

# **Lancashire County Council**

## **Student Support Appeals Committee**

**Minutes of the Meeting held on Monday, 2nd July, 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 J. Cooney

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

None

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

Resolved: That; the Minutes of the meeting held on the 4<sup>th</sup> June 2018 was confirmed as an accurate record and was signed by the Chair.

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

None

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

It was noted that the next meeting of the Committee would be on 03<sup>rd</sup> September 2018 held at 10.00am on (room to be confirmed) County Hall, Preston.

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

Resolved: That the press and public be excluded from the meeting under Section 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 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 4458**

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 0.9 miles from their home address, and instead would attend a school which was 15.8 miles away from home. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the appellant's summary which stated that when the family lived in the house in the previous area, the appellant's partner paid for the pupils' school transport. That house had now been sold to pay the partner's debts and maintenance had not been agreed, as court proceedings were still ongoing and officials were also involved.

The appellant, as noted by the Committee, was now living with her family in the present area and would not be able to purchase a house until the legal proceedings are concluded: the appellant intended to find a house near the school where the pupils attended. As things stood, it would seem that the appellant drove the pupils to the area where they lived previously to catch the school bus. The appellant's partner was refusing to pay those travel costs or for school meals.

It was noted by the Committee, the appellant stated the pupils were doing well at the school they attended and were at an important point in their school careers, in the middle of their GCSE courses.

The Committee noted the Officer's comments which stated Transport assistance had been refused as there were many schools closer to the new address. It is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

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

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

In considering the family financial circumstances, the Committee was informed there was an additional entitlement for transport assistance for low income families. If parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit then transport assistance can be awarded to pupils who attend one of their 3 nearest schools to the home address and that the distance is within 2-6 miles. Also; if pupils qualified for Free School Meals and attended their nearest school of faith, was admitted on faith grounds and the distance was between 2 and 15 miles.

The Officer stated they acknowledge, as noted by the Committee, that the family did qualify for free school meals but on both of the above counts, family had no extended entitlement to free transport. Firstly due to there being at least 3 schools closer to home than the school attended and secondly, although the school the pupils attended was the nearest faith school to the new address with places available, it was more than 15 miles from the home, and therefore did not meet the distance criterion. It was noted there were nearer faith schools, but they did not have places available.

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

The Committee noted that while there has been a change of address, the pupils were not attending their nearest school while living in the previous area from where they have now moved.

The Committee noted that the officers have acknowledged that this would not be a good time for these pupils to change schools.

The Committee have also noted all the extra evidence supplied by the appellant in relation to benefits and maintenance but also acknowledge that the information provided is not up to date or recent. No income information is supplied by the appellant. No evidence has been provided to suggest that the appellants are unable to fund the cost of the bus pass to the school of preference.

Therefore, having considered all of the appellant'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 4458 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 4460**

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 within the statutory walking distance of 2 miles from their home address and instead would attend school which was more than 6 miles away. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The appellant advised, as noted by the Committee, that the pupil had recently transferred from their former school to the present school due to alleged severe bullying they had endured at the former school in February 2017. As a result of this alleged bullying, the pupil had been diagnosed with health issues, leading to them been referred to health team at hospital.

The Committee noted the appellant stated that as some of the perpetrators attended local schools other than the school the pupil previously attended so the family took the decision to transfer them to a school out of the immediate area. The Officer's comments stated, as noted by the Committee, that the request for transport assistance had been refused due to there being four schools closer to the home than the one attended. 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 there is an additional entitlement for transport assistance for low income families and free travel is provided to their three nearest schools, within 2-6 miles from home address. The committee noted that the school the pupil attended was not one of their three nearest school and was more than 6 miles from the home address.

It was brought to the Committee's attention that although the appellant had not provided any supporting evidence, the records show "Elective Home Education" for the pupil for the period February 2017 to January 2018. No income or benefit information was provided by the appellant to support their claim.

The Committee have noted the pupil is eligible for free school meals.

The Committee have noted all the information provided by the appellant and the officer and were sympathetic to the situation encountered by the pupil but felt that the school the pupil was attending was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal.

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

supplementary statement the Committee was not persuaded that there was sufficient reason to uphold the appeal on the information provided.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4460 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 4476**

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 2.103 miles from home, and instead is attending the school of parental preference which is 2.108 miles away. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The appellant, as noted by the Committee, stated that they had two children currently attending the school of parental choice and they travelled by taxi provided by the authority. With effect from September 2018, the older child would transfer to high school and the pupil would commence reception at the school. The appeal was so that the pupil could join their siblings in the taxi. The Committee noted, the appellant had been advised that there were schools closer to the home which could offer the pupil a place, however they stated they couldn't have three children at three different schools, especially as they had a new baby coming in family.

The appellant stated, as noted by the Committee, that if the appeal was not successful, they would be unable to send the pupil to school.

The Officer's comments, as noted by the Committee, stated the pupil's siblings were entitled to free travel to the school of parental choice, as it was their nearest school with places available, and on low income grounds – the family were in receipt of maximum benefits). However, the council could offer the pupil a place at the nearest school which was 2.103 miles away. The school of parental preference was 2.108 miles away. It was possible that Council could have offered a more local school if the appellant had not made the school of their choice the only preference. It was added that there was closer school with a place available 2.1 miles away from home address.

The Committee noted, The County Council acknowledged the difficulties for families obtaining places at local schools in the area generally, and the particular difficulties for this family. The nearest suitable school is over 2 miles from the family home. With effect from September, the older child would presumably make their own way to school. The appellant had advised, as noted by the Committee, that they could act as escort in the taxi for the pupil and their second sibling. . At present, the second sibling did not need an escort and they travelled with their elder sibling. If the appeal was not successful, they would not be able to travel with the second sibling as they will have responsibility for the pupil.

The Committee noted that it was not known at the time if the pupil would be eligible for free school meals in the new school term – September 2018.

The Committee have noted emails received from office on 03 May 2018 and from appellant on 25 May 2018.

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

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

The Committee have also noted that the circumstances whereby the previous two children were entitled to transport assistance differs to the circumstance as of present- transport was provided for the older two children as the school attended was their nearest school with places available and 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 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 4476 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 4477**

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 0.2 miles away, and within walking distance, and instead attends school which is 4.2 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family had appealed to the Committee

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

The Committee noted, the appellant stated that they were told the pupil was entitled to free travel to school they attended, and that they were in fact provided with a pass which the bus driver took from them.

The appellant, as noted by the Committee, was a working single mother, who did not receive any financial support from the other parent of the pupil. They had already had to move to a small flat due to being unable to pay the rent at their previous address. The added expense of bus fares was putting a huge strain on the family finances.

It was noted by the Committee, the appellant advised that they suffered from health issues due to domestic circumstances, and sometimes had to take time off work.

The Officer's comments stated, as noted by the Committee, the "low income" rule as set down by central government, is that a child who is entitled to free school meals, or whose parent/s are in receipt of the maximum amount of Working Tax Credit, has extended rights to free travel to any of the three nearest schools, between 2-6 miles of the home, or to be nearest school of the family's faith, between 2-15 miles of the home. If the family met either criteria, the pupil would be entitled to free transport to school of parental preference, which is 4.6 miles away.

The Committee noted the appellant had circled "Reduction due to your income - £0" in the wrong element section.

The Officer's comment stated, as noted by the Committee, that they had nothing on their records to indicate that the family were ever told that the pupil was entitled to free transport. They were entitled to subsidized denominational transport as they attended their nearest faith school, but it appeared that the appellant did not pay the required contribution, or reply to letters sent out, according to their records, and therefore the travel pass was removed.

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

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

It is noted by the Committee that the family are not in receipt of free school meals nor was any evidence provided to indicate being in receipt of the maximum

amount of working tax credits. It is noted that if circumstances did change and family became eligible for free school meals or received the maximum amount of working tax credits, the family would qualify on low income ground based on faith as they would be attending their nearest faith school (based on the policy in force for the 2017/18 academic year- should an application be received after the end of THIS academic year, but the transport policy may be subject to change).

It was also noted by the Committee the council have confirmed that the pupil has had several different addresses in the area over the last few years.

The Committee noted that the information provided by the appellant in relation to benefits and no other evidence was supplied by the appellant to support their appeal.

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 4477 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 4482**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable schools, of which one of them was 1.3 miles from their home address and instead would attend school which is 3.52 miles away. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the appellant's summary which stated that the pupil was bullied at the school which they had initially chosen as their first preference and had been accepted at. The Pupil had also provided their account of this, stating that the school did not help them, and that the situation made them very unhappy. The appellant had contacted their M.P who had raised matter with the school, and also the Council.

The appellant stated, as noted by the Committee, that following a visit to the family doctor, the appellant contacted the Education Office and various schools in the area before enrolling the pupil at the school they attend now.

The Committee have read the Officer's comments which stated they noted the actions taken by the appellant, including taking the pupil to the general practitioner, who stated their opinion that the pupil was suffering with bullying which was affecting their health. In April 2018, the G.P. advised a few days of school. It was at this time that the appellant contacted other schools to enquire about the pupil transferring.



The appellant, as noted by the Committee, also contacted the Council, which was only able to offer limited assistance, due to the school where the pupil claimed to have been bullied was a Free School. However, the Interim Executive Director of Education said that they would contact both the school, and the safeguarding team, to follow up on this complaint.

Further, as noted by the Committee, the appellant contacted their M.P who wrote to the school where the pupil used to attend and was bullied, on 3<sup>rd</sup> May 2018.

The Officer's comments stated, as noted by the Committee, the appellant contacted several schools which advised that they could not offer the pupil a place, however the three nearest school (excluding the school the pupil was attending) could all offer him a place. The appellant naturally prioritized the pupil's health and happiness. However, they had not explained why they considered that the school the pupil was currently attending offered an environment which would protect the health of the pupil while the other 2 nearest schools would not provide the environment the pupil needed. That said, the Officers were pleased that the appellant described the pupil as being extremely happy at the school they were currently attending which they started on 8<sup>th</sup> May 2018.

The Committee noted the Officer's comments which stated as a low income family, funding the pupil's transport to school might be difficult for the appellant. As they are eligible for free school meals, the pupil would be entitled to extended rights to free travel to their three nearest schools, or to the nearest school of the family's faith. However, there are thirteen schools closer to the home than the school attended, and some are faith schools.

It was noted by the Committee that the pupil was eligible for free school meals. They have also noted the extra evidence supplied by the appellant:

- Copy of note from General Practitioner dated 19<sup>th</sup> April 2018
- Copy of statement from the pupil dated 19<sup>th</sup> April 2018
- Emails from schools dated 23<sup>rd</sup> April 2018
- Copy of letter from M.P dated 3<sup>rd</sup> May 2018
- Copy of letter from Interim Executive Director of Education dated 22<sup>nd</sup> May 2018.

The committee noted that the family are in receipt of Free School Meals. The committee were advised that there is additional assistance available to low income families but only if parents are in receipt of one of the qualifying benefits for free school meals or the maximum working tax credits. Universal Credit is one of the qualifying benefits to receive additional assistance but In order to qualify for help with travel costs a pupil must be attending one of their nearest three schools. The committee noted that there are numerous schools closer to the pupil's home than the school of parental preference. The Committee noted that the pupil was in receipt of Free School Meals but still did not qualify for assistance as they were attending their 14<sup>th</sup> nearest school.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupils would

attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4482 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 4483**

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 within the statutory walking distance from their home address and instead would attend their 8th nearest school which is 4.9 miles away. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the appellant advised that the pupil was attacked upon alighting from their school bus at the area they live in on 28<sup>th</sup> February. The pupil was hit in the face, robbed and threatened with a knife. The pupil already had a record of school refusal, and this attack understandably exacerbated their anxieties. To support their return to school two weeks later, their parents collected them three days a week and the school, in the short term, agreed to fund taxi transport for the other two days. Police had also suggested alternative arrangements (to the school bus) in view of the possibility that the alleged perpetrators threatened the pupil to get them to retract their victim statement, while their psychotherapist took the view that the pupil would not be able to cope with independent travel to and from school at that time.

It was noted by the Committee, that the school the pupil attended was no longer prepared to subsidize the pupil's taxi transport.

The Officer's comments stated, as noted by the Committee, the Council were sympathetic to this family, however as there were schools closer to the home which could offer the pupil a place, they were not able to offer assistance under the Home to School Transport Policy.

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

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

The Committee noted the information provided by various parties, including medical professionals involved with the pupil.

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

The committee 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.

However, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of July 2018.

**Resolved, That;**

Having considered all of the circumstances and the information as set out in the report presented, appeal 4483 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was in accordance with the Home to Mainstream School Transport Policy for 2017/18

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

- The Appellant will need to make a fresh application in the new school term, September 2018.

## **Appeal 4484**

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 1.6 miles from their home address and instead would attend 71<sup>st</sup> nearest school which is 4.57 miles away. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the appellant advised that both their partner and one of the pupils had serious health conditions. Because of the health issues the pupil has it would make it doubly difficult for them to consider changing schools, as they would find any change upsetting and needed routine and stability for their physical and emotional health.

The appellant also stated, as noted by the Committee, the staff at the school where the pupils attend have had extensive training from the pupil's specialist health staff on the specific aspects of their care. The pupil was fully confident in their ability to look after them.

The appellant's partner, as noted by the Committee, suffered from a specific health issue and this condition often prevented them from doing daily activities, including the school run. The appellant worked full time, in addition to acting as carer for both their partner and child.

The Officer's comments, as noted by the Committee, state at the time of applying for primary school places for the pupils, the family lived in a different area and the school they presently attend was their nearest school. Shortly after the pupils commenced school the family moved to the present area, 3.3 miles from the school, which they continued to attend. According to the Council's records, they moved again to a different area in May 2017. The officers were advised that the extended family had previously assisted with the school run when the partner had been unwell but that was no longer an option. The Officers have noted the information provided by medical professionals involved with the family which has also been noted by the Committee.

The Council was unable to offer assistance to this family, as noted by the Committee, under the Home to School Transport Policy due to there being 70 schools closer to the home, although many of these could not offer places or these pupils, they could confirm that the nearest suitable school at 1.6 miles from

home had a space and was under statutory walking distance meaning family had no statutory entitlement to home to school transport.

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

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

The Committee have acknowledged that the school where the pupils attend have staff who have had extensive training on the care aspects of one of the pupils but that assistance would also be available in the school that is considered 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 pupils would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4343d be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2017/18.

### **Appeal 4485**

It was reported that a request for transport assistance had initially been refused the pupil was attending a school that is 1.6 miles from the home address and under the statutory walking distance (2 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 Committee noted the appellant's summary which stated a Social Worker, on behalf of the parents of the pupil, advised that they both had special needs and were on medication. There was a lot of disability in the extended family, and a

new baby was born at the end of March 2018, adding to the pressure of the family. The pupil was on CIN plan. They only started at the school in February 2018, and their attendance was poor, leading to the Council agreeing on a discretionary taxi to run until the end of summer term, i.e. July 2018. The appeal was for the continuation of the taxi in the new academic year.

It was noted by the Committee, that Social Services and other agencies were very concerned that, without the provision of the taxi service, the pupil's attendance at school would suffer and this would be detrimental, not just to their education, but to their health and wellbeing, due to the chaotic home situation, and the support they received at school. Since the taxi provision was agreed, the pupil's attendance had improved, although they were often late, apparently due to the taxi running late.

The Committee have noted the family were on a low income and the pupil is eligible for free school meals.

The Officer's comments stated, as noted by the Committee, the appellants submitted a late application for school place for the pupil. Places in nearby schools had been filled at that time, and the authority was only able to offer a place for the pupil at their 8<sup>th</sup> nearest school, which, however, was at 1.6 miles, still within the statutory walking distance of the home.

The Officer had noted the information provided by the Social Worker, which was acknowledged and also noted by the Committee.

The Committee have noted the statement supplied by Social Worker, attendance record from the school of the pupil, appointment letters of the appellant. Transport appeals are evidence based. The notes of guidance provided with the appeal form do state that if an appellant is making a case on financial/medical ground then it is essential that the fullest and up to date detailed documentation is provided.

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

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4485 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 4487**

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 1.8

miles from their home address, and was within the statutory walking distance. The pupil instead would attend the school which was 4.3 miles away. The pupils 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 the appellant is pupil's grandmother who is looking after her at this moment. The pupil suffered verbal abuse at the previous school and was becoming depressed with ongoing bullying. As the bullies have friends at the other local schools, it was felt that it would be better for the pupil to make a fresh start out of the area.

The appellant, as noted by the Committee, stated that they are low income family and is in receipt of ESA but does not qualify for state pension. It was also added that £50 per month is a large expense for them.

The Committee noted from the Officers comments that the Education Authority contacted the previous school who advised that there were 'friendship issues' which the pupil in question perceived as bullying. The school tried to resolve these problems but they continued to recur and the pupil was becoming distressed and her attendance at school was suffering. When the pupils carer advised that she was seeking a fresh start at a school out of the area, staff at the attended school did not disagree. They thought this would be positive move for the pupil.

The Education Authority would advise that the pupil has lived at many different addresses in the area. The carer is now providing a stable home and the pupil appears to be settling well at the current school. As was mentioned before, this is low income family who may well struggle to fund the pupils bus fares, and therefore support her fresh start at the school attended.

The committee acknowledged the letter from the family G.P. issued in March this year.

The Committee noted that the child in question is in receipt of free school meals and the carer is in receipt of ESA, however, no evidence was provided in the form of up to date proof of income/benefits, bank statements to demonstrate that the appellant was unable to fund the cost of transport.

The Committee was unable to determinate the family financial circumstances and noted that there were not in position to decide if the family were on low incomes as defined in law. The appeals are evidence based and it is appellant responsibility to provide all necessary evidence to support their case.

In considering the appeal further, the Committee mentioned that no information was provided for the following:

- Why the pupil lives with appellant?
- Did the appellant went through the court case and have legal responsibility now?
- Where are the parents?

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 4487 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.

#### **4488**

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable schools which were within the statutory walking distance, and instead would attend the 15<sup>th</sup> nearest school located approximately 5.2 miles away from their 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 that the appellant stated that at the time of secondary school transfer, the family were only offered older sibling's 3<sup>rd</sup> preference school, and that this was unsuitable for various reasons, one of which is the older sibling's health issues. The pupil in question suffered from a heart condition and is on the waiting list to have surgery. Anything which could cause her emotional upset must be avoided.

The Committee has also noted from the Officer comments that the family lived in the area where there are few suitable schools within the statutory walking distance of the home. It was also brought to the Committee's attention that the older sibling's first preference school was located 3.3 miles away, and the family were not in in the geographical priority area. The pupil was offered a place at their 2<sup>nd</sup> preference school, which the family then declined. Eventually she was offered a place at the school currently attended and the younger sibling is to follow them there in September 2018.

The Officers comments, as noted by the Committee, stated that the pupil's medical professionals concur that this would not be a good time for her to change schools. However, we cannot offer assistance under our Home to School Transport Policy as there are several school closer to the home than the one attended and this was the case at the time when the family made their secondary preference for older sibling.



The Committee acknowledged letters from the Consultant Paediatrician issued between January and April this year. No more recent medical evidence was submitted.

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

Therefore, having considered all of the 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 4488 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.

#### **4490**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school and instead would attend the school located approximately 24 miles away from their 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 that the transport was already approved on a discretionary basis initially until the end of Spring Term 2018 and then extended to allow the pupil's older sibling to complete their GCSE examinations. An approach was made in January 2018 for short term taxi provision. This was agreed in accordance with Lancashire County Council's Home to School Transport Policy – Appendix B – Special Pupil Cases, due to individual family circumstances.

It was brought to the Committee's attention that the appellant has been re-located temporarily to the current address, due to fleeing domestic violence. The parent is hoping to relocate back to the former area.

The Committee acknowledged both when the original application was made, and when the extension to the transport was agreed, and the parent were notified that transport assistance would not continue for the 2018/2019 academic year, and if there was any possibility that Elle would not be residing back in the former area, a place at nearer school to the current address should be considered.

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

The Committee was informed that no more evidence was submitted to confirm that the pupil's parent/guardian is on the housing list to be re-housed in the preferred area. The Committee was reminded that the appeals are evidence based and it is appellant's responsibility to provide supporting information.

The Committee and The County Council was sympathetic to this family, but couldn't offer assistance under the Home to School Transport Policy. The Student Support Appeals Committee would have to approve assistance if they considered the circumstances such that an exception to the policy was justified.

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 4490 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.

#### **402915**

It was reported to the Committee that the appeal for the pupil had been against Section 4 of the Home to school Transport Policy for Children and young people with Special Educational needs 2013/2014. The Local Authority's assessment of the Young Person has been made under section 4 of the policy and against appendix A. The committee noted that the pupil had been assessed as suitable to travel with other young people to and from school with a passenger assistant on the transport.

The appellant would like individualised transport with a passenger assistant.

Local Authority assessed the pupil of falling into the T6 category under appendix A.

Appellant s state that they feel they ought to be assessed at category T8 under appendix A.

The appellant currently transports the pupil themselves using their own vehicle and are reimbursed mileage under section 8 of the policy.

The Committee had noted the Local Authority had agreed transport for the pupil under section 4 of the Transport Policy and had assessed the pupil as being able to travel on shared transport with a personal assistance in place under (T6 of Appendix A) of the policy.

The Committee noted the appellant's summary which stated the school the pupil attended was 30 miles from home. The committee noted that transport plus passenger assistance was provided between March 2014 and July 2016.

Additional children were then added to the run in September 2016 - without, according to the appellant, no risk assessment and consideration of the health needs of their child. According to the summary of the appellants appeal, the appellant states they were not informed until the taxi arrived to collect the pupil that other children had been added to the transport run. The appellant states that during the 2 week trial, the pupil became unwell and too stressed to go to school. The appellant states that when assessed, in the opinion of the appellant, the vehicle being used was too small to transport the children on the run and then went onto state that in their opinion a large vehicle would have taken longer on the country roads. The appellant states that the average journey is 1 hour – the committee noted appendix 1 of appellant's information that this reference was in relation the LCC transport provided.

The appellant stated, and noted by the Committee, the pupil was a wheelchair user with a health kit, care plan and on medication. The committee noted the information stated by the appellant that the pupil had health issues which increased their risk of infections. The committee noted that the pupil was on strict fluid levels and suffered with infections which increased if the pupil sat for too long.

The committee noted the appellant's statement that the pupil had personal caring needs which could require attention (due to personal accidents) which could make the pupil late for school or home. The committee also noted the appellant's reference to the pupil's legs and ankles could become painful if they sat for long periods and that as stated by the appellants that the pupil suffered from personal issues and needed a calm and quiet down times after school. The committee also noted the appellant's statement that the pupil also required night time care due to their health issues.

The appellant had stated, and noted by the Committee, that according to the appellant each issue needed a plan to balance all of them to maintain privacy and dignity for the pupil, enabling the pupil to communicate their needs and stay well enough to go school.

The committee noted that in the appellant's opinion the policy only allowed single or shared transport or expenses and gave no consideration of journey times/distance and health needs.

The Committee noted, the appellants would like the Local Authority to change their transport policy to enable them to receive a personal budget and be paid via direct payments to transport the pupil to and from school. The committee noted that they would drive the pupil's own allocated vehicle or pay a Personal Assistant to transport the pupil. The committee noted that the appellant felt that this would save the Local Authority £10,000 as individualised transport costs, they estimate is £37,000 and shared is £19,000.

It was noted by the Committee, that it is the view of the appellant that they would like the costs back dated to September 2016 because the Local Authority failed to inform them of changes, failed to carry out a risk assessment prior to changes and did not offer a right to appeal at the time.

The committee noted that the appellant states that they had received:

- £3064.64 from September 2016 – July 2017

- £2132.18 from September 2017- February 2018
- £5196.82 total expenses since September 2016.

The appellant states costs below to the LA for LCC arranged transport in their estimations to be

Single cost would have been £75,000 for the 2 years.

Shared cost would have been £38,000 for the 2 years.

The Appellant's request £17,053.64

Local Authority would still save £57,946.36 on single and £20,946.36 on shared transport.

The appellant's request:

- £5,196.82 (return mileage)
- £6,660.00 (£9/hr – 4 hours per day for the 185 days attendance)
- £11,856.82 (reimbursed costs)

The committed noted the Officer's comments, informing that the pupil received individualised transport by default between the dates of March 2014 to July 2016 due to the pupil attending a school 29.8 miles away; thus there were very few children travelling to this school from the pupil's home area. The Committee noted that Individualised transport was not agreed formally at any time and reminded that the pupil had been assessed under T6 of the transport policy.

T6	<i>Child/young person is able to travel with selected other pupils. The level of need may require intervention/supervision from a trained passenger assistant.</i>	<i>Transport in a suitable vehicle provided. Passenger assistant provided</i>
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The Committee noted that the officer's stated that a closer school was offered to the appellant which was 1 mile from the home address and would have been suitable for the pupil but this was refused by the appellant. The committee noted the sub note of the appellant stating that the school was not offered to them in September 2016.

The Committee noted that the officer reports that when other young people started the school who lived on route to the school that these pupils were added to the transport run in accordance to transport assessments undertaken by SEND Officers.

The Committee noted that Transport arrangements in line with individual assessment and the transport policy were considered, risk assessments had taken place and both the driver and passenger assistant reported no issues with shared transport.

The Committee noted the appellant had further stated that the driver and passenger assistant, according to their beliefs, were not medically trained in order to provide an opinion. The Committee further noted the appellant's

statement that the introduction of other children to the run increased the pupil's journey by approximately 14 minutes in order to pick the other pupils up. The committee further noted the appellant's statement of *"if the pupil was to access transport on a shared run then their travel time would be 65 minutes and on an individual basis it would be 51 minutes. The time difference between the two options is therefore 14 minutes"*.

The committee noted that according to the appellant, that in their opinion they believed there was a 'conflict of interest' with the driver as they wanted to retain the route. Timings in the letter to the health official was not realistic during morning rush hour (as shown on evidence provided). In addition, the route with additional children was a diversion from the previous route and meant the vehicle was 'doubling back' on itself.

The Committee noted from the officer's statement that the Local Authority took on board all concerns raised for the pupil's health and further noted in line with health officials.

The Committee noted as confirmed by the officer that the pupil's health needs were taken into account when the decision was made to provide home to school transport in line with the policy. The pupil's needs were considered and assessed as being able to access shared transport under category T6 of the policy. The committee noted the further statements that according to the appellant no information was requested from health officials that gave initial advice and recommendations, however the committee noted that the appellant had submitted letters from Alder Hey Childrens hospital relating to the pupil's condition in 2016, the Committee were unsure what other medical officials that the appellant refers to.

The Committee were advised that Personal Budgets and Direct Payments were not in place for home to school transport under the current policy. The Local Authority currently pay parents mileage under section 8 of the policy which was agreed as an alternative when parents raised concerns about shared transport, the Committee noted that the appellants are currently in receipt of this allowance. The Committee were advised that the policy states

*"Where a child has been assessed as entitled to transport, parents who are willing to drive their children to school themselves may, in exceptional circumstances, opt to receive a mileage allowance instead of transport being provided by the Council."*

The Committee have considered all the appellants and officer's comments, statements and evidence and have concluded that:

- Transport Policy and SEN state places at a closer school was refused by the appellant. At the time transport was not agreed as the pupil was not attending the closest school.
- Transport Policy does not allow a Pay Rate per hour for taking a pupil to school, the policy only allows a mileage allowance in exceptional circumstances.
- The pupil had already been provided with a wheelchair enabled vehicle under PIP.

- Parents are responsible for getting their child/children to and from school safely. The Committee also noted the officer's comments that it is the parents' primary responsibility for ensuring their child's safe arrival at school.
- The pupil does not attend the nearest school/college.
- Provision is available at a nearer Further Education Establishment.
- Payment is made to parents for mileage to the nearest Further Education establishment attended by the pupil.

It was therefore decided that the appeal be **deferred** until the next scheduled meeting of the Committee on the 1<sup>st</sup> October 2018 to allow the appellant/SEN Officer to provide further evidence for the Committee to consider the appeal in full.

It was noted by the Committee the following evidence/information is required from the Appellant/SEN Officer **No later than Monday 17<sup>th</sup> September 2018 in order for the evidence to be collated and presented to the Panel for the 1<sup>st</sup> October 2018 Committee Meeting:**

- Education and health care plan to be submitted to the committee at the time of admission to the school previously attended by the pupil.
- Financial information to be provided by the appellant to state the families' current total income for the period of two years where the appellant is claiming.
- Current EHCPlan stating school/college to be considered for the pupil.
- Up to date medical evidence or reports – the ones provided by the appellants were dated 2016, the committee note that this information is over 18 months old and that the pupil's medical circumstances may have changed.
- Recent up to date and full benefit information required to assess financial status of the family.
- Details and evidence from the chosen college as to what course and facilities the pupil can be offered
- Details and evidence from the nearer college as to what course and facilities the pupil can be offered
- Recent and up to date report required from Health Professionals.
- Details of carer allowance paid to the appellant over the period wishing to claim (i.e. past two years).

**Decision** – Deferred.

L Sales  
Director of Corporate Services

County Hall  
Preston