

Lancashire County Council

Student Support Appeals Committee

Minutes of the Meeting held on Monday, 4th June, 2018 at 10.00 am in CH1:15 - County Hall, Preston

Present:

County Councillor Christian Wakeford (Chair)

County Councillors

A Cheetham

Y Motala

1. Apologies

CC Joe Cooney

3. Disclosure of Pecuniary and Non-Pecuniary Interests

None

4. Minutes of the meeting held on 23rd April 2018

Resolved: that, the minutes of the meeting held on 23rd April was confirmed as an accurate record and was signed by the Chair.

5. Urgent Business

None

6. Date of the Next Meeting

It was noted that the next meeting of the Committee would be on held 2nd July 2018 at 10 am County Hall, Preston.

7. Exclusion of the Press and Public

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

8. Student Support Appeals

(Note: Reason for exclusion – exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was

considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information).

A report was presented in respect of 16 appeals against the decision of the County Council to refuse assistance with home to school transport. For each appeal the Committee was presented with a Schedule detailing the grounds for appeal with a response from Officers which had been shared with the relevant appellant.

In considering each appeal the Committee examined all of the information presented and also had regard to the relevant policies, including the Home to Mainstream School Transport Policy for 2017/18, and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

Appeal 4444

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 1.4 miles from their home address and within the statutory walking distance, and instead would attend school which was 5.5 miles away from home. 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 the appellant's summary which stated the family moved house in 2017 as an urgent move. The appellant thought criminal damage to the property had been caused by a family member; the police were involved but there had been no proof of this. The appellant rented through a housing association and the property the family moved to was the first available property and was accepted due to the urgency of the required move.

The appellant stated, as noted by the Committee, the pupil currently travelled to school using a free bus pass. This was due to end in 2018. The appellant stated they were in receipt of benefits and were a single parent with four children and had difficulties with money.

The appellant also stated, as noted by the Committee that they suffered from multiple health issues, they had a health consultant, care co-ordinator and care worker and that they were undergoing further tests.

The Committee noted, the appellant explained that the pupil had a case worker at the school who had been supporting them through issues regarding a family member.

It was noted by the Committee, the appellant stated that the family had been through a lot of home issues and were currently on a high priority and due to extenuating circumstances had been placed on protection list.

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

academy. The Committee were reminded that eligibility to receive transport assistance is assessed by determining the distance between a child's home and nearest school they could attend from the nearest boundary entrance of the pupil's home to the nearest entrance to the school.

Officer's comments stated as noted by the Committee, the parent had mentioned that they had currently received a free pass which was correct. This was awarded on a discretionary short term basis by the PAT in light of the situation mentioned in the summary.

It was noted by the Committee that although the family were classed as low income and qualified for free meals, there are three or more closer schools to home with space than the school the pupil attended and in light of this, the pupil had no statutory entitlement for free home to school transport.

The Committee have noted the family were in receipt of free school meals. They have also noted the supplementary evidence supplied by the appellant to support their application.

The Committee have agreed on a temporary award until July 2018 for the pupil only and a new application would have to be made by the appellant with full evidence requested for the new application. It was also noted by the Committee that the appellant had requested transport assistance for sibling but had not filled in an application for them. The appellant will need to make a separate application for the sibling. 2 separate applications are required to be provided by the appellant for a future claim to be made as this award is temporary. The authority will need full details from the appellant stating why the pupil cannot go to nearer schools with places available.

The Committee have requested full financial overview of income from the appellant supported by bank statement, maintenance payments and benefits.

The information has to be in full and recent with full documents provided.

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 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 in the interim.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4444 be allowed until the end of current academic year (end of July 2018) on the grounds that the reasons put forward in support of the appeal did merit the Committee exercising its discretion to make an exception and award transport assistance that is in accordance with the Home to Mainstream School Transport Policy for 2017/18.

Appeal 4455

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 1.5 miles from their home address and within the statutory walking distance, and instead would attend school which was 2.7 miles away from home.

It was noted by the Committee that the family had given no reasons for the appeal for transport. The Pupil Access Team however had a record that the

family moved in to the area in June 2017. At that time, the appellants were advised that both pupils could be offered places at the nearest suitable school which was 1.5 miles from home. It was not known why these school places were not accessed but the pupils started in Years 3 and 4 at the school of parental preference in January 2018 which was 2.7 miles from home.

The Committee noted that since the start of term, one of the pupils had secured a place off the waiting list at one of the primary schools which is 0.5 miles away from the family address.

It was noted by the Committee, as both pupils were dropped off at the schools of parental choice by car it was presumed that the appeal had been submitted due to the logistical difficulties of dropping off at two different primary schools at the same time.

The Committee noted the Officer's comments which stated that request for transport assistance had been refused due to there being a place available at a nearer school when the family relocated to the present area. Additionally, both the nearest suitable school and the school of parental choice were within the statutory walking distance of the home (3 miles).

It was accepted, as noted by the Committee, that there was a shortage of places in the area where the appellants presently lived due to unprecedented levels of migration and that it was difficult for families to secure places in schools that were very close to home, particularly if there was more than one child.

It was brought to the Committee's attention, the Department of Education guidance stipulates that the County Council has to assess eligibility to receive transport assistance based on place availability at the time places at a school are allocated or when a family moves in to the area. The appellant were offered the nearest suitable school in June 2017 but chose to not take up the places.

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

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

The Committee noted the family were not in receipt of the qualifying benefits to receive free school meals.

It was also noted by the Committee that the appellants had not submitted any further evidence or explanation as to why they would qualify for transport assistance.

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 4455 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2017/18.

Appeal 4462

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest qualifying school with a place available which was 1.9 miles from their home, and was within the statutory walking distance (2 miles) of the home and instead would attend school which was 2.6 miles away.

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 advised, as noted by the Committee, that the pupil attended the school of parental choice with their two elder siblings. They had been awarded transport costs in the form of a mileage allowance paid to the appellant, but the pupil had been refused on the grounds that they were not attending their nearest school.

The Committee had noted that the family had remained at the same address throughout their children's academic careers; the only thing which had changed was that one of the children had transferred to a special school, and the eldest child had turned eight. Despite the eldest child turning eight and the statutory walking distance changing from two to three miles, the appellant took the view that they should continue to be awarded travel costs due to the walking route to school being unsuitable, when they were reassessed. It was a rural route with no street lighting or footpaths.

The appellant was asking, as noted by the Committee, if they were suggesting the pupil should attend a different school from their siblings. The appellant stated if travel costs were awarded to the pupil, they would continue to travel with their eldest sibling in one vehicle, and one claim for both children would continue to be submitted, while the other parent would take the other sibling to the special school in the second vehicle. If however, the pupil transferred to a nearer school, they would require taxi transport, which would be much more expensive.

The Committee noted the officer's comments which stated request for transport assistance had been refused due to there being schools closer to the home than the one attended. The nearest suitable school is 1.05 miles away and can offer places.

The Officer's comments stated, as noted by the Committee, this situation had arisen due to circumstance when the second child applied for a primary school

place. The appellants submitted a late application for the child, applying for a place where the eldest child already attended.

It was brought to the Committee's attention that the County Council had "June 2015" on their records for receiving the application for the second child. The appellants disputed this, stating that they applied for the second child's place 10 days late, but due to the County Council "sending our application across so late" no places were available at the nearest qualifying school. It was noted the actual paperwork was no longer stored. In any case the County Council offered both older siblings places at the school of parental preference, being the nearest school with places available. It was further determined that the family should be offered reimbursement if they drove the children to school, as there was no bus service in the area. Travel costs were agreed until the eldest child turned eight. (copy of letter to parent attached). However, in the case of the pupil, there are places available at two of the closer schools, within the statutory walking distance (2 miles, under the age of eight).

It was noted by the Committee, the County Council was not suggesting that the pupil should change schools, but that they were unable to award travel costs, under the Home to School Transport Policy, due to the pupil not attending their nearest school with a place available. They acknowledge the convenience of the pupil travelling with their sibling to school. However, the pupil was not entitled to transport assistance at their present school, and even if they transferred to the nearest school with place available the pupil would still not be eligible as it was within the statutory walking distance of the home. It was noted that the eldest sibling's eligibility would be formally reassessed in the summer.

The committee noted that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school. Admission information is available to all parents at the time of applying for school places. A summary transport policy is made available to all which parents and carers are advised to check carefully if getting their child from home to school and back is a consideration. Parents are directed to a full copy of the Home to School Transport Policy on the Lancashire County Council website and to seek advice from the area education office if they have any queries. The County Council also has officers in attendance at most schools open evenings to give advice on transport eligibility and admission queries. It was also noted by the committee that the authority re assess all awards of transport when a residential or school move takes place and that the assessment is made under the current policy. The Committee were reminded that it is parental 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. It was also added that it is parental preferences for a school and academies and the application of admission arrangements linked to those which informs and drives the subsequent application of the Local Authority 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.

- Copy of letter from Council to parents dated 25th September 2015.
- Email from appellant dated 19th March 2018.
- Email from appellant dated 23rd March 2018 relating to date when application for primary place was submitted.

The Committee were reminded 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.

In considering the appeal further the Committee noted the Appellant's financial circumstances and they were not in a position to decide if the family were on a low income as defined in law. No evidence had been provided to suggest that the appellant was unable to fund the cost of transport to school. It was also noted by the committee that no evidence had been provided by the family to state they were on benefits and it was also noted by the committee that the family were not eligible for Free School Meals. The pupil receives the universal entitlement of Key Stage1 pupils to 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 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 4462 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to School Transport Policy.

Appeal 4465

It was reported that a request for transport assistance had initially been refused as there are several schools closer to the home than the one attended by the pupil -the nearest of which is 0.3 miles from home. The pupil is attending the school of parental preference which is 4.9 miles. 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, who is a family member, as noted by the Committee, advised that the pupil had lived with them since January 2007 when the pupil would have been three years old. They were granted a residency order in 2008 to last until the pupil turned eighteen. They had verbally advised that the pupil had a very disrupted early childhood when living in a different area with one of their parents but was now settled. They moved to the present area to get away from one of the parents, who harassed them, and caused further disruption to the pupil's life. The Committee noted the family were struggling financially but it would not be in the pupil's interest, either educationally or emotionally, to change school now. The appellant rarely had use of a car, and had been relying on lifts from relatives and this was not sustainable. The appellant verbally advised that they were

hoping to move away from the present area to be nearer relatives and to the pupil's school.

The Officer's comments, as noted by the Committee, stated that although the pupil was entitled to extended rights to free travel to school, due to being from a low income family, these only extend to the three nearest schools within 2-6 miles of the home, or the nearest school of the family's faith, up to 15 miles. It was not clear on what grounds the pupil was admitted to the school of parental choice, but in any case there are nine schools closer to the home, of which two are faith schools.

The Committee noted, County Council were sympathetic to this family and appreciate that, due to the passage of time, the appellant had no documentation relating to court proceedings. It was clear that the pupil had suffered significant disruption in their life.

It was brought to the Committee's attention that the pupil was eligible for free school meals and had also attended several primary schools at the previous areas they lived at in the past. The Committee had also taken note of the correspondence from the appellant.

The Committee noted no benefit or income information was provided by the appellant to support the claim.

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 4465 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2017/18.

Appeal 4474

It was reported that a request for transport assistance had initially been refused as the pupils would be attending their nearest qualifying school, which was 2.95 from their home and is therefore within the statutory walking distance. 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, the appellant advised the family moved to their present address in March 2018 due to the landlord of their previous home at their previous area needing the property back. Although a request for transport assistance had been refused on the grounds that the school was within the statutory walking distance, the appellant had calculated the distance to be 4829 k, which was over 3 miles.

It was noted by the Committee, the appellant had stated, it would be beneficial to the pupils to be able to use the school bus, as one of the pupils had been severely bullied and needed to build up their confidence and independence.

According to the appellant the bully cycles to school and the pupil is afraid of encountering him on the journey.

The Committee noted the appellant had five year old twins who attended school in the area and appellants couldn't be in two places at one. Their partner worked full time.

The Officer's comment stated, as noted by the Committee, The County Council has two bespoke packages of mapping software specifically purchased for the accuracy of measurements undertaken for both admissions and transport purposes. Both have a proven history of accuracy. Mapping software indicated a distance from home to the school gate of 4746 metres which was 2.95 miles.

The Committee noted the Officer's statement which stated other mapping software can vary in its calibration and methods used to determine distance. Appellant had submitted a print out of their own calculations using their own software/app linked to the global positioning system on the appellant's own mobile device. The distance provided by the appellant's own software app had indicated 4.82 km exactly or 2.995 miles (this distance quoted under the appellant's route map didn't show a further digit and the 2nd page showed kilometre to mile conversions in a separate web page in which a specific distance of 4.829 kilometres had been typed in to show the distance in miles). Appellant claimed the distance shown on the software to be exactly 4.829km but if appellant's distance was quoted between 4.821km and 4.828km which equates to 2.9999801 miles, the distance would still come out under the 3 miles mark, it was only at 4.829 km did the distance click over the 3 mile mark at 3.0006015 miles. To avoid any discrepancies and to ensure parity for all parents applying for transport assistance, 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 stated, as noted by the Committee, if the appellant's family were eligible for the appropriate benefits, such as the maximum amount of working tax credit, then the statutory walking distance would reduce to 2 miles, appellant would have a statutory entitlement but as the family did not qualify for the necessary benefit (or at least no evidence had been provided of qualification), parent had no statutory entitlement.

- The Committee have noted that the pupils are not claiming free school meals.
- The Committee have noted extra evidence supplied by the appellant:

Financial Statement supplied by the appellant

Appellant's own route map and distance calculations.

Email between appellant and school in relation to bullying issues.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the 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 4474 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2017/18.

Appeal 4475

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest qualifying school, which was 2.2 miles from their home and would instead attend school which was 3.2 miles. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted that the appellant advised that the family moved to their present address in February 2018 in order to look after family members. Before moving they carefully researched commercial bus services to ensure that the pupil would be able to travel to the school of parental choice. At that time the bus connected from their area to the school area. Unfortunately, this service has now been rerouted. The appellant advised they work in a different area, starting at 8:25am and their partner left for work in different town before 7:00am. They were, therefore, unable to drop off/pick up pupil.

The appellant stated, as noted by Committee, pupil had taken their options at the school of parental choice and changing school was not an option at this time. The Officer's comments stated, as noted by the Committee, the Council was sympathetic to the family. Unfortunately, the bus service was a commercial service run by an independent bus company, over which the council had no influence. The Council acknowledged that there was no school or commercial services which currently connected the area with the school of parental choice. Further, there were three schools closer to the new address than the school of parental choice. Due to the unsuitability of the walking route, if the pupil attended their nearest school they would be entitled to free transport, but this was not the case when they were attending their 4th nearest school.

The Committee have noted that the school the pupil was currently attending was their nearest school from their previous home address.

The Committee have noted that the pupil was not entitled to free school meals. It was also noted by the Committee the appellants had stated they were only entitled to child benefit and no evidence of low income or any other benefit were provided.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupils would attend was 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 4475 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2017/18.

Appeal 4478

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest qualifying school, which was 2.38 miles from their home and within the statutory walking distance but were instead attending school which was 3.71 miles from the home address. 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 the appellant had stated they had tried unsuccessfully to find a different school for the pupils. The travel to school by public transport took 2 hours each way and tired the pupils out. They were often late to school and had a lot of time off.

The appellant stated, as noted by the Committee, the bus fares cost £120 per month, which was a struggle as they were on a low income. Moreover, it affected the pupils' educationally and emotionally. One of the pupils in particular had health and behavioural problems. The journey caused them stress and exacerbated their behavioural problems.

The partner of the appellant, as noted by the Committee, suffered from health issue and was on medication.

The Officer's comments stated, as noted by the Committee, that transport assistance had been refused as the pupils were not attending their nearest school with spaces. It is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. The committee noted that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school. Admission information is available to all parents at the time of applying for school places. A summary transport policy is made available to all which parents and carers are advised to check carefully if getting their child from home to school and back is a consideration. Parents are directed to a full copy of the Home to School Transport Policy on the Lancashire County Council website and to seek advice from the area education office if they have any queries. The County Council also has officers in attendance at most schools open evenings to give advice on transport eligibility and admission queries. It was also noted by the committee

that the authority re assess all awards of transport when a residential or school move takes place and that the assessment is made under the current policy. The Committee noted appellants stated they had tried for years to find a place in the local area. Although places were limited, appellants had the option to submit a school admission appeal in school years that are full. The officer's had stated they couldn't find any record of any school appeal being submitted. There were forty two closer schools than the one attended by the pupils. Should the appellants have been successful at a school admission appeal prior to the start of school in September for the elder two pupils, a place for the younger pupil who had just started (and any further children needing to start school) would be a formality due to the higher priority given to children who had elder siblings attending the school (provided parents submitted an "on time" application). The Committee were informed that once the result of this transport appeal was known and should the appeal panel decide that they couldn't award transport, should the appellant wish to submit a school appeal for any school, they could contact office and they could be advised on the process further. The appellant could also contact nearer school for place availability for all the pupils. Although family were in receipt of free school meals, as noted by the Committee, as there was a closer school to home with spaces available, appellant had no statutory entitlement to free home to school transport. No recent financial information was provided to support claim. No medical evidence had been supplied by the appellant in relation to partner's health. The Committee have noted letter of support from head teacher of school where the pupils attend. 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 4478 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2017/18.

Appeal 4479

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 0.3 miles away and instead attends their school which is 5 miles away. . The pupil was therefore not entitled to free transport in accordance with the Council's policy

or the law. The family had appealed to the Committee on the grounds that they had extenuating circumstances to warrant Committee in exercising its discretion and award transport was not in accordance with the Council's policy or the law. The Committee noted the appellant's appeal summary which stated they advised that since moving away from challenging circumstances they had struggled to get pupil to and from their school, which was 5 miles away. Previously the appellant's partner did the school run but due to legal restriction they cannot do this now. The appellant had passed their driving test and was hopeful that they will acquire a car during the summer months, but at the moment they were reliant on a member of the school staff doing the pickup and drop off and this was not sustainable.

The family's keyworker added further information, as noted by the Committee, namely that the pupil was suffering emotionally with the after effects of the domestic situation, and was receiving support at school. A change of school at this time would be detrimental to their mental health. They are hopeful that the family situation would continue to improve. They confirmed that the present arrangement of a teacher taking pupil to school was unable to continue.

The Committee noted the officer's comments which stated they were unable to assist the family as, although they were on a low income, they did not qualify for assistance under the Home to School Transport Policy due to there being nearer school which could offer the pupil a place.

The officer stated, as noted by the Committee, they have noted the Key Worker's information and view on this subject.

The Committee have noted the pupil was eligible for free school meals and the family previously lived in a different area and moved to present area in 2012.

The Committee have also noted information provided from Keyworker.

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 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 in the interim.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4479 be allowed until the end of current academic year (end of July 2018) on the grounds that the reasons put forward in support of the appeal did merit the Committee exercising its discretion to make an exception and award transport assistance that is in accordance with the Home to Mainstream School Transport Policy for 2017/18.

L Sales
Director of Corporate Services

County Hall
Preston