

Lancashire County Council

Student Support Appeals Committee

Minutes of the Meeting held on Monday, 3rd December, 2018 at 1.00 pm in County Hall, Preston

Present:

County Councillor Christian Wakeford (Chair)

County Councillors

A Cheetham
J Cooney

J Mein

1. Apologies

CC: J Mein replaced CC: Y Motala

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None

3. Minutes of the meeting held on Monday 5th November 2018

Resolved: That; the Minutes of the meeting held on the 5th November 2018 was confirmed as an accurate record and be signed by the Chair.

4. Urgent Business

It was noted that the paperwork for appeals 4592, 4597 & 4608 had only been finalised after the agenda had been circulated. As a result, the Chair had been consulted and had agreed that these appeals could be presented to the meeting under urgent business in order to avoid any delay in determining it.

Resolved: That, appeals 4592, 4597 & 4608 were circulated to the Members of the Committee, to be considered alongside other appeals at the meeting.

5. Date of the next meeting

It was noted that the next meeting of the Committee would be held at 10.00am on Monday 14th January 2019 Room 2, Exchange, 4th Floor at County Hall, Preston

6. Exclusion of the Press and Public

Resolved: That the press and public be excluded from the meeting under Section 100A (4) of the Local Government Act, 1972, during consideration of the following item of business as there would be a likely disclosure of exempt

information as defined in the appropriate paragraph of Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated against the heading of the item.

7. Student Support Appeals

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

A report was presented in respect of 21 appeals and 3 urgent business appeals against the decision of the County Council to refuse assistance with home to school transport. For each appeal the Committee was presented with a Schedule detailing the grounds for appeal with a response from Officers which had been shared with the relevant appellant.

In considering each appeal the Committee examined all of the information presented and also had regard to the relevant policies, including the Home to Mainstream School Transport Policy for 2018/19, and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

Appeal 4491

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 1.1 miles from their home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law. In considering the appellant's appeal the committee noted that the family had moved address due to purchasing their first home this has resulted in financial stress. The appellant states that due to financial circumstances they cannot afford the cost of the bus pass for the pupil to attend school. The appellant wished that the pupil continued to attend the same school as it was the school of the families chosen faith.

The Policy states that transport assistance will only be applied to those children who attend their nearest qualifying school. The Committee noted that the family selected the school attended as 1st preference and as such was offered a place at this school in the admissions round. The committee were advised that there was another school nearer to the home address of the appellant with places available for the pupil to attend.

The committee noted that the appellant states that the parents work long hours and the pupil comes home to an empty house and that for the families' peace of mind the family wished that the pupil travels on the bus. The committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable

to transport children to and from school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safely at school and at home at the end of the school day.

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

The committee noted the officers response relating to attendance at a school of faith and noted that transport assistance is available where a pupil is attending their nearest faith school where as a parental contribution is paid. The committee were advised that where pupils attend their nearest faith school parents have been required to pay a contributory charge and that this charge can be paid monthly, the annual fee for 2018/19 is currently £615.00.

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

The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4491 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 2018/19.

Appeal 4525

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 under the statutory walking distance of 3 miles for the age of the pupils. 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 exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was appealing on financial grounds. The committee noted that the appellants are on a low income and as such were entitled to extended transport provision.

The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to one of their three nearest schools. For your child to receive free transport, the school must be between 2 and 6 miles away from your home. The committee noted that the school the pupil attended was the 7th nearest school to the home address and was 3.95 miles from the home address and therefore did not qualify as the school attended was not one of the three nearest school to the home address.

The committee also noted that an elder sibling had attended the same school and was entitled to free transport at that time. The committee were advised that this provision was as a result of a more generous previous policy and that this provision continued till either the pupil left school or their personal circumstances changed where they would be re assessed under the current policy.

The Committee were advised that during the application process parents are reminded that if travel to and from school is a consideration then all parents are directed to LCC's website to view the full policy and to check with the area education office to check individual eligibility.

The committee note that the appellant is in receipt PIP and note that PIP is not means tested. They also note that the assessment supplied states that the parent cannot walk aided or unaided for more than 20 meters. The committee noted that the appellants do not indicate if they have any disability vehicle to enable the appellant to be mobile.

The committee acknowledged the statement that they are concerned that the pupil may miss some school days because of the financial difficulties. However it was not clear to the committee if the families' financial circumstances had already had an impact of the pupil's attendance at school.

The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4525 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 2018/19.

Appeal 4539

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 under the statutory walking distance of 3 miles for the age of the pupil. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its

discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was appealing on the pupil's medical grounds and the appellant's financial situation. The committee noted that the appellants are on a low income and as such were entitled to extended transport provision.

The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to one of their three nearest schools. For your child to receive free transport, the school must be between 2 and 6 miles away from your home. The committee noted that the school the pupil attended was the 12th nearest school to the home address and was 5.74 miles from the home address and therefore did not qualify as the school attended was the 12th nearest school to the home address. The committee noted that the appellant was required to move from their rented property which was previously the second closest school to the previous address which was 1.37 miles from the home address. The committee noted that the house move had resulted in the family moving much further away from the school attended but noted that the appellant had not stated a reason for this relocation at such a distance away from the pupil's school.

The committee further noted that at the time of the move some other schools in the area to the new home address were full in that year group but there were still school places available at three other nearer schools that were closer to the home address than the school attended by the pupil.

The committee considered the medical difficulties as stated by the appellant and the effects of the house move and all the supplementary evidence submitted as listed in the schedule and did have sympathy with the pupil's medical needs. However the committee noted that the pupil did not have an EHCP and the considerations and steps made for the transition from primary to secondary school that had taken place.

The committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school. It was noted that previously the pupil was transported by car to primary school and that the appellant now wished the pupil to travel by bus to the secondary school of choice. It was noted by the committee that the appellant did not state if the child currently travelled on the bus to and from school or if there were any issues with the pupil travelling by bus such a distance from home so were unable to establish what current travel arrangements were in place.

The committee also noted that the appellant had signed the application from for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4539 be **deferred** in order for the

following information to be supplied to the committee to enable them to give full consideration to the appellants claim.

- Detailed proof of what arrangements have been made for the EHCP for the pupil.
- Complete EHCP if complete
- Up to Date Financial information
- Details of how the child is currently travelling to and from school

Appeal 4548

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 under the statutory walking distance of 3 miles for the age of the pupil. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was appealing because the pupil had previously encountered difficulties. The committee noted that the appellants are on a low income and as such were entitled to extended transport provision.

The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to one of their three nearest schools. For your child to receive free transport, the school must be between 2 and 6 miles away from your home. The committee noted that the school the pupil attended was the 14th nearest school to the home address and was 4.83 miles from the home address and therefore did not qualify as the school attended was the 14th nearest school to the home address.

The committee noted that the appellant had appealed and that their case was heard on the 1st October 2018 and was deferred to give the appellant the opportunity to supply further evidence to strengthen their case and for the committee to have full and up to date information in order to make a fair assessment of their transport appeal.

The committee noted that the appellant had been asked to supply the following information to be submitted in order for the appeal to be heard at the 3rd December 2018 committee.

- Education and health care plan to be submitted to the committee at the time of admission to the school attended by the pupil.
- Previous Education and health Care Plan for the pupil while at the previous school, if one was in place.
- Financial Information to establish the family's eligibility to extended rights.
- Up to date medical evidence
- CHAMS up to date report or last report
- Any proof of bullying from the previous school or police

The committee were advised that the appellant had written back to the appeals team in response to the letter but had not supplied all of the information asked for in the deferral letter. The appellant states that if they knew at the time of application about transport assistance then they would have picked a closer school. The committee therefore had to assess the application for assistance on the information supplied by the appellant and the written letter supplied in response to the deferral letter dated 11th November 2018.

The Committee were advised that during the application process parents are reminded that if travel to and from school is a consideration then all parents are directed to LCC's website to view the full policy and to check with the area education office to check individual eligibility, had the appellant made the necessary enquiries or read the information available they would have been aware of eligibility of free transport.

The committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school. The appellant state that currently the fair for the bus is given by a friend to enable the pupil to attend school. The committee noted that there is no evidence of this.

The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4548 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 2018/19.

Appeal 4562

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 under the statutory walking distance of 3 miles for the age of the pupil. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was appealing on financial grounds.

The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they attend one of their three nearest schools. For your child to receive free transport, the school must be between 2 and 6 miles away from your home.

The committee noted that the school the pupil attended was the not the nearest school to the home address and was 4.54 miles from the home address and therefore did not qualify it was also noted that the family are not classed as on a low income and therefore extended rights under the policy were not considered in this instance.

The committee noted the appellant's financial evidence in the form of a bank statement and the letter detailing the appellant's reasons for appealing for a bus pass for the pupil. In considering the financial evidence the committee were advised that a temporary award had previously been awarded for the pupil to complete year 5 at primary school and that this entitlement came to an end in July 2017. The committee also note that the move had taken place the same year as the award ended. The award was temporary and awarded in order for the appellant to complete their course of study which has now been completed. The committee noted that the appellant states that they are now in full time employment and also enrolled on a further course of study.

The committee noted that the appellant states that the family waited a long time to be allocated a council house and that at the time the house was allocated (2017) the appellant did not wish to move the pupil's school as they considered it important that they remain in the schools attended. The appellant states that the chosen school was as a result of the pupil suffering from ADHD and high levels of anxiety. The committee noted that the appellant states that the pupil chose the school because the school was smaller than the nearer school and that their sibling attended the school and also friends from the primary school. The committee noted that no evidence was submitted by the appellant to verify the medical condition of the pupil.

The Committee were advised that during the application process parents are reminded that if travel to and from school is a consideration then all parents are directed to LCC's website to view the full policy and to check with the area education office to check individual eligibility. The committee noted that due to previous transport issues and the previous temporary award being made that the appellant would have been mindful of the travel entitlement and the policy when choosing the school of choice.

The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4562 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 2018/19.

Appeal 4570

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 under the statutory walking distance of 3 miles for the age of the pupil. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was appealing on financial grounds and the lack of a school bus service to the school attended. The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to one of their three nearest schools. For your child to receive free transport assistance, the school must be between 2 and 6 miles away from your home address.

The committee noted that the school the pupil attended was the not the nearest school to the home address and was 5.53 miles from the home address and therefore did not qualify, it was also noted that the family are not classed as on a low income and therefore extended rights under the policy do not apply in this instance.

The committee noted all the supplementary evidence supplied by the appellant as listed below:-

- Tax Credit awarded to the family up to April 2019
- Letter from MP Mr N Evans
- Letter from Mr Barratt - Director of Community Services – LCC
- E-mail from Ms Burrows at Hyndburn Academy
- Parents e-mail dated 15th October 2018
- Copy of the offer of school e-mail sent to appellant
- Copy letter from School Transport dated 7th January 2018

The appellant state that they did not apply for the school allocated and they do not think it is fair that they are now required to pay for a travel pass. However, the Committee was advised that no evidence had been provided to suggest that the nearest school was not suitable for the child. The Committee was also informed that by law the Council only had to provide transport assistance to the nearest qualifying school and that was taken to mean, in accordance with

legislation, any school with places available that provides an education appropriate to the age, ability and aptitude of the child.

The Committee in noting that the bus service had been cancelled due to lack of use noted that there was no mention in the appellant's case if they paid for a bus pass previously and that the pupil is now in year 8, in noting this fact the appellant does not state that the cost of catching a public bus service would cost more or less.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4570 be deferred in order for the following information to be supplied to the committee to enable them to give full consideration to the appellants claim.

- Details of what schools are available closer to home than the school attended with places available for the pupil.
- Evidence and reason why the appellant is unable to take the child to and from school.

Appeal 4571

It was reported that a request for transport assistance had initially been refused as the pupil was attending their nearest suitable school, which was under the statutory walking distance of 3 miles for the age of the pupil. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was appealing on financial grounds. The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to one of their three nearest schools. For your child to receive free transport assistance, the school must be between 2 and 6 miles away from your home. The committee noted that the child is not attending the nearest school to the home address and that the distance is under the extended entitlement offered to families on a low income of 2 miles. The school attended is 1.69 miles from the home address and under the statutory walking distance of 2 miles awarded to pupils who are assessed as coming from a low income family.

The committee noted that the appellant does not state any medical issues that would prevent the pupil from walking to and from school and there are nearer schools with places available for the pupil to attend that are nearer to the home address. The committee were advised that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to accompany or transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

The committee noted that the family do have support from Childrens Social Care, however there was no evidence or details supplied in the appellants claim to

indicate what that involvement was or any supportive evidence submitted from the service to support the appeal for transport.

In considering the family's circumstances the Committee noted that the mother was a single parent. The Committee also noted that the family was on a low income as defined in law. The committee noted therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence was not persuaded that there was sufficient reason to uphold the appeal.

The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4571 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 2018/19.

Appeal 4575

It was reported that a request for transport assistance had initially been refused as the pupil was attending their nearest suitable school, which was under the statutory walking distance of 3 miles for the age of the pupil. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was appealing on medical grounds.

The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to their nearest school. For your child to receive free transport assistance, the school must be between 2 and 6 miles away from your home. The committee noted that the pupil is attending the nearest school to the home address. The committee also noted that the pupil is not classed as from a low income family so not entitled to extended transport assistance.

In considering the family's circumstances the Committee noted that the appellant was a long term foster carer for the pupil. The Committee noted that the family was not on a low income as defined in law. No financial evidence had been supplied to suggest that the family would be unable to fund the cost of transport to get the pupil to school and back.

The committee noted that the appellant was appealing for transport assistance on medical grounds for the pupil. The committee noted the additional evidence submitted from the children's hospital and noted the content of the statement made by the specialist. However the letter from the hospital does not state that

the pupil cannot walk. The committee note that the appellant states that that the route to the school is in their opinion unsuitable. It was noted that the officer confirmed on the schedule that the route had been assessed and deemed suitable as a route to the school attended. The Committee was advised that in all cases the suitability of walking routes would be assessed as if the child was accompanied as necessary by a parent or other responsible person and was suitably clad.

The committee also noted that the appellant had signed the application from for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4575 Temporary Awarded to the end of the Easter Term April 2019).

If the appellant wishes to re-apply for transport assistance then the following information will need to be provided:-

- Full and up to date medical evidence of the pupil.
- What financial assistance is awarded and in whose name is this award made (disability Benefits).
- Appellant to advise which Local Authority has responsibility for the pupil as a looked after child.

Appeal 4581

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

In considering the appeal further the Committee noted that the appellant was appealing on financial and medical grounds. The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to their nearest school. For your child to receive free transport assistance, the school must one of the three nearest schools to the home address and be between 2 and 6 miles away from your home address.

The committee noted that the pupils are attending the nearest school to the home address and that the distance is under the statutory walking distance of 2 miles confirmed as .48 miles from the home address.

The committee also noted the appellant's statement that they are unable to transport the pupils themselves to school and that they are a single parent and that the appellant needs to take her elder child to college who they state is unable to use the bus due to medical issues. The committee note the officers comments that point out that the college is within walking distance of home at 1.4

miles also, however it was noted by the committee that there was no medical evidence submitted for the college student to establish this and as such the Committee were unable to evaluate why the college pupil could not walk or what prevented them from catching a bus which would enable to appellant to escort the other pupils to school.

The committee were advised that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school/college are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school. In considering the medical evidence submitted, the committee noted that one set of evidence only gave a GP record of the one of pupil's attendance in surgery listing when they had attended it was noted that the pupil had attended an appointment for suspected Asthma, no evidence was provided by the appellant to confirm any diagnosis or any evidence to support the appellants claim that it is worse in winter when walking. The committee then went onto consider the other evidence submitted by the appellant who states that the pupil suffered from chest pain. The committee considered the appellants evidence in the form of a letter from the NHS dated July 2018. In the letter it confirms that the pupil now complains less about the pain and that the pupil has a clear chest and that his examination was unremarkable. The committee considered the statement of the appellant that both pupils find it difficult to walk but note that the appellant had not submitted any evidence to the committee to confirm these facts. The appellant also states that they struggle to pay the bus fare for all three pupils each week for them to get the bus to school.

The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

In considering the family's circumstances the Committee noted that the appellant was a single parent. The Committee noted that the family are on a low income as defined in law. The committee noted 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 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 4581 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 2018/19.

Appeal 4587

It was reported that a request for transport assistance had initially been refused as the pupil was not attending their nearest suitable school which is over the statutory walking distance of 3 miles for the age of the pupil. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they

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

In considering the appeal further the Committee noted that the appellant was appealing on financial grounds. The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to their nearest school. For your child to receive free transport assistance, the school must be between 2 and 6 miles away from your home address.

The committee noted that the pupil is not attending the nearest school to the home address and that the distance is over the statutory walking distance of 3.38 miles from the home address and as such transport assistance would only be awarded to the pupil to attend the closest school. The committee noted that the family are not in receipt of free school meals so are not entitled to extended transport assistance.

The committee also noted the appellant's statement that they are unable to transport the pupil themselves to school the committee were advised that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school/college/nursery are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

The appellant states that the pupil had been offered their second choice of school and that they were only aware of the issue with transport to the school attended when they received the refusal letter. The Committee were advised that during the application process parents are reminded that if travel to and from school is a consideration then all parents are directed to LCC's website to view the full policy and to check with the area education office to check individual eligibility. With regard to the elder siblings previously being awarded transport assistance the committee were reminded that this was due to a previous policy where transport assistance was more generous.

The committee also noted that the appellant highlighted routes on google maps gives different distances than that stated by the authority. The Committee however were advised that most phone applications and Google Maps measure the distance that a car would drive between two points. The committee were advised that the County Council's mapping software has a proven record of accuracy based on a walking route to school. This mapping software is used when determining admissions and has proved accurate for both admissions and transport entitlement.

In considering the family's financial circumstances the Committee noted that the family are not on a low income as defined in law. The committee noted that the appellant had not chosen to submit any financial information in relation to the family's financial circumstances. Therefore the committee were unable to establish if the family were unable to purchase a travel pass for the pupil. The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given

in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

The committee noted 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 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 4587 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 2018/19.

Appeal 4588

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

In considering the appeal further the Committee noted that the appellant was appealing on financial grounds. The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to their nearest school. For your child to receive free transport assistance, the school must be between 2 and 6 miles away from your home. The committee noted that the pupil is not attending the nearest school to the home address and that the school attended is 3.30 miles from the home address. The appellant states that they are currently incurring a cost of £55 per month for a travel pass on the public bus service. The committee also noted that the pupil is not classed as from a low income family so not entitled to extended transport assistance.

The committee also noted that in the officers schedule that the Department for Education states that by law the Council only had to provide transport assistance to the nearest qualifying school and that such a school was taken to mean, in accordance with legislation, any school with places available that provides an education appropriate to the age, ability and aptitude of the child and that when undertaking the assessment the authority does not discount any school based on the school OFSTED category.

In considering the family's financial circumstances the Committee noted that the appellant was not on a low income as defined in law. No financial evidence had been supplied to suggest that the family would be unable to fund the cost of transport to get the pupil to school and back.

The committee noted that the appellant states that the parents work and that there are two other pupils in the family which the appellants needs to take to school and that her partner is unable to assist with the school run due to work commitments. The committee were advised that the home to school transport

policy states that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport or accompany children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

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

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule and application form the Committee was not persuaded that there was sufficient reason to uphold the appeal and that the school attended was that of parental preference.

The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4588 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 2018/19.

Appeal 4590

It was reported that a request for transport assistance had initially been refused as the pupil was not attending their nearest suitable school, which was over the statutory walking distance of 3 miles for the age of the pupil. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was appealing on medical grounds. The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to their nearest school. For your child to receive free transport assistance, the school must be between 2 and 6 miles away from your home. The committee noted that the pupil is not attending the nearest school to the home address and that the school attended is 4.94 miles from the home address. The appellant states that they are currently taking the pupil to the bus stop as the pupil is suffering with a processing disorder and the appellant needs to ensure that the pupil get on the correct bus.

The committee noted that the appellant states that the parents work and that their partner is unable to assist with the school run due to work commitments. The committee were advised that the home to school transport policy states that it is

the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

The committee also noted that in the officers schedule that the Department for Education states that by law the Council only had to provide transport assistance to the nearest suitable school and that such a school was taken to mean, in accordance with legislation, any school with places available that provides an education appropriate to the age, ability and aptitude of the child and that when undertaking the assessment the authority does not discount any school based on Faith or the school's OFSTED category.

In considering the family's financial circumstances the Committee noted that the appellant was not on a low income as defined in law. No financial evidence had been supplied to suggest that the family would be unable to fund the cost of transport to get the pupil to school and back.

The committee noted all the officers' comments in relation to the family move and what was available to the appellants for places for the year group required prior to the move as no address was supplied to the area office. The Pupil Access Team informed the family at that time what places were available at what schools for the appellants to make their decision. The committee noted this statement and that the offer was made based on the pupil living at the previous address. The committee noted that without the confirmation of the new address they would not have been in the position to advise what the nearer school would have been prior to the move of address and that the offer made was due to places being available at that time.

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

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

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

The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4590 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 2018/19.

Appeal 4591

It was reported that a request for transport assistance had initially been refused as the pupil was not attending their nearest suitable school, which was over the statutory walking distance of 3 miles for the age of the pupil. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was appealing on financial grounds. The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to their nearest school. For your child to receive free transport assistance, the school must be between 2 and 6 miles away from your home. The committee noted that the pupil is not attending the nearest school to the home address and that the school attended is 6.69 miles from the home address. The appellant states the pupil has previously been in receipt of a free bus pass on low income grounds as the pupil had previously qualified as the school attended was the closest school of the families faith and that the appellant did qualify under the previous more generous policy but their entitlement to the qualifying benefits had changed and as such they were no longer entitled to free school meals or in receipt of the maximum amount of working tax credits. The committee noted that as the pupil is in year 11 and there is additional entitlement to pupils at this stage in their educational career, however the Committee were advised that this only applied if the pupil moved house and that unfortunately this did not apply in this instance.

The committee noted that the appellant states that the appellant is a single parent and unable to assist with the school run due to work and other commitments. The committee were advised that the home to school transport policy states that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

In considering the family's financial circumstances the Committee noted that the appellant was not now on a low income as defined in law. Financial evidence had been supplied in the form of a benefit statement.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule and application form the Committee was 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 4591 be **allowed** 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 not in accordance with the Home to Mainstream School Transport Policy

for 2018/19. The award is made up to the **end of this academic year July 2019 only.**

Appeal 4595

It was reported that a request for transport assistance had initially been refused as the pupil was not attending their nearest suitable school, which was 5.25 miles from the home address and over the statutory walking distance of 3 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted that the appellant was appealing on grounds that the appellant deemed that the family had exceptional ground in which to appeal the decision.

The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to their nearest school. For your child to receive free transport assistance, the school must be between 2 and 6 miles away from your home. The committee noted that the pupil is not attending the nearest school to the home address and that the school attended is 7.31 miles from the home address. The appellant states that they are currently paying for a travel pass. The committee also noted that the pupil is not classed as from a low income family so not entitled to extended transport assistance.

In considering the appeal the committee noted that the elder sibling has an EHC Plan naming the school attended and as such elder sibling was admitted. The committee noted that the appellant wished for both siblings to attend the same school for mutual support. The committee noted that the appellant states that the distance they have measured is not the same as that stated by the authority and that they have used Google maps.

The committee were advised that the County Council assesses all the Year 6 pupils transferring to secondary school, every spring term and uses two bespoke packages of mapping software specifically used for the accuracy of measurements undertaken for both admissions and transport purposes and both have a proven history of accuracy.

The committee noted from the officers comments that at the time of application if the pupil had applied for a place at the nearer school then a place could have been offered at the nearer school, it was noted by the committee that transport assistance would have been provided as the nearest school is over 3 miles.

The committee also noted that in the officers schedule that the Department for Education states that by law the Council only had to provide transport assistance to the nearest qualifying school and that such a school was taken to mean, in accordance with legislation, any school with places available that provides an education appropriate to the age, ability and aptitude of the child and that when undertaking the assessment the authority does not discount any school based on the school OFSTED category.

In considering the appellants financial situation, no evidence had been provided to suggest that the appellant was unable to fund the cost of the bus pass.

The committee also noted that the appellant had signed the application from for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4595 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 2018/19.

Appeal 4599

It was reported that a request for transport assistance had initially been refused as the pupil was not attending their nearest suitable school, which was 1.13 miles from the home address and within the statutory walking distance of 3 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was appealing on financial grounds and that the family had exceptional ground in which to appeal the decision.

The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to their nearest school. For your child to receive free transport assistance, the school must be between 2 and 6 miles away from your home. The committee noted that the pupil is not attending the nearest school to the home address and that the school attended is 4.24 miles from the home address and that there are also two nearer schools to the home address than the school attended.

The appellant states that they are currently paying for a travel pass and that this is costing £17 per week. The committee also noted that the family currently have an active claim for free school meals in progress at the moment and that extended entitlement could be applied in this instance. However the committee noted that the school attend was not one of the 3 nearest schools to the home address and as such the family were still not entitled to extended provision on low income grounds.

The Committee were advised that admissions information is available for all parents from the beginning of admission term and parents are advised to check

the policy carefully if home to school transport is an important issue. Parents are also able to seek advice from the area education offices and officers are also available in most schools during open evenings to advice on transport eligibility and admission enquiries.

The committee noted that at the time of application from the officer's comments that if the pupil had applied for a place at the nearer school and given a higher preference on application then a place could have been offered at one of the nearer schools had the appellant ranked their preferences differently and that some of the schools were within the statutory walking distance.

The committee also noted that in the officers schedule that the Department for Education states that by law the Council only had to provide transport assistance to the nearest suitable school and that such a school was taken to mean, in accordance with legislation, any school with places available that provides an education appropriate to the age, ability and aptitude of the child and that when undertaking the assessment the authority does not discount any school based on the school OFSTED category.

In considering the appellants financial situation, no evidence had been provided to suggest that the appellant was unable to fund the cost of transport to and from the school.

The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4599 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 2018/19.

Appeal 4600

It was reported that a request for transport assistance had initially been refused as the pupils were not attending their nearest suitable school, which is under the statutory walking distance of 3 miles for the age of the pupils and 0.67 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was appealing on medical and financial grounds.

The committee noted that the pupil is not attending the nearest school to the home address at 0.67 miles and that the distance to the nearest school is under the statutory walking distance of 3 miles from the home address. The committee note also that the school attended by the pupil is 1.24 miles from the home address and also under the statutory walking distance of 3 miles from the home address. The committee also note that the pupil is not in receipt of free school meals and therefore not entitled to extended provision for families classed as low income families.

There was no information stated as to why the appellants could not transport the pupil to and from school. The committee were reminded that the policy states that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school/college/nursery are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school. In considering the family's financial circumstances the Committee noted that the family are not on a low income as defined in law. The committee noted that the appellant had not chosen to submit any financial information in relation to the family's financial circumstances. Therefore the committee were unable to establish if the family were unable to support financially any assistance needed by the pupil to attend school.

The Committee were advised that during the application process parents are reminded that if travel to and from school is a consideration then all parents are directed to LCC's website to view the full policy and to check with the area education office to check individual eligibility.

The committee noted the evidence of the Medical surgery from the doctor's surgery that confirmed the child's has medical issues and who wished to support the claim for transport assistance. The committee noted however that this did not give any evidence to confirm that walking to and from school was an issue. The committee noted that the appellant had stated on the appeal form that the pupil currently has low attendance and from the attendance record note that Fridays in particular seem to be an issue. In the appeal application it was noted that the school had made arrangements for a shorter days to be available to the pupil on a Thursday and Friday.

The committee were particularly concerned that no other information or plans had been submitted by medical staff, school or appellants to evidence further the difficulties and measures put in place to assist the pupil.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4600 be deferred to a later date to give the family the opportunity to submit the following evidence in order for the committee to fully consider the appeal.

- Medical Evidence – full and up to date
- Adaptions that have been made by school and report from school on pupil's general difficulties and what measures have been put in place to resolve the low attendance.
- Details on how the pupil is currently getting to and from school.

- Details of who accompanies the pupil to and from school currently.

Appeal 4602

It was reported that a request for transport assistance had initially been refused as the pupils were not attending their nearest suitable school, which was 0.17 miles from the home address and within the statutory walking distance of 3 miles from the home address. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was appealing on financial and continuity of educational grounds and that the family had exceptional ground in which to appeal the decision.

The policy states that if you have a low income we may be able to provide free transport if they go to their nearest school and the school attended is over the statutory walking distance. For your child to receive free transport assistance, the school must be between 2 and 6 miles away from your home. The committee noted that the pupils are not attending the nearest school to the home address and that the school attended is 1.9 miles and under the statutory walking distance awarded to families on low income grounds.

The Committee were advised that the family had needed to move address due to domestic violence within the family and that the school and agencies were supporting the family. The appellant states that because of this and the disruption of the move they wished for the children to continue at the school attended for continuity and support.

The committee noted that the walking distance was under the extended statutory entitlement awarded to families of a low income. They considered all the information provided by the appellant and noted all the supplementary evidence submitted to support the appeal. However no reference was made as to why the family could not walk to school. No evidence or explanation was submitted to state why walking to and from school was not an option or any valid reason why transport assistance was required.

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 4602 be Deferred in order to give the appellant a further opportunity for the appellant to submit further information in order the for committee to fully consider the appellants appeal fully.

It was noted that 1 hr prior to the appeal further supplementary evidence in the form of an e-mail from the Headteacher had been submitted to committee for consideration. The committee however note that there were just statements and not substantiated by any form of evidence, therefore the appeal was deferred in

order for the appellant to evidence the following information in order for the committee to fully consider the appeal fully:-

- Appellant to supply full and up to date medical evidence (Parent).
- Due date of Baby No 5.
- Details of the custodial sentence awarded to parent
- Clarification if the appellant has a new partner
- Details of the currently living arrangements at the appellant's home and the family unity.
- The appellant state that they work – please advise if the appellant is currently working.
- Up to date financial details of the family to reflect any change in circumstances than that submitted when initially appealed.
- Details of why the children are travelling to and from the school area which is claimed they are risk of being in.
- Details and evidence of any current risk the children are under while in attendance at the school.
- Details of why the pupils are still under a care plan.

Appeal 4604

It was reported that a request for transport assistance had initially been refused as the pupil was not attending their nearest suitable school, which was 8.56 miles from the home address and over the statutory walking distance of 3 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was appealing on medical and educational continuity. The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to their nearest school. For your child to receive free transport assistance, the school must be between 2 and 6 miles away from your home.

The committee noted that the pupil is not attending the nearest school to the home address and that the school attended is 9.46 miles from the home address. The committee noted that the appellant applied for a place from the previous home address and that during the summer period before the pupil started school the family moved in June 18 and accepted the place offered from the previous address.

The committee noted from the officers comments that 2 other schools in the area closer to home were full in the year group and that had the offer been accepted for the nearer school then transport assistance would have been offered by the Local Authority. The committee noted that the pupil started at the school in September 2018 and that the appellant states they are currently transporting the child to school.

As the pupil is on free school meals then extended transport assistance is offered to families from a low income. The committee noted that the appellant had been advised by letter that the pupil would be entitled to extended rights if the pupil had been awarded a place at the school attended on faith grounds. The committee note that the officer confirms that to date the appellant has not submitted any evidence of this.

In considering the appeal the committee noted the letter from the NHS supporting the appeal for the pupil to receive transport assistance. The letter does state that if the pupil were to move schools that the move may disrupt his current progress. The committee were reminded that a pupil's special education needs could be met by any mainstream school and that schools would put measures and resources in place to assist any pupil who required this assistance. The committee noted that the letter did not state that it would disrupt the pupil progress only that it may do so.

The committee also noted that the appellant states that the distance they have measured is not the same as that stated by the authority and that they have used Google maps. The committee were advised that the County Council uses two bespoke packages of mapping software specifically used for the accuracy of measurements undertaken for both admissions and transport purposes and both have a proven history of accuracy. These packages are used for all pupils on admissions and for transport entitlement for the whole of the authority.

The committee noted that the appellant states that they currently transport the pupil to school and that they are in receipt of low level DLA, however this was not clear if this was awarded to the appellant or the pupil. The committee also note that the appellant states that the transportation of the pupil was not logistical long term. The committee however note that the appellant did not expand or submit any evidence to support this statement.

The committee also note that the appellant has chosen not to tick if the appellant works or if the appellant has a partner and if they work. The committee also note that the appellant is appealing on both financial and medical grounds but has not chosen to supply any financial evidence. The committee therefore were unable to establish the full financial circumstances of the family.

The committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4604 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 2018/19.

Appeal 4606

It was reported that a request for transport assistance had initially been refused as the pupil was not attending their nearest suitable school, which was 3.54 miles from the home address and over the statutory walking distance of 3 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was appealing on medical grounds.

The committee noted that the pupil is not attending the nearest school to the home address and that the school attended is 4.73 miles from the home address. The committee noted from the officers comments that another school in the area closer to home would have been offered as places were available and that this school was 3.54 miles from the home address. The appellant states that in 2015 when the pupil applied for a place at the chosen school that the policy was updated to include schools also within neighbouring authorities. The committee noted that the pupil started at the school in September 2015 and is now currently in year 10. The committee noted the medical difficulties that the pupil had experienced and were sympathetic to the pupil's condition. However the committee noted that the pupil was in year 10 and had been attending the school of choice since year 7 and that he cycled to the bus stop and then caught the bus to the school of choice.

From the information submitted by the appellant and the officer's comments in the schedule the Committee were unable to establish why the previous arrangements could not continue. The appellant was appealing on medical grounds and it was noted that in the letter from the hospital that it did outline a recent operation but also stated that the pupil could go back to full activity within a few weeks. It was noted by the committee that the letter was dated 26th April 2018.

In considering the appeal further the Committee noted that they were not in a position to decide if the family were on a low income as defined in law. No evidence was submitted to prove that the pupil is in receipt of any Disability Living Allowance. The Committee noted also that no evidence had been provided to suggest that the family were unable to fund the cost of transport to school.

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

The committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4606 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 2018/19.

Appendix B 402915

It was reported that a request for transport assistance had been offered as the pupil was attending their nearest suitable college. The pupil was therefore entitled to free transport in accordance with the Council's policy and 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 a financial allowance to the appellant that was not in accordance with the Council's policy

In considering the appeal further the Committee noted that the appeal was based on the appellant's child's medical condition and the arrangements that the authority had evaluated suitable transport to enable the pupil to travel to and from school safely under the SEN Policy 13/14 (Transport Assistance).

The committee noted that the appeal had previously been deferred in order for the appellant to submit further evidence to the panel so that they were in a better position to evaluate the family circumstances and consider the claim fully.

The committee were advised that the appellant had submitted the following for consideration to support the appeal:-

- Copy Of final EHCP issued 02/03/2017
- Copy of letter from Hospital
- Health Information Passport
- Amended EHCP issued 13/08/2018
- Email from Practice Manager re Transport Evidence

- Email from College
- Copy of letter form Hospital
- Copies of Health Authority letters x 3
- Letter dated 22nd October in response to the deferral letter dated 1st August 2018.
- E Mail - Sobia Malik dated 5th October
- E-Mail - David Graham dated 31st October

The Committee have noted you were **not prepared to provide** financial information as requested to substantiate the family's income for the period of two years where you are claiming financial assistance. However they note in your letter dated 22nd October that you have confirmed your family's financial status. The committee noted the confirmation from David Graham that transport assistance is not means tested.

The committee considered all the information submitted by the appellant before and after the initial appeal was deferred and considered and discussed all the points raised by the officer and the appellant relating to all the previous and additional evidence at the committee held on the 3rd December 2018.

The committee concluded that in accordance to the SEN transport policy and the EHC plan that the pupil had been assess and classified as T6. The committee were advised that this had been awarded to the pupil, details below:-

T6	Child/young person is able to travel with selected other pupils. The level of need may require intervention/supervision from a trained passenger assistant.	Transport in a suitable vehicle provided. Passenger assistant provided.
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The Committee recognised fully the concerns of the appellant as stated throughout all the evidence and statements the appellant had submitted to the panel and the committee did sympathise. However the committee were reminded that the assessments were made by professional staff and that the final outcome may not always be the outcome that the parents had hoped for. The committee noted that due to the appellant not being satisfied with the categorisation of the transport awarded to the pupil that the appellant had decided that the appellant would take the pupil to and from college themselves and that a mileage allowance was awarded for mileage under the policy element stated below to the appellant under category that was deemed as exceptional:-

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8 - Reimbursement of Mileage.

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 mileage allowance is based upon the mileage to and from the school and based on a standard rate for one trip each way per day. Parking, subsistence and other costs will not be met.

If a parent chooses this option, the SEND Integrated Assessment Team can advise on the process for claiming. No arrangements are currently in place to pay a mileage rate in lieu of transport where a young person uses his or her own bicycle as transport to and from education.

The committee recognised and sympathised with all of the appellants concerns and that the appellants wish for T8 transport not being awarded was disappointing.

The committee noted that you are now asking the committee to make a personal allowance to yourself for the time element of taking the child to college and have stated that this would be retrospectively. The committee noted that the appellant states this would have been a cheaper option for the Authority to make a direct allowance to the appellant as opposed to Transport being put in place for the pupil.

The committee therefore considered your request for a financial personal payment but after careful consideration the committee concluded that it was not in their remit to make such an award.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 402915 be discarded on the grounds that the reasons put forward in support of the appeal did not fall within the remit of the Committee exercising its discretion to make any such award that is not in accordance with the SEN Home to Transport Policy for 2013/14 or the remit of the committee.

1530608

It was reported that a request for transport assistance had initially been refused as the pupil was attending their nearest suitable nursery provision. The pupil was therefore not entitled to free transport in accordance with the Council's policy and 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 a financial allowance to the appellant that was not in accordance with the Council's policy.

In considering the appeal further the Committee noted that the appeal was based on the appellant's child's medical condition and allocation of nursery provision at a special school nursery provision for a few hours a week and that the SEN Policy 13/14 (Transport Assistance) did not apply to nursery provisions for under school aged pupils.

The committee noted that the appellant had submitted some financial information, the current EHC Plan of the pupil for consideration by the committee and detailed the route to and from the nursery provision that outlined the appellants concerns that the route was unsafe to walk to and from nursery even with the child being in an adapted buggy.

The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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 transport assistance to the nursery provision was not in the committee's remit to award transport provision for the pupil.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 1530608 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 2018/19.

Any other Business

Appeal 4608

It was reported that a request for transport assistance had initially been refused as the pupil is attending their nearest suitable school, which is under the statutory walking distance of 3 miles for the age of the pupils and 2.08 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was appealing on medical grounds.

The committee noted that appellant had been awarded their 1st first choice of school and also noted that the family are not classed as on a low income and therefore extended rights under the policy were not considered in this instance.

The committee noted that the appellant states that the pupil suffers from ADHD and has Autism Spectrum Disorder Traits as confirmed by the NHS Letter from the Specialist Nurse dated 30th October 2018. The committee noted that the nurse states that the pupil would benefit from transport assistance with appropriate transport to travel to and from school safely and independently.

However the committee note that the appellant states that the pupil would not manage walking or getting a bus to school themselves and that currently the pupil

is transported from home to school by parents, the committee noted that there is no explanation from the appellant to state why this arrangement cannot continue.

The committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

The Committee were advised that during the application process parents are reminded that if travel to and from school is a consideration then all parents are directed to LCC's website to view the full policy and to check with the area education office to check individual eligibility. It was also noted that the family are not classed as on a low income and therefore extended rights under the policy were not considered in this instance. The committee also note that the pupil is in receipt of Disability Living allowance – high care, unfortunately the appellant has not stated how much this is and what the allowance is used for. It was noted by the committee that the appellant has indicated in their application that they are beginning the process of obtaining an EHC plan for the pupil who is not currently subject to any such plan. The committee noted that the officers have confirmed that if an EHCP was put in place then the appellant can apply for transport assistance under the SEND home to school transport policy 2013/14. The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4608 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 2018/19.

Appeal 4592

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 over the statutory walking distance of 3 miles for the age of the pupils and 5.70 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was not appealing on medical or financial grounds.

The committee noted that appellant had been awarded their choice of school and also noted that the family are not classed as on a low income and therefore extended rights under the policy were not considered in this instance. It was noted by the committee that the authority only needs to consider the suitability of a route to school that the child would take if that child attended the nearest school to the home address therefor the authority is not obliged to assess the suitability of the route the pupil would take to school.

The committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

The Committee were advised that during the application process parents are reminded that if travel to and from school is a consideration then all parents are directed to LCC's website to view the full policy and to check with the area education office to check individual eligibility. It was also noted that the family are not classed as on a low income and therefore extended rights under the policy were not considered in this instance.

The committee were advised that the County Council assesses all the Year 6 pupils transferring to secondary school, every spring term and uses two bespoke packages of mapping software specifically used for the accuracy of measurements undertaken for both admissions and transport purposes and both have a proven history of accuracy.

The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4592 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 2018/19.

4597

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 over the

statutory walking distance of 3 miles for the age of the pupil and is 3.74 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was appealing on financial, Medical and education Continuity grounds.

In order for the committee to consider the appellants case further they felt that a **deferral** of the appeal was needed in order for the appellant to submit further evidence as listed below to enable the committee to make a more considered assessment of the appeal.

- Up to date medical report of the father's current medical condition and future prognosis.
- Details of the mother's current medical issues and future prognosis.
- Details of any assistance that the pupils are receiving and any reports from school to evidence the support currently in place for the pupils.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4597 be **deferred** in order for the appellant to provide the necessary information requested by the panel before the 14th December for the transport appeal to be re considered at the next committee meeting to be held on the 13th January 2019.

L Sales
Director of Corporate Services

County Hall
Preston