

Lancashire County Council

Student Support Appeals Committee

Minutes of the Meeting held on Monday, 11th March, 2019 at 10.00 am in County Hall, Preston

Present:

County Councillor Christian Wakeford (Chair)

County Councillors

Y Motala

J Burrows

1. Apologies

CC A. Cheetham

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None

3. Minutes of the meeting held on 14th January 2019

Resolved: That; the Minutes of the meeting held on the 14th January 2019 was confirmed as an accurate record and be signed by the Chair.

4. Urgent Business

Two cases were presented to the Committee appeal 4580 & 4621.

5. Date of the Next Meeting

It was noted that the next meeting of the Committee would be held at 10.00am on Monday 8th April 2019 at County Hall, Preston, room CH G:02.

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 14 appeals and 2 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 4533

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 2.88 miles from their home address, and instead would attend a school which was 10.23 miles away.

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

In considering the appeal further the Committee noted that the appellant was requesting transport assistance on Financial and Medical grounds. 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 was reminded that it is parental preferences for a school and academies and the application of admission arrangements linked to those which informs and drives the subsequent application of the Local Authority home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. Eligibility to receive transport assistance is assessed by determining the distance between the entrance of a child's home and the entrance of the nearest school they could attend. The measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school. Free transport can only be authorised if the pupil is attending the closest school to home address and the distance to get to the school attended by the pupil exceeded the statutory walking distance. The school attended by the pupil was not the closest school to the home address and as such the pupil was not entitled to free transport assistance.

The appellant further states that they are disabled, cannot walk very far and is unable to drive on occasion and that the disability means that they cannot work, as noted by the committee. The committee noted also that the family state that they struggle financially and that the appellant is in receipt of PIP, standard rate

for daily living and enhanced rate for Mobility. The committee note also that the partner is self-employed with a business registered from the home address and that the appellant states that the partner works as many hours as they can but does have to take time off work to assist the appellant with looking after the children. The committee were advised that there are two further siblings who both attend primary school at 0.33 miles from the home address yet as noted by the committee that the appellant does not state any issues relating to how the siblings get to and from school or if there are any difficulties relating to transport. It was also noted by the committee by the appellant that the pupil had been admitted to hospital on a number of occasions in February 2018 where tests had been carried out and a diagnosis had been made and that the pupil had started to improve and returned to school in June 2018. The committee noted that the appellant states that the condition suffered by the pupil had been exacerbated by stress and that the appellant had also referred to bullying of the pupil. The committee noted the stated timeframe of these events and concluded that this period relates to events that occurred in year 6 of the primary school attended and not the Secondary School now attended or what relation it had to the transport claim now submitted. No evidence / doctor's report or ongoing medical reports had been submitted to substantiate any of the claims made by the appellant. The committee were reminded that all claims are evidence based. The committee also considered the claim by the appellant that they struggle financially, it was noted by the Committee that there is an additional entitlement to transport assistance for low income families if parents are in receipt of qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Free travel is provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home. It was noted by the committee that the pupil was not in receipt of free school meals, nor were the siblings entitled and therefore extended rights offered to pupils from low income families did not apply in this instance. The committee also note that the school attended is over 10.23 miles from the home address. The committee noted that the pupil attended their 1st choice of preference starting in September 2018. 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 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 4533 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

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a secondary school 5.5 miles from the home address as opposed to the nearest suitable school.

The previous appeal was deferred in order for the appellant to supply further information so that the committee could give full consideration to the appeal. The appellant was asked to provide the following:-

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.

The committee note that an e-mail dated 27th January from the appellant and an e-mail dated 7th January 2019 were submitted. The committee note that these contain further comments by the appellant and are not substantiated by any actual evidence.

The committee considered the appellants further comments on the e-mail dated the 7th January 2019 as detailed below:-

The appellant states that they have now changed their job and have given the reasons why they have changed their job. However the committee note that the appellant does not now state how the change of job has mitigated the home to school journey times and arrangements currently in place for the pupil to get to and from school. The committee also note that the pupil is doing well as confirmed by the school and that the appellant is pleased with this. The appellant states that they now have concerns on how this will affect their benefits and it was noted by the committee.

The appellant also states that the previous bus was costing £12 per week for the pupil to attend school, however no details have been provided to state how much the local bus service will cost the appellant if used. The appellant states that it is now costing them £80 a fortnight to take the pupil to and from school. The committee note that an estimate of costs done by the authority calculate that the actual cost is around £1.55 pence per journey based on the following:-

Car does 25 mpg @ 120.6 pence per ltr @ 6 miles = 1.55 pence per journey

Total cost of pupil travelling by car to school per fortnight = £31.00, the committee noted the £49.00 surplus according the appellants estimates of cost.

The committee considered your further comments on your e-mail dated the 27th January 2019 as detailed below:-

The committee acknowledge the e-mail receipt from the bus previously used by the pupil @ £12 per week.

Confirmed to the committee the note from the appellant stating that they have now changed jobs in order to take the pupil to school and their reasons for doing this.

The appellant also mentions another pupil that they have responsibility to get to and from school. The appellant states they are unable to afford the travel costs to the school attended and that the school allocated was not a preference for a year 7 place and that this place had been allocated by the authority. The committee noted on the schedule the preferences stated by the appellant and note that 2 of the choices were considered quite a distance from the home and that the 1st preference was a school of faith and that the primary schools attended by the pupil were not a school of faith.

However, the Committee were advised that no evidence had been provided to suggest that the nearest school was not suitable for the child. The Committee were 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 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 advice on transport eligibility and admission enquiries.

In considering the family's financial circumstances the Committee noted that the family are not on a low income as defined in law. The appellant states that due to financial circumstances they cannot afford the cost of the travel for the pupil to attend school. 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 or in receipt of the Maximum amount of working tax credits.

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" dated 17th September 2018, and offered a further opportunity to supply additional evidence to the committee.

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 4570 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 4627

The Committee was informed that the pupils would attend a school 1.49 miles from the home address as opposed to the nearest suitable school which was 1.15 miles away. It was reported that a request for transport assistance had initially been refused as the pupil's 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 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 exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The policy states that if you have a low income 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 address. The committee noted that the school the pupils attended was under the statutory walking distance awarded to families from a low income and under 2 miles from the home address.

The committee noted that the appellant moved from their previous property to the new address and that the reason for the move as stated by the appellant was that a much bigger property was required with safe external space for the children to play, the committee noted that there are 6 children in the family.

The committee noted that the appellant states that they are unable to afford the amount needed for a family daily ticket and that they borrow the money.

However the committee note that there is no mention of who the money is borrowed from or any evidence to substantiate this claim. The committee note that the family state that they do not drive.

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

The committee also note that the appellant have highlighted that one of the pupils has recently been seen by a medical professional and that they were going to submit written evidence of the needs of this pupil. The committee were made

aware that an officer had contacted the appellant by phone to state that the report as evidence was required in order for the committee to fully consider the medical needs of the pupil on the 4th March 2019 and that the information was needed prior to the appeal hearing on the 11th March 2019. The officer reported that no evidence had been submitted. Further clarification was sought directly from the school who confirmed that no adjustments medically had been made for the pupil who had recently attended hospital in and around school and including PE, the school however did report that there were some concerns regarding the pupil's motor skills.

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", dated 21st January 2019.

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 4527 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 4597

The Committee was informed that a request for transport assistance had initially been refused as the pupils concerned were not attending the secondary school nearest to the home address and were attending a school 9.07 miles away, the distance of the nearest school the pupils could attend attending from the home address is 3.74 miles away.

The committee were advised further that the appeal had previously been differed in order to obtain further evidence from the family at the meeting in December 2018 and the information requested was as detailed below:-

- Up to date medical report of the father's current medical condition and future prognosis.
- Details of the mother's current medical condition 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.

The committee were made aware from a memo from the Central Pupil Access Team and a letter from Susie Charles to CC M Barron that since the deferral in December that Mrs Houghton had sadly passed away. The committee are asked to note the contents of the letter and consider the appeal to mitigate any further delays for the family. The committee were sincerely sympathetic for the family following the events and resolved that if the family wish to seek assistance after July 2019 then the family need to send in a fresh transport appeal detailing up to date information and circumstances relating to the family at that time.

Resolved: Therefore, having considered all of the family's circumstances and the officer responses as set out in the Appeal Schedule 4597, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupils up to the end of the summer term 2018/19 – July 2019 academic year to support the family in the interim.

Appeal 4602

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 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.

The committee were advised of the deferral letter sent to the appellant and noted all the information submitted from the various agencies and school to support the appellants claim.

Resolved: Therefore, having considered all of the family's circumstances and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupils up to the end of the **Summer Term Only 2018/19 (July 2019) academic year to support the family in the interim.**

Appeal 4603

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 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 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 and the appellant must be classed as on a low income. The committee noted that the appellant states that they had previously been entitled to free transport but entitlement had been reassessed which now meant that the family were not now classed as on a low income resulting in not now qualifying for assistance on low income grounds.

The appellant states as the bus pass has now not been awarded the pupil has now to catch another bus that means that the pupil has low attendance at school. The committee note however that it is possible for pupils to pay for a bus pass to continue to ride on the school bus. The committee were unsure if the appellant was aware of this, obviously this would not now be provided free and the appellant would have to pay the monthly amount for the annual pass. Details of monthly amounts can be found by visiting website <https://www.lancashire.gov.uk/children-education-families/schools/school-transport/school-bus-season-tickets/?page=4>.

The committee were unable to determine if this would be a cheaper option than purchasing a daily pass for public transport as the appellant had not supplied any further information or evidence. The committee were advised that there is a public bus from Longton (Booths) at 08:07am each morning and arrives at Penwortham Library at 08:32am, the committee were advised that the school day starts at 08:50am.

In considering the family's financial circumstances 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 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 4603 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 4616

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 1.70 miles from their home address and is within that statutory walking distance of 3 miles

from home to school. The pupil was attending instead a school which is 1.98 miles from the home address and still within the statutory walking distance of home to school.

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 were appealing on financial and medical grounds. The family were eligible for Free School Meals and as such did qualify for 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 3rd nearest school at 1.98 miles from the home address and as such did not qualify for extended transport provision as the school is under the statutory entitlement offered to families classed as on a low income.

The appellant states that the pupil suffers from a medical condition and that the medical condition can cause difficulties if the pupil does not manage their medication correctly, however the committee note that the appellant specified the adversities of the condition but did not state or evidence how often any such episodes occurred. The committee note the diagnosis for the pupil and note that this is a permanent ongoing medical condition.

In considering the appeal further the Committee noted that the appellant was appealing on financial grounds also. The committee noted that the appellants had an active claim for free school meals and the authority do accept that the family are classed as being on a low income. However the committee note that the pupil is in receipt of DLA and that this allowance is awarded to the pupil and that the amount awarded would cover extra living expenses such as transport to and from school and as such provision had already been made with the award of DLA for the pupil.

The committee also noted that the appellant had kindly provided a number of bank statements as part of their evidence. The committee concluded that from looking at the balances from the statement that the appellant managed their finances well. The committee stated that they were unable to comment any further on the living expenses of the family but noted that the statements balances were not overdrawn.

The committee did sympathise with the pupil's medical issues but concluded that the evidence did not warrant the committee in exercising its discretion and award transport assistance.

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 who 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 any 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 4616 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 4618

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 5.56 miles from their home address and instead would attend a school which was 5.74 miles from the home address and over the statutory walking distance of under 3 miles for the age of the pupil.

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 appellant's appeal, the committee noted that they state that the pupil had been out of school for a significant period of time due to medical reasons. It was noted by the committee that the school chosen was specifically chosen because it was a smaller school that was deemed more suitable for the pupil by the parents and a charity worker recommended by the school nurse. A Place was finally awarded to the pupil as a result of an LCC Key worker who advised the school now attended by the pupil because of the pastoral support offered at the school.

The committee note that if the pupil were to attend their nearest high school then transport assistance would be awarded and note that the officer states that places are available in the appropriate year group for the pupil at the nearest school.

The committee note that the appellant has ticked they are **Not Appealing** on any of the following grounds on their appeal form:-

Ticked No Not Appealing on Financial Grounds

Ticked No Not Appealing on Medical Grounds

Ticked No Not Appealing on Educational Continuity Grounds

However the committee note that the appellant have stated in their supplementary letter that they are appealing on the grounds of that the school attended has the nearest safest walking route as stated by the appellant who

states this is what was advised by LCC and they are also appealing on medical grounds.

The officer's comments stated, as noted by the Committee, that assessing a pupil's eligibility to receive transport assistance was a two part process. Firstly, a pupil's nearest school, for transport assessment purposes, is determined. This is the school that is closest to the pupil's home, measured by distance, as accepted by the County Council. The committee were advised that if the authority think that the shortest route is not suitable for children, when walking with an adult, the authority will look to find a suitable alternative which is less than the legal walking distance to school. The committee were reminded that the authority will find the shortest walking route to the nearest school and if they cannot find a suitable walking route then transport will be provided. The committee were advised that the council will not consider the suitability of a walking route to a school unless the child goes to the nearest school.

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

The committee noted 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 uncertain of the Medical issues presently affecting the pupil, the committee note that the pupil had been away from education for a period of time, the committee also note however that there was no evidence submitted by the appellant to substantiate the current medical diagnosis by a professional such as a doctor or consultant to outline any medical issues that would prevent the pupil from attending school or that travel arrangements were a factor relating to the pupils medical condition and attendance.

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 any 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 4618 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 4619

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school which was 10.81 miles from the home address and instead would attend a school which is 10.86 miles from the home address. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The committee were advised that the authority had initially made an error when assessing the nearest school as identified and attended by the pupil. The authority did award free transport to and from the school attended until the error was noted by the officers within the area educational office.

The committee were advised that unfortunately the authority realised that a mistake had been made and the appellant was notified by letter by the authority on the 18th October and 28th September 2019 outlining the error made and the opportunity to appeal the decision of their right to appeal.

The committee considered all of the information provided by the appellant as detailed below and as set out on the transport summary.

- Letter from LCC dated 28.09.2019 re Home to school Transport.
- Letter from LCC dated 18.10.18
- Copy of Application for Home to school Travel Costs dated 21.06.2018
- LCC Record for Pupil A & Sibling
- Two Maps titled walking/road routes
- Two E-Mails from the appellant to LCC dated 17.12.2018 & 21.12.18, with acknowledgment e-mail from LCC dated 17.12.18
- Letter dated 17.12.18 from appellant to LCC
- Letter dated 19.12.18 from LCC to appellant
- Letter from LCC to Appellant 14.12.18

The committee were reminded that the policy states in section 8 of the transport policy states:-

"If your child is going to school and we find that we are allowing them to travel for free by mistake, we will let you know that we have made a mistake and we will advise when we will stop providing free transport. Your child will be permitted to travel free of charge for the rest of the term".

The Committee were advised that the authority had advised of its mistake in writing to the appellant in the letter dated the 18th October and 28th September 2018.

It was noted by the Committee that the statutory guidance from the Department for Education states that schools can be considered when undertaking assessments to receive transport assistance if they have places available and "provide education appropriate to the age, ability and aptitude of the child, and any SEN that child may have"

The committee also note the letter from the SENCO of the school attended in relation to the pupil and the possible detriment of moving the child now at this

stage of their education, however the County Council delegates a significant amount of funding to all mainstream high schools to provide the learning support for pupils. All schools are expected to provide the necessary support to enable a pupil to fully access the curriculum. We would expect any secondary school in the area to be able to meet the needs of a child.

No Medical evidence has been provided to indicate that the school attended would be the only school to meet the needs of the pupil. The committee were advised that the authority is not stating that the pupil has to change school, just that the pupil is not entitled to receive free transport assistance to the school of choice currently attended by the pupil.

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

The committee 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. The committee also noted the appellant's comments relating to sharing information concerns. The committee note that these issues were not part of the remit of the committee and that this had been dealt with separately by the area office in their letter to the appellant on the 19th December 2018.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4619 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 4622

It was reported that a request for transport assistance had initially been refused as the pupil would be attending their nearest suitable school which was 1.15 miles from the home address and under the statutory walking distance of 3 miles from home to school. 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 were advised that the appellant was residing at another address and that they had relocated to the appellant's parents' house in order to care for one of the appellants parents. The committee were advised that that parent had since sadly passed away and that the appellant and the pupil still remain residing at the appellants parents' home.

The committee were advised that a bus pass was issued to the appellant while the pupil was living at the previous address where they had applied for entry from for the school attended. It was noted that in October 2016 the application was received and noted that the pupil had moved address, the committee note from the officers comments that no further information had been provided and non-asked by the transport team and a travel pass was issued based on the address the pupil had relocated to. The committee note that again a travel pass was issued to the pupil from the relocated address without any evidence but that the officers had put a note on the pupils file.

The appellant then made contact from the relocated address to the transport team to state they had not received a pass for the pupil for 2018/19 the annual travel pass. After investigations had taken place by the pupil access team and checks made with school the authority conclude that the records still show that the pupil resides at the original address. The applicant was informed of this and her right to appeal that decision.

The committee were reminded that the policy states:-

Definition of 'home'

If your child lives in two different homes, (there is a shared parenting arrangement in place between mother and father or other approved carer's) we will only provide transport from one of those addresses.

To work out whether your child is entitled to transport to and from school, we will use the address which we consider is your child's main home.

To decide which of the homes is your child's main home, we will consider: the address which you specifically chose to use when applying for a school place; the address at which your child spends most school days; and the address you give your child's doctor, dentist etc.

If your child spends an equal amount of the school week at each address, we will usually consider the main address to be the one which you declared on your admission application. This is normally where your child wakes up on the most school days during the school term (Monday to Friday).

You should be aware that entitlement to assistance with home to school transport is assessed separately after the admission process (after school places have been offered).

You cannot use an address to apply for a school place and another to have transport entitlement assessed.

For a new address to be accepted, there must be very exceptional reasons for the change, for example the sale of a property, house fire at one address, bereavement or relocation of the parents/carers to a single property. Parents must provide the necessary evidence for the Council to consider. A change in a child's living arrangements, for example spending more time at the new address, will not generally be considered to equate to exceptional circumstances.

The committee were advised and noted that the term "bereavement" would generally relate to the pupils circumstances and not the appellants and would relate to the loss of a parent/carer of the pupil that would require that pupil to move address to that of a new carer/parent.

The committee were advised that unfortunately the authority realised that a mistake had been made and the appellant was notified about the error made and advised the opportunity to appeal the decision and their right to appeal. The committee note that the policy states:-

"If your child is going to school and we find that we are allowing them to travel for free by mistake, we will let you know that we have made a mistake and we will advise when we will stop providing free transport. Your child will be permitted to travel free of charge for the rest of the term".

It was noted by the Committee that there is an additional entitlement to transport assistance for low income families if parents are in receipt of qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Free travel is provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home.

The committee note the officers comments stating that if the appellant still owns the property then this is the address considered to be the one where the pupil resides.

Transport appeals are evidence based, no evidence had been provided to substantiate any of the claims made by the appellant.

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", dated 10th January 2019.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4622 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 4624

It was reported that a request for transport assistance had initially been refused as the pupil would be attending their nearest suitable school which was 0.55 miles from the home address and under the statutory walking distance of 3 miles from home to school (for a child over the age of 8). The committee note that the pupil attends a school that is 2.44 miles from the pupil's home address and also under the statutory walking distance for a pupil over the age of 8 years old.

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 appellant's appeal, the committee noted that the pupil had been through an unsettling period and that the pupil was now living with the appellant and that the appellant now has guardianship of the pupil and a sibling after a period of time in foster care. The appellant states that they are elderly and on a pension and unable to meet the costs of a taxi for the pupil to attend school.

The committee note from the appellant and supporting letter from the head of the school attended that pupil has attended the school since reception and during the period when the siblings were in the care of the Local Authority. The appellant decided that the school attended was a constant and that the pupil was secure and happy and trusted and had support from the staff at school and considered that the school attended was in the best interest of the pupil.

The head also reports as noted by the committee that there still are ongoing issues with the mother disputing contact and that the appellant states that the father who is a threat to the children is

familiar with the nearer school and that the appellant feels that the pupil will be unsafe for the pupil to attend.

In considering the appeal further the Committee noted from the form filled in by the appellant that the appellant was appealing on financial grounds only. 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 2.44 miles from the home address.

The committee also note that the appellant states that the father of the children is familiar with the nearer school to the family's home address and that the pupil would be a risk if attended the nearer school. The committee noted that the pupil had attended the school since reception as had her elder sibling and it was likely that the father knew what school the pupil attended as opposed to the nearer school, so were uncertain why this had been raised by the appellant. The committee noted that there was no evidence to support such a claim and no report from the school attended that there were issues to evidence any such claims presently or previously had occurred.

The committee noted that the appellant does not state any medical issues that would prevent the pupil from walking to and from school or medical issues that would prevent the appellant accompany the pupil to and from 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 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 also noted that the appellant states that the house move was as a result of a marriage breakup. The committee noted that there were too few details for the committee to establish the appellants' situation relating to this or if it referred to the parents of the pupils or the appellant. The committee note that there has been some involvement from a social worker, however there was no reports submitted from the social worker to evidence the appellant's claims or give any further details relating to the family or the issues relating to school.

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", dated 9th January 2019.

Resolved - Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal 4624 Schedule, application form and supplementary evidence the Committee concluded that 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 4625

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 1.24 miles from the home address and under the statutory walking distance of 3 miles from home to school (for a child over the age of 8). The committee note that the pupil attends a school that is 2.77 miles from the pupil's home address and also under the statutory walking distance.

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 moved from their previous property to the new address and that the reason for the move as stated by the appellant was that a much bigger property was required with safe external space for the children to play, the committee noted that there are 6 children in the family.

The committee noted that the appellant states that they are unable to afford the amount needed for the bus fare and that they have to borrow the money. However the committee note that there is no mention of who the money is borrowed from or any evidence to substantiate this claim. The committee note that the family state that they do not drive.

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

The appellant states that the nearer school of the family's faith is a large school and this will be detrimental to the pupil's education and that a move now would be unsettling for the pupil and that the Ofsted report for the school attended was better and that this would benefit the pupil.

The committee were advised that the policy states that if your child is Roman Catholic, we will treat the nearest Roman Catholic school as their nearest school, but you will still be required to pay the contributory charge if this is not your nearest school.

The committee were advised that From September 2018, the County Council will no longer provide any discretionary denominational transport assistance for all pupils commencing at primary or secondary school. The removal of this assistance will be phased-in so that children who started school under one set of transport arrangements will continue to benefit from them until they conclude their education at that school or choose to move to another school.

It was also noted by the committee that the policy states that in the 2017/2018 academic year, if you wanted your child to go to a school which is not the nearest school to your home, the Local Authority will provide transport assistance* if the school is the nearest school which meets your faith or religious beliefs, you meet the distance criterion and your child has been admitted to the school on denominational grounds.

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. The committee were reminded that there is a closer school of the same faith that the pupil could attend.

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", dated 29th January 2019.

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 4626

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school which was 0.54 miles from the home address and under the statutory walking distance of 3 miles from home to school (for a child over the age of 8). The committee note that the pupil attends the 6th nearest school that is 7.72 miles from the pupil's home address and over the statutory walking distance.

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 note that the pupil did attend the nearest school but due to bullying as stated by the appellant, that the appellant had removed the pupil from the school attended previously because the appellant felt that the school did not deal with the bullying effectively. The appellant states that they moved the pupil to an area where none of the pupils would know the child or of the bullying and the video that had been available on social media.

The committee noted that the officer had stated that there are two schools closer to the home address with places available that could accommodate the pupil in the appropriate year group.

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 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 7.72 miles from the home address.

In considering the family's financial circumstances the Committee noted that the appellant was not on a low income as defined in law. Financial evidence had been supplied but this information was out of date and only gave information based on what had been awarded up to the end of April 2018. The committee were advised that there was no record of the pupil being on free school at the previous school.

The committee noted the evidence of the Medical condition from the hospital that confirmed the child's has a medical condition and noted the treatment that the pupil had received. The committee noted that the appellant had stated on the appeal form that the pupil currently has no mobility issues. The committee read the full details of the letter from the hospital dated July 2018 prior to the pupil's

attendance at high school and noted all the good work that the pupil had undertaken to manage their condition and the strategies that were to be put in place at school for start of the September term. The committee note that a copy of the letter had also been made available to the school initially attended.

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 were advised that the appellant had signed the appeal application form which states "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."

No evidence had been provided to suggest that the family were unable to fund the cost of transport to school. It was also noted that the family were not eligible for Free School Meals.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4626 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 4629

It was reported that a request for transport assistance had initially been refused as the pupil would be attending their nearest suitable school which was 1.87 miles from the home address and under the statutory walking distance of 3 miles from home to school (for a child over the age of 8).

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 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 1.87 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 family are asylum seekers and that the pupil has limited understanding of both written and oral language which isolates the pupil from peers due to the language barrier. The committee noted that the pupil walks to and from school on their own and feels that the route taken is unsafe. The committee also note that the family state they have very little money and cannot afford bus fares.

The committee noted that the appellant does not state any medical issues that would prevent the pupil from walking to and from 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 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 form was filled in by a member of staff from the school attended on behalf of the family, there is an amount of benefit mentioned in the appeal but there are no details on what benefits are awarded or what assessments are taking place at the current time to support the family.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4629 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.

The committee were advised that the appellant had signed the appeal application form which states "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 parent's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4629 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.

AOB – Appeal 4580

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school which was 1.31 (for the year 4 children) miles from the home address and under the statutory walking distance of 3 miles from home to school (for a child over the age of 8) for the year 3 pupil the closest school to the home address is 1.81,

also under the statutory walking distance. The school at 1.81 miles from the home address has spaces for all three pupils to attend and is under the statutory walking distance. All pupils are attending a school which is 4.69 and over the statutory walking distance.

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

The Committee noted the appellant advised they were a single parent appealing on both financial and medical grounds. The family were currently receiving temporary transport assistance in the form of a taxi to school.

The appellant stated, as noted by the Committee, that two of the pupils had been diagnosed with health issues and explained that one of the pupil's medical condition meant they had no sense of awareness or peril either when on their own or when out with them. The pupil was dangerous near roads and would frequently run off. The pupil's illness caused them to regularly fall over and trip. The pupils were in process of being investigated for EHCP and further support from the school they attended. It was noted by the committee that no current evidence had been submitted from the appellant in relation to medical issues for the pupils. The committee noted that the letters from the hospital are dated 2017. No further up to date medical evidence had been made available to the committee, however the committee were reminded that the County Council delegates a significant amount of funding to all mainstream schools to provide the learning support for needed for all pupils. All schools are expected to provide the necessary support to enable a pupil to fully access the curriculum. We would expect any school in the area to be able to meet the needs of a child. The Committee noted the appellant described how settled all three pupils were at the school attended since they started and how the school provided them with specialist help and support. The school also offered protection for the family from the mothers partner who had been absent from their lives but who periodically contacts them when not in confinement. The appellant also described how school had been one of the only safe and continuous place in their lives and that the pupils would be devastated if they were no longer able to attend there.

The Committee have noted the letter from the head of the school attended by the pupils supporting the appellant's summary which includes the health issues of the two pupils and support for them, however the letter from the school is undated and they have not provided any supporting evidence.

It was noted by the Committee that the appellant explained that they had tried to find a school within walking distance from their home but this had been difficult as they required 3 places to be available and all the schools nearby have been oversubscribed. The appellant had applied for a school admission appeal but had not been allowed and no school place for the pupils at the appealed for school were offered.

The Officer's comments stated free transport can only be authorised if pupils are attending the closest school to home and the distance to get to this school exceeds two miles for a child up to the age of eight and three miles for a child over the age of eight. It was brought to the Committee's attention one of the nearest suitable schools at 1.81 miles has place for all 3 pupils.

The Committee noted that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school. Admission information is available to all parents at the time of applying for school places. The Committee were informed the Authority's home to school transport policy requires the Officers to provide transport assistance for a child to attend their nearest suitable school if they reside three miles or more from home by the shortest suitable walking route. For the transport assessment process the Officers would check whether places are available at a school nearer to the home address, the Officers would consider the position at the time immediately prior to school places being allocated.

The Committee noted the family had an active claim for free school meals.

The Committee have noted the following supporting evidence:

- Letter from the head teacher
- Two Letter from the Consultant from Child Development Centre
- Copy of the school admission appeal application for one of the pupil
- Notes from Pupil Access Team
- DWP statements
- Up to date bank statements
- The committee were reminded that the appeal had previously been deferred in order for additional information to be provided in order to support the appellants claim. The evidence requested was
- Financial evidence in relation to the appellant's household income and any benefit allowances the family are in receipt of in full and up to date.
- Confirmation on how are the pupils getting to and from school at present moment?

The committee were advised that the authority had tried on numerous occasions to contact and chase the appellant to remind them to submit all information in full so that their appeal could be heard on 11th March 2019. The committee were informed that an officer had spoken finally to the appellant on Friday 8th March to inform them that their appeal was being heard on Monday the 11th and that the appellant was being given a final opportunity to submit the information requested and any other information that the appellant wished to submit to evidence their claim. The appellant notified the officer that they did have a smart phone and would send the information in on Friday 8th March.

- The committee were provided with the evidence sent on Friday 8th march that contained statements from two bank accounts which were current.
- An up to date DWP statement that informed the committee what benefits that the family were is receipt of.
- However no evidence was submitted by the appellant to substantiate any of the medical claims made by the appellant in their appeal.

Therefore, having considered all of the parent's comments and the officer responses as set out in the Appeal Schedule 4580, 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 4580 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.

AOB – Appeal 4621

It was reported that a request for transport assistance had initially been refused as the pupil not would be attending their nearest suitable school which was 0.36 miles from the home address and under the statutory walking distance of 2 miles from home to school (for a child under the age of 8) and instead were attending a school that was 3.85 miles from the home address. The committee noted that there are 30 schools nearer to the home address than the school attended. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the appellant advised they had been homeless and were appealing on both financial and Educational Continuity grounds. The family were currently taking the bus each day to and from school.

The committee note that the family had relocated from outside of Lancashire and that they hoped to reside near the school attended by the pupil in the future. The committee noted that the family were classed as in temporary housing due to homelessness on arrival in Lancashire but that there was no evidence submitted to state when a permanent property would become available in the preferred area close to the school attended by the pupil or of any guarantee of that offer being made.

In considering the family's financial circumstances the Committee noted that the appellant was as stated by the appellant on a low income. However the committee noted that no financial evidence had been supplied to substantiate how much the family's benefits were. The committee were also advised that there was no record of the pupil being on free school meals at the school attended and there was no pupil premium attached to the child's records at this current time that would indicate that the family are classed as on a low income. The committee then considered the appeal under the appellant's claims that they were appealing on Educational Continuity grounds. The committee were advised that the pupil commenced their education at the school attended on the 2nd January 2019. The Committee were unable to specifically identify these grounds and could only presume that the appellant hoped to move to a permanent address close to the school attended by the pupil. Again the committee noted there was no evidence to substantiate the statement. The Committee noted that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary

entrance of the pupil's home to the nearest entrance to the school. Admission information is available to all parents at the time of applying for school places. The Committee were informed the Authority's home to school transport policy requires the Officers to provide transport assistance for a child to attend their nearest suitable school if they reside three miles or more from home by the shortest suitable walking route. For the transport assessment process the Officers would check whether places are available at a school nearer to the home address, the Officers would consider the position at the time immediately prior to school places being allocated. The committee noted that the officer had stated that there was places available for the pupil to attend in the relevant year group at a school only 0.36 miles from the current home address.

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 4621 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.

L Sales
Director of Corporate Services

County Hall
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