it will be a struggle financially to provide one. At present, the pupil is in receipt of Free School Meals and the appellant relies on benefits and is unable to work due to health issues.

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

It is noted that a refusal letter was issued to family on 10th August 2017 following receipt of a home to school transport application form E7/10.

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

Parents are advised to check the policy carefully if getting their child from home to school and back is a consideration. Parents are directed to a full copy of the Home to School Transport Policy on the Lancashire County Council website and

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

The committee noted that the appellant had been asked to send further evidence of any benefit award notices/salary slips, or other documentation which would evidence a low income and to also provide any relevant reports from professionals which would support their case.

The Committee have noted the submitted evidence provided by the appellant which states why the appellant does not want the pupil to go to the nearest suitable school. The committee also noted the email submitted by the appellant's family stating their concern for the appellant and why they require the assistance with school transport.

It was brought to the Committee's attention that the appellant has provided a letter confirming an appointment from the NHS only but no report. The committee also noted the benefit statements provided as evidence are also not up to date and do not include all the pages to give a clear outline of the financial circumstances of the appellant. The committee also note the submission of a Pregnancy Planner submitted but that no documentary evidence regarding the appellant's medical condition has been supplied either. The Committee also noted that the appellants partner is the father of the baby the appellant is carrying but there is no mention in any of the appeal paperwork to state the family make up, or what financial support the partner is offering to the appellant.

The Committee have also noted that the appellant had stated they did not want the pupil to attend a faith school like that of the nearest school, the committee were informed that the pupils records shows that the pupil used to attend a school of the same faith from January 2009 to July 2010. The committee noted that there are places available in one of nearer schools of this faith which the pupil could attend and also there are 3 further schools all of which have places for the pupil and are closer to the families' home address than the current school the pupil attends.

The Committee noted that the whilst the pupil is in receipt of Free School Meals, they are not entitled to receive assistance with transport in line with Lancashire County Council's home to school transport, section 6, 6a1, as the pupil is not attending one of their 3 nearest schools.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4342 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 4345d

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 5.86

miles from their home address, and is located outside of the statutory walking distance of 3 miles of the home address but closer than the school attended which was 6.71 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee have noted from the appellant's summary that they have recently relocated to the area and the appellant states they contacted Lancashire Education Authority to discuss finding a school for the pupil. However, according to the appellant, it became immediately apparent that school places for the upcoming year were very limited so following advice from the Authority, the appellant approached 5 schools within the catchment area of their new property to arrange an 'in year' admission. According to the appellant, all but one school informed the appellant they were oversubscribed and unable to accommodate any more pupils. One of the faith schools suggested that the appellant put in for an appeal but advised there were also other parents appealing so the chances of securing a place for the pupil were slim. The appellant states that the school they have chosen for the pupil told them they would look into a place for the pupil and states that after 2 weeks of constant communication, they eventually confirmed they had a place for the pupil.

The appellant continues to state, as noted by the Committee, that they duly accepted the place at the school of their choice and completed and returned the relevant documentation to the school. The appellant states that the school website states that there was a school bus that ran from their area to the school of their choice, the appellant states they confirmed this with the pastoral team at the school. However, the appellant received an email from the school apologising because the bus no longer ran from their area and the appellant was advised to contact a member of the school transport service to arrange alternative transport for the pupil. The appellant explained that the officer at the school transport service in turn advise the appellant to contact member of the pupil access team and the appellant stated they wrote an in-depth email detailing their situation, but their request for help was declined.

The committee noted that the appellant goes on to state that one of the reasons given for transport assistance being declined was that there was a school available nearer to their home and had places available in the year the pupil would be attending. The appellant states they did not look at schools outside of the Lancashire Authority as the appellant understood that the school they had chosen for the pupil would be able to provide a bus. The appellant also adds that the team at Lancashire Education Authority did not suggest this as an option to them either. The other reason the appellant stated been given to them was that the Lancashire Education Authority's anticipated figures for September 2017 suggested that a place might have been available for the pupil in the year group at one of the faith schools which is also nearer to their home than the school they have chosen for the pupil. The appellant explained that, having spoken to the admissions officer at the school and hearing the low probability of getting the pupil a school place there, the appellant made the decision to continue to look at other schools and was then offered the place at the school they have now chosen for the pupil.

The Committee have noted from the appellants summary, that the appellant has explained that their partner is currently on a year's contract working away and that the appellant does not have the support of the partner in transporting the pupil or the sibling to school. The pupil's younger sibling is attending a different school and due to the age of the sibling, the appellant is committed to ensuring the younger sibling gets to school safely. The appellant states that for all intent and purposes the appellant is living as a single parent at the moment and in desperate need of help getting the pupil to school safely and added that this has been a very stressful and anxious time for all the family.

The Committee have noted the attached letter supplied by the appellant which explain all the above.

The Committee considered the Officer's comments and it was stated that transport assistance had been refused to the pupil due to the pupil not attending the nearest suitable school.

The officer's comments stated that the County Council concurs that there is limited school places in the area where the family reside and due to changes on a daily basis parents are advised to contact schools directly.

It is noted by the Committee, that the officer's comments stated that the availability of a school bus, as advertised by the school website the pupil attends, is no indication of entitlement of a pupil to receive transport assistance. The Committee are advised that information regarding the Home to School Transport Policy is available on the County Council website and if the appellant had mentioned this when enquiring about school places a member of the Pupil Access Team would have advised them on how eligibility is determined.

From September 2015, the County Council removed discretionary elements of the Home to School Transport Policy. All new pupils starting school only receive assistance if they attend their nearest school and live more than three miles away. This is the statutory requirement from the Department of Education.

The Committee was informed that by law the Council only had to provide transport assistance to the nearest suitable school and that such a school was taken to mean, in accordance with legislation, any school with places available that provides an education appropriate to the age, ability and aptitude of the child irrespective of denomination or non de nominal status. The Committee noted that only the school now attended was listed as a preference and that no other schools were chosen at the time of applying for a reception place.

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

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4345d 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 4353

It was reported that a request for transport assistance had initially been refused as all 3 pupils would be attending their nearest suitable school, which was 2.59 miles from their home address, and was within the statutory walking distance (3 miles) of the home address. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee has noted, from the appellant's summary, that the family moved to the area due to working commitments last year.

The appellant stated they had transported all 3 older children to school since their relocation but the family's circumstances changed when the youngest sibling who has health issues started school and required extra support to get to and from school and that possible problems could arise during the day with that child. The appellant states there are no other family members who could collect the pupils on behalf of the appellant and in order to collect all 3 pupils from school they would have to wait 45 minutes to be collected which the appellant stated would cause stress to one of the pupils who also has health issues and for that pupil to walk or cycle would cause 'stress' because the route is very busy with noisy cars and narrow pavements.

It is noted by the Committee that the appellant is stating that travel passes would reduce any possible 'meltdown' for one of the pupils and give the time needed to settle for school before getting to school and with the help of the other siblings the pupil would gain confidence to travel independently to and from school.

The Committee have noted, that according to the appellant, the family consists of four children of which two of them have health issues are challenging and that having the bus passes would make a massive difference to them as a family. The appellant stated that they have sent in three letters with the application which supports the information given above.

The Committee has noted the Officer's comments which states that transport assistance had been refused as the home to school distance measurement has determined that the pupils lives under 3 miles from school by the nearest suitable walking route.

The Committee were advised that the County Council's Home to School Transport Policy provides for transport solely based on identification of the nearest qualifying school and the distance between home and school. The committee were advised that there is no discretion for the consideration of child care arrangements and the geographical location of other schools that siblings may attend when assessing home to school transport.

It is noted by the Committee, that according to the officer's report, had the family been classed as in receipt of low income, all 3 pupils attending school of the parental preference would have qualified for free home to school transport but in this instance. However the family are not in receipt of Free School Meals nor has evidence been provided of family being in receipt of the maximum benefits and

so the family do not have a statutory eligibility to extended provision being made under the low income criteria.

It has been brought to the Committee's attention that there are two dedicated school services that serve the area with a stop from the home address that is a few minutes' walk away of which the journey time would be approximately 10 minutes. The committee were informed that there would be no issue in the appellant purchasing passes on either of the services for all of the children. The committee were informed that the school bus services leave school shortly after the end of the school day and this would prevent the 45 minutes wait the appellant referred to. Therefore the issues raised by the appellant relating to noise and narrow pavements if the pupils walked to school could be mitigated if the pupils catch the School bus services available.

The Committee has considered the extra evidence supplied by the appellant in relation to the pupils' health issues. However the Committee also noted that the family do not qualify for Free School Meals, and therefore extended provision offered to families identified by Law as on a low income that extended provision does not apply in this instance. The committee noted also that there was no evidence to suggest that the appellant was unable to fund the cost of a bus pass to the chosen school of preference.

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 4353 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 4354

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 from their home address, and instead would attend their 4th nearest school which was 2.77 miles away. It is noted that both schools are under the statutory walking distance of 3 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted from the appellant's summary that the pupil was in receipt of a Home to School Bus pass previously when the family lived at a previous address. The family recently moved house and believe that a free bus pass should continue to be provided as the pupil is attending a faith school which is the nearest faith school from the home address. According to the appellant, they have looked at the route from home to school and acknowledges that the distance differs depending upon the route taken: 3.7 miles, 3.8 miles or 4.9 miles and it is understood by the appellant that the bus take the 3.7 mile route.

In summary, the appellant, as noted by the Committee, believes a pass should be offered because:

- The pupil attends their nearest school in the area
- The school attended by the pupil meets the criteria of being over three miles from home.
- The pupil attend the nearest faith school.
- The family circumstances have not changed since the house move – when the pass was provided.
- The appellant has thanked the Committee for their consideration.

Considering the officer's comments, the Committee noted that transport assistance was refused as the pupil was not attending their nearest qualifying school. It is noted by the Committee, the school the pupil is attending was the nearest school from their previous home address but when the pupil moved address their entitlement to transport assistance was re-assessed and not awarded.

The Committee were advised that a season ticket for the school bus service will cost £575.00 per annum which can be paid by Direct Debit over 10 months. There is additional assistance available for families on low income but this would only be available if the appellant was in receipt of one of the qualifying benefits of free school meals or the maximum amount of working tax credit. The pupil would also have to be attending the nearest faith school to qualify. The appellant is not in receipt of the maximum amount of Working Tax Credit and as such the family do not meet the low income criterial.

It is also noted by the Committee that the County Council has two bespoke packages of mapping software which have a proven history for the accuracy of measurements undertaken for both admission and transport purposes. It was also noted that when assessing home to school transport entitlement. The committee were reminded that the availability, capacity and routes taken by bus services can change depending on demand and revenue from bus fares. 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 4354 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 4355

It was reported that a request for transport assistance had initially been refused as the pupils is attending their nearest suitable school, which is 2.95 miles from their home address and is within that statutory walking distance of under 3 miles from home to school. The committee were reminded that if a child lives less than the statutory walking distance from the school attended it is the parents or carers

responsibility to ensure their child(ren)'s safety while travelling to and from school with the exception of those unable to walk by reason of SEN/disability. The committee were advised that 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. It is noted by the Committee that the appellant stated that the pupil is attending their nearest faith school and that the school is within the statutory walking distance of under 3 miles from the home address to school. The appellant explained that their home is 3.0 miles from the school when driven but 2.99 miles via a shortcut when walking. The committee were advised however that according to the appellant they consider the shortcut route to be unsafe for the pupil to use, especially if the pupil is alone as there are no houses directly overlooking the route. The appellant adds that this route was previously used and deemed as dangerous. The appellant also stresses that they have witnessed a death on that stretch of road. The committee noted that the appellants has attached 2 printouts from Google maps showing the route to school via car and on foot, which are noted.

The Committee have taken note of the statement the appellant has made stating they received the letter refusing them the renewal of transport assistance late and that a transport appeal form a day before the deadline for its return as unacceptable as it should be within 20 working days.

The appellant has also stated, as noted by the Committee, that in accordance to the family's income paying the cost of transport will cause them financial hardship. The committee noted that no evidence was submitted by the appellant to verify that the appellant was unable to fund the cost of a bus pass for the pupil. It is the appellants responsibly to provide proof of any claims made by the appellant the authority will not seek information from other sources relating to the appellants claims.

The Committee have noted the officer's comments which stated that transport assistance has been refused as the County Council has determined that the pupil does not live over 3 miles from the school of parental preference. It is noted by the Committee that the County Council has two bespoke packages of mapping software specifically purchased for the accuracy of measurements undertaken for both admission and transport purposes and both have a proven history of accuracy. Measurement undertaken using Google Maps assess the distance of the route a car would take between two points rather than the walking route. The route that the County Council has measured is that provided in the first map and does not use the old railway line, as noted by the appellant. It is noted that the distance that has been measured is determined at 4752.9 metres and the three mile cut off point is at 4872.9 metres.

It is noted to the Committee, that 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 will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably clad. The Committee have noted that there is an additional entitlement to transport assistance for low income families and for families in receipt of the qualifying benefits for free school meals or the maximum amount of working tax credit.

Free travel is only provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles. The Committee noted that the family do not qualify for Free School Meals and as such did not qualify for extended provision of transport.

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 4355 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 4386

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school. The pupils is not attending the nearest school which is 2.14 miles from their home address, and instead would attend their 5th nearest school which was 3.32 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted that they chose the school of their choice and acknowledged that the second school of choice was the nearest suitable school and that they were allocated their first choice by the Education Authority. The appellant adds that both schools are in the catchment area, the appellant explained that the pupil has settled into the new school and has made friends there and that the pupil finds change hard so it would be difficult to move the pupil.

The Committee have noted that according to the appellant's statement they are a family of five who are reliant on the income from the appellant's part time job as although the partner has left university studies they are not yet in employment. The appellant also explained that the village where they reside does not have a bus service that could take the pupil to the school so they would have to rely on the school bus and states that the distance on the bus is 3.6 miles The appellant considers the roads to be extremely unsafe to walk and stated that there are no footpath or street lighting and the traffic travels at dangerous high speeds. The committee also noted that the appellant states that for the pupil to do a 7.2 mile round trip in winter, walking or by bike, in the dark on a busy main road is very unsafe.

The Committee have considered the officer's comments which stated that transport assistance had been refused as the pupil is not attending his nearest suitable school. The committee also noted that it is parental preference when choosing a schools or academy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

It was brought to the Committee's attention that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school. Admission information is available to all parents at the time of applying for school places. A summary transport policy is made available to all which parents and parents are advised to check the policy carefully if getting their child from home to school and back is a consideration. Parents are directed to a full copy of the Home to School Transport Policy on the Lancashire County Council website and to seek advice from the area education office if they have any queries. The County Council also has officers in attendance at most schools open evenings to give advice on transport eligibility and admission queries. The Committee noted that had the family been classed as in receipt of a low income, the pupil would qualify for free home to school transport under the extended rights, however the family are not eligible and are not entitled to home to school transport.

The Committee noted that there is a dedicated school service that serves the area with the stop from home a few minutes' walk and the parents would have no issue purchasing a pass for the bus service.

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

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

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

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4386 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.

SEN: 605821

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 within the statutory walking distance (3 miles) of the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The 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, as noted by the Committee, states they are a single parent with three children, all school age and are concerned that the logistics of meeting the needs of all three children, whilst ensuring they all get to school safely and on time is not possible. The appellant states that the pupil has health issues in the morning which the school are aware of and that the pupil is not willing to go to school sometimes. The appellant accompanies the pupil to school and also takes their younger child to a different school.

The Committee have noted from the appellant's statement that the pupil has health issues and cannot get themselves to school without being a risk to themselves or others. The pupil would also complain or become agitated if they arrived at school late as routine is very important to them. The appellant stated that they are currently picking the pupil up from school early to allow them time to collect the younger child in time from the other school which is also upsetting the pupil's routine and the pupil can have meltdowns due to missing out on lessons. It is noted by the Committee that the appellant feels that the pupil will not be able to travel independently to school anytime in the near future.

The Committee have noted the officer's comments which state that the walking distance between home and school is 1.2 miles and the journey to and from school requires the pupil to walk along a busy main road and to cross a number of roads, including junctions. The officer has stated that although the pupil does not meet the authority's criteria for support in the first instance, due to the proximity of the family's home to school as a young pupil with moderate learning difficulties and other health issues, they remain vulnerable in respect of their lack of road safety awareness and their potential to fall victim to less well-meaning individuals who could take advantage of the pupil.

The Committee have noted that the appellant currently takes all three children to school and collects the pupil and their younger child for the journey home and the eldest child walks home independently after school.

It is noted by the Committee that even though the appellant claim they are a single parent, appeal application has mentioned the other parent. The appellant has not provided proof any benefit received and no financial information has been provided, it is also noted by the committee that no other details of the other parent have been mentioned.

The Committee have noted that there are no other special schools designated for pupils with learning needs in area. It is also noted that there is a 'Breakfast Club' at the school where the younger child attends but there are no specific 'after school' clubs although there are various activities that run after school for the

younger child. The committee noted that there are no 'breakfast club or 'after school' provision at the school where the pupil attends.

The Committee have taken into consideration supporting evidence from professional bodies in respect of the pupil and their health issues.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of Spring term (end of March/April)2017/18 academic year to support the family in the interim.

AOB

APPEAL 4322

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 2.59 miles from their home address, and instead would attend their 2nd nearest school which was 2.80 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, as noted by the Committee, stated that several children living in the area have a free bus pass to the school where the pupil attends. The appellant was advised that these pupils were given the entitlement several years ago and it is no longer available to new starters. The nearest suitable school has been measured as closer to the appellant's home address although on the appellant's car mileage counter both the nearest suitable school and the school of parental preference are measured at 2.6 miles away.

The Committee have noted that according to the appellant the route mapped out to both the school of parental preference and the nearest suitable school is on a 60mph road and the appellant feels this route is unsuitable for walking. The appellant stated that an alternative route through fields would make the school of their choice closer and the route would be much safer.

As noted by the Committee, the appellant stated that they are aware that there are no children from their area attending the nearest suitable school, therefore it would not be cost effective for the Council to put on transport for one pupil if the appellant sent the pupil to the nearer school.

It is noted by the Committee, from the Officer's comments that transport assistance had been refused as pupils is not attending their nearest qualifying school.

The Committee were advised that in regards to the explanation requested of the appellant relates to the change in policy, the committee were advised that from September 2015, the County Council removed discretionary elements of the Home to School Transport Policy and all new pupils starting school now only receive transport assistance if they attend their nearest school and live more than the statutory walking distance. The previous policy was much more generous and previous awards were granted to pupils who attended one of their nearest 3 schools, these pupils will continue to receive the award until they complete their primary education. The committee were reminded that staff from the Pupil Access team were available to discuss transport issues at most schools and that

at the time of applying for places parents were advised that if transport to and from school was an issue to check the policy or ring the area education office where they would check entitlement to transport.

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

The Committee have been made aware that when assessing a pupil's eligibility to receive transport assistance the County Council would process it in two parts. The council would first assess the nearest school for transport assessment purpose for the pupil which would be the school that is closest to the pupil's home, measured by the shortest walking or road route. The safety of the route between home and school is the next process and is only considered if a pupil is attending their nearest suitable school. In this case the pupil is not attending their nearest suitable school and therefore the authority are not required to assess the route for suitability.

The committee noted the officer's comments, that the County Council has two bespoke packages of mapping software specifically purchased for the accuracy of measurements undertaken for both admissions and transport purposes and both have a proven history of accuracy. The officer's comment have stated that Rightmove and Googlemaps measure distances based on how a car would undertake a journey rather than a measure of a road route that would be taken on foot.

The Committee were advised that the County Council has an unsuitable routes policy based on Department of Education guidance whereby public footpaths across fields would not be considered as these would not be a lit and could also not be suitable for walking in the winter months due to the weather.

In considering the appeal further the Committee noted the Appellant's financial circumstances and they were not in a position to decide if the family were on a low income as defined in law. No evidence had been provided to suggest that the Appellant was unable to fund the cost of transport to school. It was also noted that the family are not on maximum benefits and were not eligible for Free School Meals. It is also noted by the committee that there is no evidence to suggest why the appellant is not able to accompany the pupil 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 4322 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 4394

It was reported that a request for transport assistance had initially been refused as the appellant does not meet the low income criteria for fee denominational transport assistance. 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, as noted by the Committee, stated that the pupil's bus pass had been declined for this academic year due to a change in their income as shown on the benefit notice. The appellant explained that the main reason for this is due to changes in Government policy in respect of personal allowances and for the previous year, the committee noted that the appellant states they worked some overtime which increased their income but stated that this is not a regular occurrence and will not be for the foreseeable future.

The Committee noted that according to the appellant, they are a single parent with 3 dependent children and even though they receive help with childcare, for their youngest child, from the benefits, this amount is added to the total weekly payment from the benefit so it gives the appearance that the appellant is receiving more weekly income than they actually do.

The appellant stated as noted by the Committee that the appellant's older child was deemed eligible for a fee bus pass for college and the appellant also received support with council tax and stated that they would not be in receipt of this if their total earnings were not below the national living wage.

The appellant has explained and noted by the Committee that they are extremely worried about how they will fund travel pass for the pupil as they live 4 miles away from the school and it will cost £575 per year and as a single parent this would be completely outside their means.

The Committee have noted that the appellant stated that the pupil receives additional help at school and is supported by SENCO as the pupil struggles to process and retain information. The appellant stated that they can supply information to support this if required (stated that school was closed for summer holidays when the appellant completed the appeal form).

The appellant further states, as noted by the Committee, that it would have a devastating and negative impact on the pupil if they were being forced to move schools as the pupil is doing really well at school and receiving plenty of support as the pupil approaches exams. The appellant adds that the school has played a vital role in enabling the pupil to achieve their targets and not fall behind in education.

The Committee has considered the officer's comments which stated that the pupil had previously been awarded free transport as the appellant was in receipt of the maximum amount of benefits. The benefit award notice for the current financial year showed a reduction in the award due to annual earnings and therefore the appellant is not in receipt of the maximum amount of benefits. It is also noted by

the Committee that further education colleges are allocated monies to provide an access fund for low income families. The colleges are able to set their own criteria for providing assistance and therefore in some cases there is more generous provision available than the statutory scheme determined by the Department of Education.

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 does qualify for this assistance the provision is not statutory and parents are required to pay an annual contribution of £575.00.

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 the pupil to receive free school meals or the maximum amount of working tax credit. The pupil would also have to be attending the nearest faith school to qualify and the school is situated between 2 and 15 miles from home. 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 have also noted that the pupil has additional needs that are supported at their current school and the pupil has commenced their exams. It is also noted that the pupil is on a learning plan as stated by the appellant but no supporting evidence has been supplied by the school to support this. It is noted that it is an Individual Learning Plan for the child and this does not affect transport issues.

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 4394 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 4334

It was reported that a request for transport assistance had initially been refused as the pupil is not attending their nearest suitable school, which is 2.30 miles from their home address and is within that statutory walking distance of 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 stated, as noted by the Committee, that the route the pupil would have to walk to school is not safe; the pavement on one side ends and re-commences on the opposite side of the road. In addition there are two blind bends on this road (photos have been attached). The appellant stated that it is not safe for adults or children.

It was noted by the Committee that according to the appellant a family member who lives in the same area appealed for travel passes for their children in 2002 and was successful and there have been no changes to the road since then. The appellant has invited a member of the Council to walk the route and cross the road. The appellant has also enclosed a letter from their neighbour supporting their view.

In considering the appeal further, it was noted, by the Committee that transport assistance had been refused as the pupil lives within the statutory walking distance of the school.

The Committee noted the officer's comments that it is the parents' primary responsibility for ensuring their child's safe arrival at school and in all cases when assessing the suitability of routes the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably clad.

It is also noted that the County Council's Unsuitable Policy considers routes to be safe if there is a footway, verge, walkable roadside strip or footpath. It is accepted that the route may not be safe for the pupil to walk without an adult but if this is the case the County Council would expect the pupil to be accompanied by a parent or responsible adult.

The Committee have noted that the County Council does not have records relating to transport appeals heard in 2002. The current Unsuitable Routes Policy, however, is compliant with statutory guidance issued in December 2014. 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 indicating that the family were unable to fund the cost of a bus pass for the pupil.

Furthermore the committee noted that there was no evidence as to why the appellant couldn't accompany the pupil 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 4334 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 4410

It was reported that a request for transport assistance had initially been refused as the pupil is not attending his nearest qualifying school, Carnforth High School which is 6.18 miles away and instead attends his 2nd nearest school, Lonsdale Queen Elizabeth School which is 7.9 miles from home. The pupil was therefore not entitled to free transport in accordance with the Councils policy or law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award that was not in accordance with the Councils policy or law.

In considering the appeal the Committee noted that appellant is off work at present due health issues and is currently receiving Chemotherapy. It was noted that the appellant will also have Radiotherapy treatment soon after the Chemotherapy treatment is finished and that they feel very tired and extremely ill. The Committee was informed that the appellant is exhausted most mornings and really struggles to get the pupil to school.

In addition the appellant stated that they live in the village where there is no secondary school and all the children need to travel to school, there is just the appellant and the pupil at home and currently and they are on a much reduced income. It was also noted that the pupil is not in receive of Free School Meals. The Committee was informed that the pupil has a mentor and a Student Support Plan and has been offered access to counselling to help him deal with the situation with the Parent. The committee noted that the pupil is really struggling and any changes at this time would be very detrimental for them.

Therefore, having considered all the appellants' comments and family circumstances the Committee felt that it should make a temporary award to assist the family in the interim. 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 2017/18 academic year to support the family.

Resolved: That;

I. Having considered all the circumstances and the information as set out in the report presented, appeal 4410 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 with Home to Mainstream School Transport policy.

II. The transport assistance awarded in accordance with I. above be up to the end of 2017/18 academic year (Year 8).

Appel 4284

It was reported that a request for transport assistance had initially been refused as the pupil is not attending their nearest qualifying school, Ripley St. Thomas CE Academy which is 3.28 miles away and instead attends their 2nd nearest school, Lancaster Girls Grammar School which is 3.93 miles from home. The pupil was therefore not entitled to free transport in accordance with the Councils policy or law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award that was not in accordance with the Councils policy or law. In considering the appellant's appeal the Committee was informed that the pupil is no longer of the Anglican faith, partly due to their experience at Ripley St. Thomas CE Academy and that they are of mixed race and does not wish to

choose which religion to follow. It was noted that the appeal was heard previously for the pupil during the last academic year when the pupil changed schools from Ripley St. Thomas to LGGS and it was noted by the committee that the previous appeal was not allowed. The move to LGGS was due to alleged victimisation in academic year 2015/16 by a member of the staff. The appellant states that The Police clearly informed that the member of staff had no evidence to give the pupil 2 day suspension.

In considering the family financial circumstances, the Committee noted that the appellant has provided recent copies of the letter from HM Revenue & Customs conforming that they are in receipt of Working Tax Credit, but it was noted that this is not the maximum amount. The Committee also noted that the pupil is not in receipt of Free School Meals. No evidence has been provided to suggest that the appellant is unable to fund the cost of the bus pass to LGGS.

In considering the appeal further the Committee noted that the NHS letter from July 2016 stated that the pupil engaged well in the assessment and they did not feel that support through CAMHS was needed at this time. No further evidence had been provided in relation to the pupil health problems.

Therefore, having considered all of the appellants comments and the officer responses as set out in the Appeal Schedule, application form and supplementary statement the Committee was not persuaded that there was sufficient reason to uphold the appeal on the information provided.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4284be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to School Transport Policy.

Appeal 4332

It was reported that a request for transport assistance had initially been refused as the pupil is not attending their nearest qualifying school, Browndedge St Marys RC High School, which is 1.4 miles away and instead attends their 4th nearest school, Balshaw's CE High School which is 2.4 miles from home. The pupil was therefore not entitled to free transport in accordance with the Councils policy or law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award that was not in accordance with the Councils policy or law.

In considering the appeal the Committee was informed about the pupil's health problems and that their condition is affecting their school attendance. It was noted that they attend 3 to 4 days per week due to severe, incapacitating pain and susceptibility to dislocation; bruising and skin tears. The appellant requests that the taxi to and from the school continues with allowable adjustments of times if the pupil is ill or wishes to attend after school activities.

The Committee acknowledged the appellants concerns that the pupil may be bumped or 'bashed' by others on the bus, which may result in injury as well as difficulty in walking. It was noted that the appellant is unable to drive due to their disability and that the other parent leaves for work at 6 am every morning and returns home at 5 pm each night therefore they are unable to take or collect the pupil to/from school.

The Committee was informed that the Council has asked the appellant to provide evidence from a medical perspective that the child is unable to use public transport and noted that such evidence has not been supplied by the appellant. It was noted that the NHS letter dated: June 2017 from the Independent Medical Consultant states that the medical specialist have suggested some exercises and given general advice about remaining mobile. The pupil was screened for Vitamin D and the calcium bloods at the appointment, but the results will take some time to come back. Another appointment has been arranged in 6 months' time. The committee noted that no further results from the blood screening had been submitted by the appellant from the June 2017 appointment.

However, in considering the appeal based on the medical evidence supplied the Committee could not determinate from any of the medical reports that the pupil is not able to undertake the journey to school by public transport.

In considering the family circumstances the Committee noted that there was no evidence to suggest that the family was on low incomes as defined in law and that the pupil is not in receipt of Free School Meals. Furthermore, no evidence was provided to demonstrate that the family are unable to fund the home to school travel costs.

Therefore, having considered all of the appellants comments and the officer responses as set out in the Appeal Schedule, application form and supplementary statement the Committee was not persuaded that there was sufficient reason to uphold the appeal on the information provided.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4332 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to School Transport Policy

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