

Lancashire County Council

Student Support Appeals Committee

**Minutes of the Meeting held on Monday, 2nd September, 2019 at 10.00 am
in CH1: 01 County Hall, Preston**

Present:

County Councillor Christian Wakeford (Chair)

County Councillors

A Cheetham

Y Motala

1. Apologies

None.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None.

3. Minutes of the meeting held on 1st of July

Resolved: That; the minutes of the meeting held on the 1st of July 2019 were confirmed as an accurate record and were signed by the Chair.

4. Urgent Business

4646, 4689, 4701, 4704, 4705.

5. Date of the Next Meeting

It was noted that the next meeting of the Committee would be held at 10 am on the 8th October 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 23 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 4577

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 3.38 miles from the home address, but was attending the school of parental preference which was 3.91 miles away 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 exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The appellant stated, as noted by the Committee, they were appealing on medical grounds. The pupil has suffered from health issues since the age of 4 years old. The pupil had extensive surgery previously and was due some more surgery. The appellant described how the pupil's health issues made them vulnerable to danger near traffic and was unable to safely cross roads without assistance. The school bus collected and dropped off inside the school grounds). The Committee noted the appellants stated the pupil was cautious when undertaking activities with their peers and getting the bus to school had encouraged them to be independent and made them feel less different from their fellow pupils. However, their concern about the upcoming surgery and worsening of their condition were affecting that sense of independence and they were worried about not getting a bus pass anymore.

The pupil attended the school of parental preference, as noted by the Committee, as that was the school named on their Statement. Their younger sibling also attended the same school and would be able to help the pupil if they had any difficulties on route. The appellant stated the family lived over 3 miles from any high school and the school attended by the pupil was 0.7 miles further away from the nearest school that all children would receive transport for.

The appellant stated, as noted by the Committee, that until September 2018, the pupil had a school bus pass provided by SEND. The pupil had always had a SEN statement and the school had helped with the pupil's progress but the appellant felt this progress had worked against the pupil as it had contributed to their SEN Statement now being changed for a school support programme. The

appellant said they were told by the school that the help the pupil got would not be affected by the change but it appeared they misinformed the appellant as the school transport assistance had been removed and they were concerned that the pupil might also lose other forms of support. The appellant intended to contact the school and SEND department about it.

It was noted by the Committee, the pupil had received help from various NHS groups through their life and the appellant stated that they particularly appreciated the SEN statement as it not only provided the pupil transport to and from school, it also gave them vital support with their school work during periods of illness or post-operative recovery.

The appellant explained, as noted by the Committee, that neither they or their partner were able to transport the pupil to school and back as they needed to be available to take and collect their youngest children from school. The children were unable to walk to and from school as it would necessitate crossing the 70mph A road. The appellant also explained that the pupil would be unable to walk or cycle to any school as besides the busy and dangerous A road, there were no footpaths along the entire route to school from their home and the pupil's health issue would make them very vulnerable.

The Committee noted, the appellant suggested that as the Council previously supported the pupil in attending the school named in their SEN statement, it would be unfair to expect to change school midway through in order to give them a free bus pass to a school where they wouldn't have any friends and couldn't travel safely to. This would not only have a major effect on their education, it would have a detrimental effect on their confidence and wellbeing too.

The Officer's comments stated, as noted by the Committee, that prior to September 2018, the pupil had a statement and transport was authorised by the Special Educational Needs Team under their qualifying criteria. From September 2018, the pupil no longer had a statement of Special Educational Needs and was subject to the mainstream home to school transport policy.

The Committee were advised that under the County Council's mainstream home to school transport policy, free transport could only be authorised if a child was attending their nearest school providing the distance to get to this nearest school exceeded three miles. The nearest school in this instance was the one the Council has stated as nearest school and not the one the pupil is attending presently.

It was noted by the Committee, there is an extended entitlement to those on receipt of low income in that those families who have an entitlement to one of their three nearest schools providing the distance is between two and six miles from home. Had the family met the threshold to be classed as low income, free transport would be authorised as the school the pupil attended was the second closest school to home a place could have been offered and was within the distance qualification.

The Officer's comments stated, as noted by the Committee, assessing a pupil's eligibility to receive transport was a two part process. Firstly, a pupil's nearest school, for transport assessment purposes, was determined. This was the school that is closest to the pupil's home, measured by the shortest walking or road route, as accepted by the Council. The safety of the route between home and school was only considered if a pupil was attending their nearest establishment.

The Committee reminded that it is the parents' primary responsibility for ensuring their child's safe arrival at school and in all cases when assessing the suitability of routes, the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably dressed. The County Council's Unsuitable Routes Policy considers routes to be safe if there is a footway, verge, walkable roadside strips or footpath. The committee were reminded and noted that the authority will not take into account the working arrangements of parents or other commitments like taking other children to and from school when assessing transport entitlement.

The Committee were advised, a summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in the booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a school application. Additionally, members of the Pupil Access Team are in attendance at nearly all of the school open evenings to give advice about admissions and transport entitlement.

It was noted by the Committee, that there was a dedicated school services that served the home area with the stop form home a few minutes' walk. As this appeal was based on medical grounds, not financial, there was no issue in parents purchasing a pass on the service.

In considering the family's financial circumstances the Committee noted that the family are not 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 or in receipt of the Maximum amount of working tax credits.

The Committee have noted all the extra information supplied by the appellant in respect of their 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" dated 05th June 2019, and offered a further opportunity to supply additional evidence to the committee.

The Committee noted all the appellant's and Officer's notes and have approved to grant the pupil school transport assistance on basis of the pupil's health needs, for one academic year.

Resolved: Therefore, having considered all of the family's circumstances and the officer responses as set out in the Appeal Schedule 4577, 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 2019/20 – July 2020 academic year to support the family in the interim.**

Appeal 4658

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 0.33 miles from the home address and within statutory walking distance, but was attending the school of parental preference which was 5.18 miles away 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 exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted, the appeal form was completed by the Family Support Worker. They advised that the family moved into their new address in March. The appellant and their family left the partner due to domestic dispute. As a result, the appellant was homeless and the children went to live with family member in a different area. The children are now reunited with the appellant. The home where the appellant and family live was only a temporary address for the family and the appellant was seeking to move to the area through "Be With Us" so that the children can be closer to school. The appellant's partner had not engaged and Children's Social Care and the appellant were unsure of the partner's whereabouts.

It was noted by the Committee, that prior to a taxi being awarded, the appellant took the children to school on public transport but it took 2 hours each way to get to school and to return home, then the journey was repeated to pick up the children at 15:20.

The appellant, as noted by the Committee, was appealing on financial grounds and was unable to provide any financial evidence to support their case as they didn't yet know how much they would receive from Universal Credit. The appellant was presently being supported financially by Children's Social Care. The Committee noted, the appellant was not appealing on medical grounds. However, they were appealing on grounds of education continuity. The Family Support Worker had advised the pupil had attended the school since March 2018 and felt that they needed to remain there until the family had a more permanent address. The pupil's sibling will transfer to a different school in September 2019 and they had been awarded a bus pass on low income grounds.

The Committee were made aware the appellant was supported by Children In Need Plan with Children's Social Care.

The Officer's Comments stated as noted by the Committee, discretionary transport assistance was provided for the Summer Term 2019 as the pupil's elder sibling was in last year of had their exams in May 2019.

It was noted by the Committee that there was no indication of when the family would relocate to the area near school and there was a place available for the pupil at their local school which was 0.33 miles from home.

It was recognized by the Committee that the pupil was currently in receipt of free school meals and therefore there will be pressure on the family finances. It was

also recognised that the pupil was attending their third primary school and that the family had been through significant upheaval.

The Committee have noted the emails received in relation to the appeal.

The Committee have noted the appeal application had been signed by the Family Support Worker, on behalf of the appellant.

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 4658 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 2019/20.

Appeal 4663

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 1.96 miles from the home address, and within the statutory walking distance of under 3 miles. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The appellant stated, as noted by the Committee, they were appealing on financial grounds and they did not have any money spare for a bus ticket and the pupil had to walk by themselves to and from school. The pupil has had to move in with family member because the appellant did not receive any financial help from the pupil's other parent and appellant was having to rely on charity from family. Home to school transport would be required as soon as possible until further notice.

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

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

County Council also has officers in attendance at most schools open evenings to give advice on transport eligibility and admission queries.

The Committee were informed that free transport could only be authorised if child was attending the closest school to home and the distance to get to the school exceeded three miles. This was not the case as the distance from home to school was 1.9629 miles.

The Committee were advised that there is additional assistance available to low income families but only if the parents are in receipt of one of the qualifying benefits for free school meals or are in receipt of the maximum working tax credits. In order to qualify for help with travel costs, a pupil must be attending one of their nearest three schools between 2 and 6 miles from home or if the pupil was admitted to a faith school on faith grounds; free transport could only be authorised to the nearest school of faith providing the distance is between two and fifteen miles.

Although the school attended was the closest school to home with space available and there was an active claim for free school meals, the walking distance to get to the school attended was less than two miles, the family had no statutory entitlement to free transport.

The Committee noted that the financial evidence stated a different address and the distance from this address to the school attended was 1.8617 miles and the points stated above would be identical if the alternate address was used for the basis of the appeal.

The Committee have acknowledged and noted supporting evidence supplied by the appellant. The Committee also noted that the appellant had confirmed acknowledgement and agreed to their appeal form.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, **appeal 4663 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 4664

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 0.66 miles from their home address and within statutory walking distance and instead would attend a school which was 7.68 miles away.

The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in

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

The appellant stated, as noted by the Committee, they were appealing on financial grounds. They didn't work. The appellant had stated their total household monthly income but the monthly income was different on both the pupil's appeal form. The appellant had provided financial evidence to support the former appeal form.

The Committee noted, the appellant was also appealing on medical grounds as both the appellant and one of the pupils had a health issue. There was no help from extended family/friends/neighbours to support the pupil to get to school. The appellant was not appealing on educational continuity grounds. The appellant did own a car but they also had a younger child and the eldest child would still be in education. The appellant was requesting transport from September 2019 until the pupils leave school.

The Officer's comments as noted by the Committee stated that transport had been refused because the pupils were not attending their nearest suitable school. It was noted that the older pupil did attend the nearest suitable school and the younger pupil was originally offered a place to start at the same school in September 2019.

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

It was noted by the Committee that eligibility to receive transport assistance was 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.

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 there was an additional entitlement to transport assistance for low income families if parent are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credits. 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. Free travel will also be provided to the pupil's nearest faith school provided they were admitted on faith grounds and the school is between 2 and 15 miles from home.

The Officer's notes stated as noted by the Committee that both pupils were in receipt of Free School Meals however, neither of them were admitted to the

school attended by both pupils on faith grounds. They therefore do not qualify for transport assistance on these grounds.

The Committee noted the Department for Education guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

It was also noted by the Committee 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 County Council delegates a significant amount of funding to all mainstream high schools to provide the learning support for pupils with additional needs. All schools are expected to provide the necessary support to enable a pupil to fully access the curriculum.

The Committee were informed when assessing home to school transport entitlement, it is not possible for there to be consideration how the pupil might undertake the journey to school. The availability and capacity of bus services can change depending on demand and revenue from bus fares.

It was brought to the Committee's attention that there was a dedicated school service that served the school attended by the pupils with the stop from home a few minutes' walk away. The appellant could contact School Traveline to enquire about purchasing a pass on this service.

The Committee have noted all the extra evidence supplied by the appellant.

The Committee also noted that the appellant had read the schedule and agreed with its content. 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 4664 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 2019/20.

Appeal 4665

It was reported that a request for transport assistance had initially been refused as both pupils were not attending their nearest suitable school, which was 1.68 miles from the home address and within the statutory walking distance of 3 miles from the home address but was attending school which was 2.60 miles and also located within the statutory walking distance. 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 appellant, as noted by the Committee, was appealing on financial grounds. They work full-time and has a partner who doesn't work. They were not

appealing on medical or educational continuity grounds. The pupils travelled to school by taxi as there was no access to suitable transport in the home.

The Committee noted, the appellant was appealing on the grounds that the Area Education Office sent the pupils to school they present attend as it was the only school with places available. The appellant was accompanied by two local councillors when they visited both two schools recommended to the appellant by the Area Education Office and both schools advised that they didn't have any spaces.

The Officer's comments stated as noted by the Committee, transport assistance had been refused as there were places available for both pupils in a nearer suitable school. It was accepted that there was significant pressure for school places in the area and that the picture of place availability could change on a daily basis. For this reason, records were kept of all parental contact and the advice that was given as to where pupils may attend.

The Committee noted, the officer's comments stated that their records suggested that the local education office was contacted in March 2019 with an enquiry about school place availability for both pupils. The appellant was informed about the two nearest schools, with places available. One of the schools was 1.29 miles from home. It was not, therefore, agreed that the family were directed to the school the pupil attend presently.

It was noted by the Committee, bus pass applications were then received in May 2019, requesting transport assistance to the school attended by the pupils.

Transport assistance was refused as there were places available for both pupils at the nearest school. One of the officers spoke with the school office at the nearest suitable school and it was understood that the appellant or a representative had been in contact but that the places were not pursued. The school was asked to hold the places until June 2019 but it became apparent that the appellant did not wish to pursue this option.

It was brought to the Committee's attention that travel costs were only paid when a pupil was attending their nearest qualifying school, with a place available and the lived over the statutory distance away. This is 2 miles for pupils aged 8 and under and 3 miles for pupils aged over 8. There is additional assistance available for low income families when pupils are attending their nearest qualifying school and it is over 2 miles from home.

It was noted by the Officer's that if the Student Support Appeals Committee were to deem the school attended by the pupils as the nearest suitable school then one of the pupils would qualify for transport assistance until the end of the Summer Term 2019.

The Committee noted the Officer's comments which stated as the appellant was working full time, they would not be in receipt of the qualifying benefits to receive low income transport assistance. The School attended by the pupils was under 3 miles from home.

The Committee have noted the email sent in by the appellant.

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 4665 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 2019/20.

Appeal 4668

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 3.77 miles from the home address, and within the statutory walking distance and instead would attend a school which was 9.07 miles away. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The

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

The appellant stated as noted by the Committee, in June 2018, the family made an involuntary move in to their present accommodation. Later that year, the appellant's partner passed away. The pupils were suffering badly and to ensure they didn't lose their friends at this very sad time, the family requested discretionary transport and this was awarded until the end of the summer term 2019. The appellant had health issues at the time as was unable to take the pupils to school. The appellant was appealing on grounds of education continuity and for the reasons mentioned above. Transport would be required until the pupils left the school.

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

The Committee were made aware of Appendix B, section 5 of the policy which refers to children whose parents are unable to accompany their children. This section specifically states family would need to be classed as being in receipt of a low income and specifically states if places are available at a closer school, this part of the policy is not applicable. This part of the policy also refers to secondary school aged pupil's being "expected" to travel to school alone. Even if substantial medical evidence was provided, we could not use this part of our policy. This policy is stated below:

- 5. Children whose Parents due to their Medical Conditions are unable to accompany their children to school.

In exceptional circumstances where it is not possible due to the medical condition of one or both of the parents or carers, for them to accompany a child to school and it is not possible to make suitable arrangements for a family member or friend to accompany a child to school transport assistance will be considered. Assistance may be provided where it is felt by the County Council that some assistance should be given to ensure that the pupil travels to school safely and attends the school. Any such assistance is subject to satisfactory medical evidence being provided indicating the parental incapacity.

This assistance will only be provided for pupils who meet the low income criteria as outlined in Section 6 of this policy

This might include instances where the pupil resides within the statutory walking distance or the pupil does not attend their nearest school.

The County Council will not consider assistance where one parent is unable to accompany the child to school due to work commitments nor will it usually consider it necessary to provide assistance to secondary school aged pupils as they will usually be deemed to be capable of walking to school unaccompanied.

In the above cases transport will be provided for up to a maximum of 12 weeks. Any extension of transport will be subject to a central review process by the County Transport Policy Officer.

In circumstances where the pupil does not attend their nearest school and places were available at nearer schools then normally no assistance with travel costs will be given due to temporary incapacity of either parent.

The Officer's comments stated, as noted by the Committee, family were not eligible for free school meals nor has evidence been provided to indicate being in receipt of maximum working tax credits.

The Committee have noted all the appellant's and Officer's comments and have agreed to grant a temporary award to the family until December 2019. Committee would like the appellant to provide medical evidence should they decide to appeal for transport after December 2019.

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 December 2019 to support the family in the interim.**

Appeal 4670

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 4.15 miles from their home address, and instead would attend a school which was 7.33 miles away.

The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in

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

The appellant's summary stated, as noted by the Committee, family moved to new home address to escape domestic situation. Professional and local authorities were involved.

The Committee noted, the appellant was appealing on financial grounds. They didn't work, didn't have a partner and were in receipt of Universal Credit. They had stated their total monthly income but were awaiting claim.

The appellant was also appealing on medical ground as noted by the Committee. The pupil had health issue which was managed. Any changes to the pupil's routine affected them greatly and they were currently receiving occupational health and therapy from the Children's Foundation. The pupil's medical condition affected their mobility.

The appellant was appealing on the grounds of educational continuity, as noted by the Committee, as the school attended by the pupil was the only option open to the appellant to keep the family safe.

The Committee noted, the appellant had verbally advised that the pupil was under the school SEN team and didn't currently have a statement of SEN or EHCP.

It was noted by the Committee, the appellant stated the pupil caught bus to school and transport would be required as soon as possible they left school.

The Officer's comments stated as noted by the Committee, transport assistance had been refused as the pupil was not attending their nearest qualifying school. It was accepted that there might be some risks associated with the pupil attending some of the school in the area however places were available at a school which was 4.25 miles from home.

The Committee noted that the family appeared to have gone through significant upheaval and possible trauma. The appellant suggested that contact should be made with a number of agencies to gather additional information. Due to Data Protection constraints and resources, the appellant was advised that they must provide the documentary proof in relation to any exceptional consideration that should be given to provide help with transport. Contact was made with Children's Services who had confirmed that the case was closed in June 2019.

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

The Committee considered all evidence submitted by the appellant and did sympathise with their circumstances. However it was noted by the committee that the family appealed for the place and as such this was a conscience choice of school by the appellant.

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 4670 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 2019/20.

Appeal 4671

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 1.6 miles from their home address and is within that statutory walking distance miles from home to school. The pupil was attending instead a school which is 2. 5 miles from the home address and was also 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 as they do not attend the nearest school to 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 appellant was appealing on financial grounds as noted by the Committee. The appellant did not work. The appellant had a partner. They have stated their total net monthly income. The appellants advised that they couldn't afford the cost of taxi fare for taking the pupil to school 3 days out of 5. The pupil's parent took the pupil to school when they were home.

The Committee noted the appellants was appealing on medical grounds, as the pupil suffered from health problems. The pupil struggled with health issues when they walked too much and got tired very easily. The pupil was on medium care disability. The appellant had health issues and struggled to take the pupil to school. There was no help available from extended family, friends or neighbours, who could help to support the pupil get to school.

The appellant advised, as noted by the Committee, the pupil wouldn't use public transport to school due to health issues, noses and crowds which caused them

distress. The appellant found it hard themselves to be out and about due to their health issues. The appellant couldn't send the pupil on a school bus as they wouldn't cope with it so took them to school by taxi.

The Committee were advised there was only suitable transport in the home on 2 days as the pupil's parent worked part-time.

The appellant advised, as noted by the Committee, that transport was required as soon as possible and in respect of an end date, the appellant found it "hard to say".

The Committee noted that appellant had stated on additional comments that they were no longer receiving Working Tax Credit this year as they over the threshold.

The Officer's comments stated as noted by the Committee, the pupil was not eligible for Free School Meals nor were the family receiving maximum amount of Working Tax Credit. If that were the case, the pupil would qualify for assistance on the grounds of 'low income'. If the pupil had qualified it would only be for a bus pass and not a taxi.

The Committee were informed that contact was made via email to the appellant by the Travel Trainer in the County Council's Independent Travel Training Team offering advice and support for the pupil accessing Public Transport.

The Officer's comments stated, as noted by the Committee, the pupil had a number of challenges in accessing their education but did not have an Education and Health Care Plan which in itself would not necessary include entitlement to free transport to school.

The Committee have noted all the supplementary evidence supplied 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."

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 4671 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 2019/20.

Appeal 4673

It was reported that a request for transport assistance had initially been refused as the older pupil was attending their nearest suitable school at 2.1 miles from home and it was within the statutory walking distance of 3 miles for a pupil over the age of 8 which would apply from September 2019 when the pupil would be in Year 4.

The younger pupil was refused travel assistance on the grounds that the nearest suitable school was located within the statutory walking distance at 0.35miles from the home address. The pupil was attending a school at 2.1 miles away.

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 and educational continuity grounds.

The appellant as noted by the Committee was appealing on financial grounds but had not forwarded any financial evidence to support their case.

The Committee noted the appellant stated that the pupils currently get to school on the bus and that another adult lived in the house, which was their partner. The family had recently moved because they required a larger home, due to the forthcoming arrival of their fifth child.

The family were also appealing on educational continuity grounds, as noted by the Committee, as a factor of their recent move. The younger pupil suffered from health issues and had worked hard to achieve expected levels. By attending the nearest school to the family home – with an available place- would undo all the good which had been done for them. The appellant continued that their partner was expecting their fifth child and having twins, aged 3, walking to school was extremely difficult at the moment. The older pupil couldn't walk on their own as they would be required to cross three main road. The school had written to support Home to School Transport assistance.

The appellant explained, as noted by the Committee, the logistical difficulties which would occur should the pupils attend separate schools.

The Committee noted the appellant had outlined the family's financial situation. The appellant stated there was no access to suitable transport at home.

The Officer's comments, as noted by the Committee, stated transport had been refused for the younger pupil as they were not attending their nearest suitable school with a place available.

The Committee noted children are entitled to transport assistance if they are under eight years old and their nearest school is more than 2 miles away by walking route.

It was noted by the Committee, from the family's new address there were no nearer schools with a place available for the older pupil in Year 3. As the distance from home to school was less than 2 miles the older pupil was entitled to transport assistance to school attended until the end of the 2018/19 academic year. Transport for primary school aged pupils is usually in the form of a taxi and a season ticket could have been purchased to enable the younger pupil to travel with the older pupil, provided there was capacity on the service. However the appellant informed the Officers they would not be able to get both pupils to school on time if they had to wait for the taxi. They therefore requested a bus pass for the older pupil which was agreed to enable the family to transport both pupils together.

The Committee noted, for children over the age of 8 the qualifying distance for transport assistance increase to 3 miles from the home address. Therefore, from September 2019 the older pupil would no longer be entitled to transport assistance as the school was within the statutory walking distance.

The Officer's comments stated, as noted by the Committee, there is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Free travel is provided if a pupil is attending their nearest school situated between 2 and 6 miles from home.

The Committee noted, the pupils were not in receipt of Free School Meals. However, if the appellant did meet the low income criteria the older pupil would be entitled to transport assistance on these grounds. The younger pupil would still not be entitled because they were not attending their nearest school.

It was brought to the Committee's attention transport appeals are evidence based. The notes of guidance provided with the appeal form do state that if a parent is making a case on financial ground then it is essential that the fullest detailed documentation is provided as this will evidence that a parent cannot fund the transport themselves. The notes state than any information received will be dealt with in strict confidence and refer to bank statements, benefit statements etc. No evidence had been provided in respect of the family's financial situation.

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

routes to be safe if there is a footway, verge, walkable roadside strips or footpath. The committee were reminded and noted that the authority will not take into account the working arrangements of parents or other commitments like taking other children to and from school when assessing transport entitlement. 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 4673 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 4677

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 2.16 miles from their home address and within statutory walking distance, and instead would attend a school which was 6.31 miles away.

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

The appellant stated, as noted by the Committee, the pupil walked to school but as of September 2019 they will be moving to a school at 6.31 miles away from home.

The Committee noted, the appellant who was a foster carer was not appealing on financial or medical grounds, but was appealing on education continuity grounds. The pupil had been out of mainstream school for 12 months. The appellant managed to get the pupil a place at the previous school which was a small village school. On the advice of the then headteacher, and backed by the new headteacher, the pupil took the entrance exam to the grammar school and was unsuccessful in obtaining a place. The appellant was advised to contact the school attended by the pupil presently, as it was a smaller school that would meet the pupil's needs. The application was successful. The appellants were appealing on the grounds that they did not feel that other schools which included the nearest suitable school would meet the pupil's needs. A bus pass would be required from September 2019 until the pupil left school.

The Officer's comments stated, as noted by the Committee, transport had been refused as the pupil was not attending their nearest suitable school.

The Committee was reminded that it is parental preferences for a school and academies and the application of admission arrangements linked to those which

informs and drives the subsequent application of the Local Authority home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. 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 exceeds 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.

It was brought to the Committee's attention, as a looked after child, the pupil would have received priority for school admissions and so could have been offered a place at all of the nearer schools to their home address.

The Committee noted 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 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 specific evidence had been provided to indicate that the pupil's needs could not be met at another school.

The Committee noted that usually a looked after child would not qualify for Free School Meals, however, the pupil was in receipt of Free School Meals when they lived with their parents. Due to a change in qualifying criteria for Free School Meals during the rollout of Universal Credit the pupil was considered a 'protected pupil' so will continue to be entitled to Free School Meals until they finished school. However, this didn't necessarily reflect the financial situation of their current home.

It was brought to the Committee's attention that there are three nearer schools to the home address so the pupil did not qualify for transport assistance under the low income criteria. Even if the school attended by the pupil was one of their three nearest schools, the pupil would still not be entitled because the distance from home to school was greater than 6 miles.

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 have noted all the supplementary evidence supplied 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."

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 4677 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 2019/20.

Appeal 4678

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which is 1.1 miles from the home and was within the statutory walking distance of 2 miles for the age of the pupil. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted, the appellant was not appealing on financial or educational grounds but was appealing on medical grounds as the appellant suffered from health issues and was waiting to see health professionals. The appellant had applied for PIP and was awaiting a decision. The appellant's families and friends have said they couldn't do the school run for the appellant anymore. Transport would be required to start as soon as possible and appellant was not sure how long it would be required for.

The Officer's comments stated, as noted by the Committee, transport assistance had been refused as both pupils attended a school which was 1.1 miles from the home address.

The Committee noted the appellant had been advised by email and in the supporting documentation provided with the appeal form that medical evidence confirming the appellant's inability to walk the pupils to school was needed. This had not been forthcoming the appellant's partner could not assist with the

journeys to school due to the partner's work. The partner was able to take the pupils to school but not able to pick them up after school.

It was brought to the Committee's attention that discretionary transport was normally only provided for families who met the low income criteria. The appellant might wish to advise the Committee as to any progress with their benefit claim.

It was noted by the Committee that the pupils were not in receipt of Free School Meals.

The Committee noted that no supplementary evidence was supplied by the appellant to support their claim.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the 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 4678 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 2019/20.

Appeal 4679

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 1.01 miles from their home address and within statutory walking distance and instead would attend a school which was 6.11 miles away.

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

The appellant stated, as noted by the Committee, the school attended by the pupil was chosen so that the pupil's faith education could continue. The school attended by the pupil was the nearest faith school. The other high school in the area was non faith school, didn't have place for worship and didn't offer a GCSE in religious education.

The Committee noted the appellant was not appealing on medical or educational continuity grounds. However they were appealing on financial grounds. Financial information was provided. The appellant also stated they did not have suitable transport in the home to take the pupil to school. Transport would be required from September 2019 until the pupil left school.

The Officer's comments stated, as noted by the Committee, transport assistance had not been approved because the pupil was not attending their nearest suitable school

The Committee noted the Department for Education statutory guidance requires the County Council to assess transport eligibility by considering whether a place would have been allocated in the normal admissions round if the appellant had included the school as a preference.

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 Committee were reminded that The Department for Education guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

The Officer's Comments stated, as noted by the Committee, there is additional transport assistance available to children of low income families that are attending their nearest denominational school between 2 and 15 miles from the home address, but only if parents are in receipt of one of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit.

It was noted by the Committee that the pupil was not in receipt of Free School Meals. The appellant had not provided the full copy of the award notice to enable the Council to check whether the appellant was in receipt of the maximum amount of Tax Credit and therefore determine whether transport could be awarded on those grounds.

The Committee were reminded that there was currently a dedicated school service that served the school the pupil was attending with the stop from home a few minutes' walk. If there was spare capacity on the bus the appellant might be able to purchase a season ticket from School Traveline for the pupil to travel on this service.

The Committee have noted all the supplementary evidence supplied 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."

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 4679 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 2019/20.

Appeal 4680

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 1.56 miles from the home address, and within the statutory walking distance of under 3 miles and instead would attend a school which was 3.11 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The appellant, as noted by the Committee, was a lone parent and was appealing on financial grounds. The appellant had sent n supporting evidence.

The Committee noted the appellant was not appealing on medical grounds but was appealing on ground of educational continuity. The "Educational Continuity" sheet referred that the pupil started in school attended in 2017 whilst the appellant was living temporarily with relatives in a different area having been evicted from their privately rented house as the landlord wished to sell property. In February 2018, the family moved to their present address after having been on the Council's waiting list for 4 years. By this time, the pupil was completely settled, happy and thriving at the school attended.

The appellant had advised, as noted by the Committee, that whilst living with their partner, the pupil witnessed volatile and abusive relationship. The pupil recently undertook a 3 months' counselling programme organised by the school to help the pupil deal with their issues. The appellant felt that it was crucial and in the best interest of the pupil's stability, security and well-being, that they continued their education in the safe and familiar environment at the school attended. A change of school would be extremely detrimental to their development.

The Committee noted the appellant stated they were fully supportive of the pupil engaging with and following their chosen faith.

It was noted by the Committee, the appellant accompanied the pupil to school by bus. This costed £19 per week which put immense strain on their already stretched finances. They did not drive and did not have access to a car.

Transport would be required immediately until the pupil left school or the family's circumstances changed.

The Officer's comments stated, as noted by the Committee, transport assistance had been refused as there were a number of schools, with places available that the pupil could attend. The nearest school with a place would be at 1.58 miles and there was another school with places available.

The Committee were reminded that The Department for Education guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

The Committee noted that the pupil had experienced some upheaval in their early years and that a change of school could be unsettling. The pupil would be attending school for another 5 years and many children had to change schools when there was a change in a parent's circumstances or address.

Considering the Officer's comments, the Committee noted that it was parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. There was also no evidence provided by the appellant to state that the cost of travel to and from school could not be met by the appellant.

The Committee was reminded that it is the parents' primary responsibility for ensuring their child's safe arrival at school and in all cases when assessing the suitability of routes, the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably dressed. The County Council's Unsuitable Routes Policy considers routes to be safe if there is a footway, verge, walkable roadside strips or footpath. The committee were reminded and noted that the authority will not take into account the working arrangements of parents or other commitments like taking other children to and from school when assessing transport entitlement.

The Officer's notes stated, as noted by the Committee, it was not clear whether the pupil was of the faith as stated by the appellant. The appellant's preferred schools on the pupil's school application were two community schools and one faith school.

The Committee acknowledged that the appellant had provided a comprehensive appeal case that evidenced the family's financial circumstances and the burden of meeting home to school travel costs.

It was also noted by the Committee that the pupil had been provided with some additional support by the school attended through their programme but as the

letter was not dated it was presumed that this took place in the Autumn Term 2018.

The Committee considered all evidence submitted by the appellant and did sympathise with their circumstances. However it was noted by the Committee that the appellant had chosen school of their choice for the pupil.

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 4680 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 2019/20.

Appeal 4682

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 2.18 miles from their home address and within statutory walking distance and instead would attend a further school which was 9.64 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The appellants were appealing on financial grounds, as noted by the Committee, and had submitted supporting financial evidence.

The Committee noted, the appellants were also appealing on medical grounds. One of the appellants had health issues and struggled to sit, stand, walk or do housework. The appellant was in receipt of standard care and standard mobility PIP. There was no help available from extended family/friends/neighbours to support the pupil to get to school.

The other appellant, suffered from health issues as well due to a road traffic accident 4 years ago. The appellant was continually in tremendous pain even after a pain killing injection and couldn't walk more than 10 metres. They were unable to do housework and some days couldn't get out of bed due to the pain. The appellant stated that some days their whole leg turned black/purple and was so painful. Due to NHS cutbacks, the appellant has had to pay for the treatments through their disability benefit. The appellant was in receipt of enhanced care and enhanced mobility PIP.

The appellants were not appealing on education continuity grounds (Section C), as noted by the Committee, but were appealing under Section D – Other Exceptional Reasons. The appellant's felt the pupil would exceed at the chosen School. They felt they were being discriminated against because if they were religious, then the distance of 15 miles would apply to attend a faith school. The appellants were willing to pay something towards the bus pass. The pupil cared for the appellants and in their view they felt that the pupil's one wish was for an education they wanted and that was not an unreasonable wish. The appellants want the pupil to have the best start in their life.

The Committee noted the appellants required Home to School Transport from beginning of September until the pupil left school.

The Officer's comments stated, as noted by the Committee, transport assistance had been refused because the pupil would not be attending their nearest suitable school at 2.18 miles.

The Committee noted the Department for Education statutory guidance required the County Council to assess transport eligibility by considering whether a place could have been allocated in the normal admissions round if the parent had included the school as a preference. The home address is within the Geographical Priority Area for the nearest suitable school and a place could have been offered at this school f expressed as a higher preference.

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

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

The pupil was not in receipt of Free School Meals as noted by the Committee. When the appellant originally applied for transport assistance they provided a copy of their tax credit award notice for 2018/2019 which showed that last year they were not in receipt of the maximum amount of Working Tax Credit because their income was too high. As part of the appeal case two pages of the Tax Credits – Annual Review had been provided but there were pages missing. A full review, including the pages containing details of the family's income would be required to determine whether the family's circumstances had changed in respect of Working Tax Credit.

However, even if the family did meet the low income criteria the pupil would still not be entitled to transport assistance because they were not attending one of their three nearest schools between 2 and 6 miles from home. The three nearest schools at which a place could have been offered were at; 2.18 miles, 3.84 miles and 5.03 miles from home.

The Committee were made aware that the County Council previously provided partially subsidised travel to those children attending their nearest faith school which was not their nearest school. However, since September 2018, this assistance was no longer provided to new starters. The removal of 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. These children are therefore the only ones to whom partial assistance is provided. It is not available to all pupils.

The Committee were reminded that The Department for Education guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school. The Equality Act 2010 (which places a duty on local authorities not to discriminate against a person on the grounds of their religion or belief), does not apply to the exercise of an authority's functions in relation to transport.

The Education Act 1996 places a duty on local authorities to make arrangements for secondary pupils from low income backgrounds to attend the nearest school preferred on grounds of "religion or belief", where that school is between 2 and 15 miles from their home. The County Council's policy is written in accordance with this duty.

It was noted by the Committee a summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a secondary school application.

The Committee were informed discretionary transport assistance can be considered in exceptional circumstances where it is not possible due to the medical condition of one or both of the parents or carers, for them to accompany a child to school and it is not possible to make suitable arrangements for a family member or friend to accompany a child to school transport assistance will be considered. Assistance might be provided where it was felt by the County Council that some assistance should be given to ensure that the pupil travelled to school safely and attended the school. Any such assistance was subject to satisfactory medical evidence being provided indicating the parental incapacity.

The Committee noted this assistance would only be provided for pupils who met the low income criteria and only for a maximum of 12 weeks. If transport

assistance was required for longer than this time period then appellants would need to appeal.

It was noted by the Committee the County Council would not usually consider it necessary to provide assistance to secondary school aged pupils as they would usually be deemed to be capable of travelling to school unaccompanied.

The Committee acknowledged the pupil did not meet the low income criteria and no evidence had been provided to indicate that they would not be able to travel to school by themselves. The pupil was not in receipt of Free School Meals. The pupil would therefore not qualify for discretionary transport assistance on these grounds.

The school attended by the pupil provided their own bus service, as noted by the Committee, to enable children to travel to school. There was currently a school bus that served the home area where the pupil lived with the stop a few minutes' walk from home. If appellants wished to purchase a pass on this service they would need to contact the school direct.

The Committee have noted all the supplementary evidence supplied by the appellants.

Therefore, having considered all of the appellants comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal and that the provision of entitlement is the responsibility of the appellant and that entitlement should have been checked at the time with the Pupil Access Team at the time the pupil started at the school attended by the appellant.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, **appeal 4682 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 2019/20.

Appeal 4684

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 1.49 miles from the home address, and within the statutory walking distance of under 3 miles. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The appellant stated, as noted by the Committee, that their partner lived in the family home but had no parental responsibility towards the pupil. The partner

was unable to walk the pupil to school due to their own medical conditions. The appellant was the pupil's carer.

It was noted by the Committee, the appellant had completed the Financial Section of the Appeal Form, stating they worked part time but was currently claiming sickness benefit at the moment. The appellant also explained that their partner did not work. The family had a joint Universal Credit account and full financial details were recorded on supplementary evidence provided. With the amount left once their outgoings were paid, the family were unable to pay for a taxi themselves.

The Committee noted the main focus of the appeal surrounded the family's medical situation:-

The pupil suffered with severe mental health issues and was currently on the waiting list for CAMHS which was confirmed in the supplementary evidence provided by the appellant. The report from ACCESS outlined the difficulties faced by the pupil and the family. Important factors were raised on the supplementary evidence.

Fuller, more personal information was included on the supplementary evidence. The appellant explained the lengths they had gone to, to take the pupil to school themselves.

The pupil struggles with sleeping and waking and the appellant outlined the logistical difficulties of getting ready for school on a daily basis.

The appellant has had an operation and was currently awaiting a further one.

The family has a CAF and TAF of which copies were attached.

The family were supported by Health and Education Professionals.

Diagnosis of ASD which was confirmed on the report of 30 May was included in the case. The SSAC was requested to refer to the summary towards the end of the report.

The appellant was a supportive parent and was doing their best to assist the pupil's transition to school. They were concerned that the lack of transport would affect their chances in school.

Local MP had been in touch with the Local Authority, and added their support to the case, stating the appellant struck as an incredibly positive parent, dealing with a complex and challenging set of circumstances. The copy of email attached in the case.

Copy of the pupil's In School SEN Support copy from previous school attached.

CAF report identified the need for transport support.

TAF report identified the need for transport assistance.

The family's key worker explained that it was in the best interest of the pupil and other people for the pupil NOT to access public transport without an appropriate adult.

The appellant explained that the pupil was unable to walk on their own, they were a high risk child and there were safe-guarding issues for the pupil and other children if this occurred. Hospital appointment scheduled for August evidenced this.

The family were concerned that if the taxi was not provided, the pupil might become a school refuser. The appellant explained that family member was unable to accompany the pupil to school as they couldn't drive and was awaiting an operation.

The family's request for home to school transport was supported by health professional.

The letter from the school attended by the pupil confirmed that it was imperative that home to school transport was in place during the first year to enable a successful transition to school and to safeguard all children who were travelling at those times.

The appellant would like transport to start on 3 September and would like it to be provided for as long as possible.

Local MP supported the appellant's account suggesting the appellant was unhesitatingly clear that they wanted the pupil to have the best chance at a positive and successful transition to school, support with home to school transport, even if only during the initial phase, would go some way in addressing that.

The appellant said that the pupil had a Statement of SEN/EHP. When checking the pupil had not got it. The pupil's needs were met within school, additional support was offered. The pupil was not 'statemented'.

The Committee noted the Officer's comments which stated the pupil would be attending their nearest suitable school, however, transport had not been approved because the distance from home to school was less than the statutory walking distance.

It was noted by the Committee, the pupil did not have an Education, Health and Care Plan. The appellant did originally apply for transport assistance to the Inclusion Service who had their own transport policy. However, this was declined because the pupil was not known to their service and the walking distance was 1.49 miles from home to school. The appellant was informed of their right of appeal and advised that a Special Educational Needs Information and Support

Officer would contact them if they required any assistance with the appeal process.

The Committee were informed County Council's Home to School Transport policy contained a discretionary award for pupils with long term medical needs. Where it is apparent that a pupil is physically unable to walk to school, transport provision may be considered where a pupil attends their nearest suitable school. When transport is agreed on these grounds it is usually in the form of a school bus, however, the appellant would like taxi transport provided.

The Officer's noted stated, as noted by the Committee, the pupil did have a diagnosis of health issue. However, none of the medical evidence stated that the pupil would not be able to physically walk to school either by themselves or accompanied by an appropriate adult.

The SEN Plan provided by the pupil's school stated that the pupil was quite independent with regards to getting to and from school. The pupil was completely independent in school.

The Committee noted the letter from the Child and Family Wellbeing Service noted that until the pupil had received CAMHS therapy it would be in the best interest of the pupil and other people for the pupil not to access public buses or areas without an appropriate adult. Additionally, in the TAF it stated that the appellant wanted the pupil's health issues to be properly supported before they could access transport independently. They would suggest that the pupil could travel to school if appropriate support was in place.

The Committee were informed parents have the primary responsibility for ensuring their child's safe arrival at school. The responsibility for the child to be accompanied as necessary rests with the parent.

In exceptional circumstances where it is not possible due to the medical condition of one or both of the parents or carers to accompany a child to school and it is not possible to make suitable arrangements for a family member or friend to accompany a child to school transport assistance will be considered.

If transport is approved on these grounds it is only for a maximum of 12 weeks. Should transport be required for longer than this then parents will usually have to appeal.

The letter provided by the appellant's GP stated that the appellant's health did not permit them to walk the pupil to school at the present moment. There was no indication of how long the appellant was unable to accompany the pupil and the letter did not state that the appellant would not be able to walk with the appellant after their operation. Also, there was no information to suggest that the appellant would not be able to accompany the pupil on public transport, if required. It might, therefore, be helpful for more detailed information about the appellant's medical condition to be provided.

The appellant had outlined why their partner could not take the pupil to school, however no medical evidence had been provide to substantiate this.

The Committee noted that the TAF stated that the pupil was transported to their school transition sessions. It was unclear who provided this transport and the reason why this could not continue when the pupil started school.

It was noted by the Committee that there was a dedicated school service to the school attended by the pupil with the nearest stop less than 100 metres from the family home. If there was capacity on the bus the appellant would be able to purchase a season ticket if they contacted School Traveline.

The Committee noted the Pupil Access Team had attempted to contact the transport co-ordinators to determine whether there was already a taxi service transporting children to school in the area but had not been provided with any information at the time. If there was a service with capacity then the appellant would enquire about purchasing a season ticket for this.

The Committee were informed that if they agreed that transport assistance other than a bus pass should be provided then the pupil would only travel by themselves if there was no space on an existing service, which would mean travelling with other children in a taxi, or if decreed by the Panel.

The Committee note the pupil was in receipt of 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."

The Committee after taking into account the appellant's and officer's notes have agreed to provide temporary travel assistance in the form of a taxi on the proviso the appellant can provide further proof on the following information, should the appellant want to apply for transport assistance again:

- Information about CAMHS for pupil
- Detailed information about appellant's medical condition
- Medical evidence supporting why the appellant's partner was not able to take pupil to school.
- Reasons why TAF stopped providing transport for the pupil

Resolved: Therefore, having considered all of the family's circumstances and the officer responses as set out in the Appeal Schedule 4684, 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 December 2019 to support the family in the interim.**

Appeal 4686

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 near one of the parent's home at 1.5 miles and within statutory walking distance, and instead would attend their second nearest school at 2.3 miles. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

It was noted by the Committee, the appellant stated, when the pupil was at their previous school, they were taken to school by extended family member.

The Committee noted, appellant was appealing on:

Financial grounds - no evidence supplied. The appellant was contacted for further information, none submitted

Medical grounds – no evidence supplied. The appellant was contacted for further information. Medical conditions were noted and the Health Team were involved but no evidence provided or any diagnosis or incapacity of the mother.

It was noted by the Committee, a statement was provided by an extended family member which outlined that joint custody was awarded to both parents stating that the pupil lived with both parents on alternate weeks. The extended family member confirmed that there were health issues with the appellant but no written evidence from a professional to substantiate the medical issues of the appellant had been submitted for consideration to the committee. Information had been requested by Local Authority but none received.

The extended family member stated, as noted by the Committee, that the appellant's partner had applied for the pupil's school place as they had an elder child already attending that school. The Committee noted from the schedule that the address used for the admission purpose of gaining a place at the school attended was not that of the appellant.

The Committee noted the appellant had requested transport from September until the pupil left school from the appellant's address.

The Officer's comments stated as noted by the Committee, the County Council's Home to School Transport Policy stipulates that when a child lives at two different homes, transport assistance will only be provided from one address. The policy further states that when a child spends an equal amount of time with each parent the main address will be the one that was used on the secondary school application for transport entitlement purposes

It was brought to the Committee's attention that the pupil's school application considered from the parent's address was 1.80 miles away, the appellant was appealing for transport from another address which was at 2.37 miles.

The Committee noted the pupil was received free school meals based on the appellant's benefit entitlement. If the appellant's address had been used for school admission and had the pupil been given place at the school under that home address, then a bus pass would have been awarded to the pupil for the school attended as it was the second nearest school to the appellant's home and was 2.37 miles away. It was noted the pupil was on free school meals.

The Committee have noted that no supporting evidence had been supplied by the appellant in relation to their health or financial circumstances. There was [evidence given](#) to state why the appellant couldn't take the pupil to school. It was also noted by the Committee there was also no evidence why the pupil's other parent could not support the finance for bus pass for the pupil when residing with the appellant, no information had been supplied to evidence this.

The Committee have noted the supporting evidence supplied by the appellant:

Correspondence from the MP supporting appeal

Correspondence from the extended family member supporting appeal

Correspondence from the Pupil Access Team

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 15th August 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 4686 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 2019/20.

Appeal 4687

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 4.80 miles from their home address, and instead would attend a school which was 6.55 miles away.

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

The appellant had stated, as noted by the Committee, as none of the parental preferences could be offered, a Local Authority allocation of the school attended by the pupil was made to them. Unfortunately, a place at the preferred schools were not allowed during appeals processes. To date, places have not been offered from the waiting lists, either.

It was noted by the Committee, the family were not aware of previous changes to the Home to School Transport Policy and did not realise that other Local Authority schools could be considered when awarding transport assistance.

It was stated by the Appellant as noted by the Committee, as all of the nearer schools were over three miles – and all of them would take over one and a half

hours. To walk to – and a pass would be provided to these schools by law – why couldn't a pass be awarded to the school attended by the pupil, instead. The school attended by the pupil was not a school selected by the family – but was allocated by the Local Authority.

The Committee noted the appellant's points:

Appendices 1 to 4 - the logistical difficulties which would be encountered by the pupil if they were to get to those schools.

Appendices 5 to 8 – the unsuitability of the walking routes identified.

Appendix 9 – highlights the crash sites adjacent to the suggested walking route to one of the schools.

Appendix 10 – informs of the withdrawal of the school bus service to the school area from July 2019.

Appendix 11 – Impact of punctuality and attendance on the attainment of pupils.

The appellant had provided a summary of their case, stressing the main factors.

They have requested a bus pass for the duration of the pupil's school career.

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. The Officer's notes stated, as noted by the Committee, the family would qualify for assistance with home to school transport if the pupil attended the nearest suitable school. Therefore unsuitability of the route would not need to be considered.

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 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. 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 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", 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 4687 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 2019/20.

Appeal 4688

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 4.75 miles from their home address, and instead would attend a school which was 7.45 miles away and was also located outside the statutory walking distance.

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

The Committee noted the appellant's summary which stated the basis of the family's appeal was listed in Section D – Other Exceptional Reasons. The appellant had listed their three preferences and the school the pupil attended was their first choice. The appellant outlined that the pupil was the only child of the opposite sex in the class and was subject of bullying from older pupils in school. Due to this the pupil was made physically unwell by this and was referred to a Specialist to deal with it. Logistically the family were unable to remove the pupil from the school where they were bullied because they had three other siblings in school and the appellant's partner was unable to physically take the children to different schools. The pupil missed school due to the stressful situation in school. The appellant stated, as noted by the Committee, during Open Evenings, the family visited both the nearest suitable school and the school attended by the pupil presently. Whilst looking round the nearest suitable school, the pupil saw the bully and was terrified. This meant that the family were unable to select the nearest suitable school as their first preference school. The taster days to the school attended presently had proved positive.

It was noted by the Committee, that the appellant was unable to take the pupil to school as they had to commute daily at 6am. The family consisted of five

children, three of them are in the school where the pupil used to previously attend before moving to the present school.

The Committee noted the details of this case was substantiated by the school where the pupil used to previously attend. The school supported the family's case and supported their view that there were exceptional circumstances to this case. They had concerns about the pupil's safety and well-being, and had no doubt that the nastiness and unpleasantness would begin again.

The appellant had respectfully requested, as noted by the Committee, that discretion was applied to the pupil's case and allowed a free school pass to the school attended by the pupil. This was echoed by the previous school.

The Officer's comments stated, as noted by the Committee, transport had not been approved because the pupil was not attending their nearest suitable.

The Department for Education statutory guidance requires the County Council to assess transport eligibility by considering whether a place could have been allocated in the normal admissions round if the parent had included the school as a preference.

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.

It was noted by the Committee, that in addition to the nearest suitable school, there were three other schools at which a place could have been offered. The schools were respectively; 5 miles, 6.7 miles and 7.1 miles from the home address.

A Summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a school application. Additionally, members of the Pupil Access Team are in attendance at nearly all of the secondary school open evenings to give advice about admissions and transport entitlement.

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 reminded that there is a statutory requirement for all schools to have an anti-bullying policy. Schools are very experienced in separating peers who may cause each other anxiety both in form groups and during less structured times.

It was noted by the Committee that there was a dedicated school service that served the school attended by the pupil.

The Committee have acknowledged all the supplementary evidence supplied by the appellant.

In considering the family's financial circumstances the Committee noted that the family are not 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 or in receipt of the Maximum amount of working tax credits.

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", 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 4688 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 2019/20.

Appeal 4690

It was reported that a request for transport assistance had initially been refused as the pupil is not attending their nearest suitable school, which is 2.18 miles from their home address and is within that statutory walking distance of 3 miles from home to school and attending instead a school which is 4.42 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.

The appellant informed the SSAC that the family were due to move home in September 2019 due to harassment and threats to life. At the present moment, the pupil cycled 14 miles to school each day.

The Committee noted the family was appealing on financial grounds, although evidence had not been received to support this. The appellants stated the amount they received of Universal Credit on a monthly basis.

It was noted by the Committee, the appeal also related to parental health/medical grounds. The appellant was currently receiving medication and treatment for mental health, which rendered them unable to work. During their bad days the appellant was unable to leave the house. Support was received from the General Practitioner, other Health Professionals and financial professionals.

The appellant stated, as noted by the Committee, there was no one else who could take the pupil to school. The appellant had exhausted every avenue. The Exception Reason Section was also relevant to this case. The appellant explained that the pupil cycled many miles annually and due to the appellant's health issues, they were now in financial hardship.

The Committee noted the appellant stated that the pupil had witnessed an unfortunate incident relating to the appellant and still the pupil managed to do

well at school and so the appellant did not want to 'upset' this, by changing school.

It was noted by the Committee that the appellant asked that the support was required for 1 year. This request was supported by the school the pupil attended which stated that the pupil had made outstanding progress, despite the personal challenges they had faced at home. The pupil was impeccably behaved and worked hard. The school believed that educational continuity at the school was essential for the pupil's progress. Staff at the school believed that the pupil would not be in the same situation, academically or socially, if they attended another school.

The Officer's comments stated, as noted by the Committee, when the pupil joined school they were residing in the area where the school attended was the nearest school to the home address.

Since the family moved to the new area, the school attended by the pupil was the 4th nearest school, with places available, to the home address. As the pupil was in receipt of free school meals it was recognised that the bus fare would impact on the family's financial circumstances.

The Committee were aware that the pupil had some traumatic experiences. Transport appeals were evidence based and it would be helpful if the appellant could provide any evidence she had from professional s confirming their health and events they described.

It was noted by the Committee, the appellant had supplied additional evidence to support their health issues.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee could therefore not consider the appeal until the appellant could provide their new home address

Resolved: That Appeal 4690 be deferred so that the appellant can provide proof of new address in order for the appeal to be fully considered at the next Student Support Appeals Committee which will take place in October 2019.

Appeal 4693

It was reported that a request for transport assistance had initially been refused as the pupil is not attending their nearest suitable school, which is 2.59 miles from their home address and is within that statutory walking distance of 3 miles from home to school and attending instead a school which is 2.63 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.

The Committee noted the appellant did not complete Sections A-D on the form, but appended a letter to it, together with supporting evidence. The appellant felt that they had a strong case to appeal with exceptional circumstances, as the walking distance that the council was suggesting as a safe walking route was

0.03 miles of a difference between the journeys on foot from home address to each school. Home to the school attended by the pupil was 2.63 miles and the nearest suitable school being 2.59 miles made a minor difference of 0.03 miles. The appellant stated, as noted by the Committee, neither of the two schools had a safe walking route to get to school. The roads to nearest suitable school were narrow with numerous blind corners and a non-restricted speed limit of 60 mph, with no pavements or footpaths. There was also a constant stream of large farm machinery and heavy traffic throughout prime time travelling. Walking to the school attended by the pupil carried even higher risks and dangers.

It was noted by the Committee, the appellant stated every minor in the area they lived at attended the same school as attended by the pupil. The school bus stopped outside the family's house and, therefore, it would be cost effective for the pupil to join the other children than to send a taxi for one child to go to the nearest suitable school. The supporting evidence illustrates the bus route from home to the school attended by the pupil. There was shorter journey both in mileage and time than the journey to the nearest suitable school which was 3.1 miles and 2 extra minutes making it 8 minutes in total.

The Committee noted transport would be required from September 2019 until the pupil left school.

The Officer's comments stated, as noted by the Committee, transport had not been approved because the pupil was not attending their nearest suitable school. The Committee noted the Department for Education statutory guidance required the County Council to assess transport eligibility by considering whether a place could have been allocated in the normal admissions round if the parent had included the school as a preference.

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

The Committee was reminded that it is the parents' primary responsibility for ensuring their child's safe arrival at school and in all cases when assessing the suitability of routes, the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably dressed. The County Council's Unsuitable Routes Policy considers routes to be safe if there is a footway, verge, walkable roadside strips or footpath.

The Committee were reminded that when assessing the closest school to the home address this is done using a straight line measure and that the authority uses two bespoke mapping systems to determine this and that the mapping software used had a proven record for accuracy. The measurements provided by the appellant showed the distance of the route a car would take between two points rather than the walking route.

The Committee were further reminded that when assessing a pupil's eligibility to receive transport assistance was a two part process. Firstly, a pupil's nearest

school, for transport assessment, was determined. This was the school that was closest to the pupil's home, measured by the shortest walking or road route, as accepted by the County Council. The safety of the route between home and school was only considered if a pupil was attending their nearest establishment.

It was noted by the Committee, when assessing home to school transport entitlement, it is not possible for there to be consideration of how the pupil might undertake the journey to school. The availability and capacity of bus services can change depending on demand and revenue from bus fares. The appellant had identified that there was a dedicated school service that served the school attended by the pupil with the stop from home visible from their kitchen window. Appellant is able to contact School Traveline to enquire about purchasing a pass on this service.

In considering the family's financial circumstances the Committee noted that the family are not 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 or in receipt of the Maximum amount of working tax credits.

The Committee have noted all the extra information supplied by the appellant in respect of their 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" dated 09th July 2019, 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 and application form 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 4693 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 2019/20.

Appeal 4694

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 5.20 miles from their home address, and instead would attend school which was 5.85 miles away. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

It was noted by the Committee, the appellant explained that they applied for the three nearest schools as advised by the Education Authority. The pupil was not offered a place at any of these schools and instead was offered a different school. The appellant stated that the school attended by the pupil was a nearer school and questioned why a place was not offered there instead. There was a direct transport available from the home area which allowed the degree of independence that parents were hoping to achieve. The pupil attended recreation activities after school in the area so their attendance at a school in same area was vital to enable these lessons to continue.

The Committee noted, the family had been informed that the pupil was not entitled to transport assistance to the school attended because there was a school nearer to the home address and had places available. The appellant queried why the nearest suitable school was not originally offered if it was considered to be the nearest qualifying school for transport purposes.

The appellant stated as noted by the Committee that the family were not aware of any other children from the pupil's school being offered places at a school from a different authority. They agreed that policies like the Council's transport policy need to be in place, but felt that in practice the application of such policies needed to take into account individual factors.

The Committee noted the appellant had stated it would be a logistical nightmare for the pupil to travel to the nearest suitable school. Expecting a child of the pupil's age to walk to this school, given the fields and busy roads that would need to be crossed, would be unacceptable. Photographs of the route had been included in the appellant's supporting letter. Any journey would have to be taken by car as there were no buses from home to the nearest suitable school.

It was noted by the Committee, the family had chosen to live in a semi- rural area but felt they were constantly overlooked with regard to being given the support and available education options in order to make the best decisions for the pupil's education.

The appellant felt, as noted by the Committee, given the information provided the family felt that the school attended by the pupil must be considered as the nearest qualifying school.

The Officer's comments stated, as noted by the Committee, transport had not been approved because the pupil was not attending their nearest suitable school.

The Committee noted the Department for Education statutory guidance required the County Council to assess transport eligibility by considering whether a place could have been allocated in the normal admissions round if the parent had included the school as a preference.

The Committee noted the Officer's comments which stated it is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council

has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

The Committee noted the appellant had applied for a place at the three nearest schools to their home address. The pupil was considered against the admissions criteria for these schools but did not rank highly enough to be offered a place.

The Committee were advised then the Council is unable to offer a place at any of a parents' preferences they will offer a place at the nearest school, by straight line measure, with a place available.

It was noted by the Committee, the pupil was initially offered a place at one of the nearest suitable school, which by straight line measure was closer than their current offer of the school attended by the pupil. The pupil was placed on various school waiting lists and the appellant subsequently accepted the offer of a place at the school now attended by the pupil. As the nearest suitable school was deemed to be the nearest suitable school, and was more than 3 miles from the home address, the pupil would have a statutory entitlement to transport assistance if they were to transfer there.

The Committee were made aware the admission policy were separate to the transport policy. For admissions purpose the Council was unable to offer a place at a school not in the council unless it had been expressed as a preference by parent. The Officers therefore, could not have offered a place at the nearest suitable school because it fell under a different council.

However, when undertaking transport assessments schools in neighbouring districts and local authorities could be considered, although it was acknowledged that the distance between the home address and the two schools were very close.

A Summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a school application. Additionally, members of the Pupil Access Team are in attendance at nearly all of the secondary school open evenings to give advice about admissions and transport entitlement.

When assessing home to school transport entitlement, it is not possible for there to be consideration of how the pupil might undertake the journey to school. The availability and capacity of bus services can change depending on demand and revenue from bus fares.

In considering the family's financial circumstances the Committee noted that the family are not 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 or in receipt of the Maximum amount of working tax credits.

The Committee have noted all the extra information supplied by the appellant in respect of their appeal.

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.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, **appeal 4694 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 2019/20.

Appeal 4695

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 0.65 miles from their home address and is within that statutory walking distance of 3 miles from home to school and attending instead a school which is 2.88 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.

The appellant stated, as noted by the Committee, the family were appealing on: Financial grounds- Proof of finance was attached.

Medical grounds- The pupil would struggle to get the bus due to emotional discomfort.

The Committee noted the family did not have access to a car so were requesting support for transport in the form of either a bus pass or taxi. Due to their financial situation the family would struggle to fund transport. The offered school was not their choice and if the pupil had been offered a place at their preferred school then they would not require transport assistance.

It was noted by the Committee the letter from the GP confirmed that the pupil lived with the appellant who suffered from chronic health issues affecting their mobility. The pupil's health had been affected since finding out their school place and the fact they would have to travel there by bus.

The Committee were made aware, the pupil's parents lived abroad. The pupil came to the country 3 years ago and was not familiar with the area and always travelled with the family. The pupil's older sibling attended a different school. The appellant had requested, as noted by the Committee, transport assistance would be required from September 2019.

The Officer's comments stated, as noted by the Committee, transport had not been approved because the pupil was not attending their nearest suitable school at 0.65 miles from home.

The Committee noted the Department for Education statutory guidance required the County Council to assess transport eligibility by considering whether a place could have been allocated in the normal admissions round if the parent had included the school as a preference.

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

The Committee were informed, the pupil's application for school was made after the deadline of 31 October 2018, so was considered as a late application. At the time it was received there was no places available at either of the applicant's first two preferences. As there was still room at the school attended an offer of this school was made.

However, if the application had been received on time a place could have been offered at the applicant's first preference school which was 0.86 miles from the home address.

It was noted by the Committee, there is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. 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 Officer's comments stated, as noted by the Committee, the pupil was in receipt of Free School Meals, however, there were more than three nearer schools at which a place could have been offered if the application had been submitted on time and the schools included as preferences. The three nearest schools would be at; 0.65 miles, 0.86 miles and 1.40 miles respectively. The pupil was therefore not entitled to transport assistance under this criteria.

The Committee were informed when assessing home to school transport entitlement, it was not possible for there to be consideration of how the pupil might undertake the journey to school. The availability and capacity of bus services could change depending on demand and revenue from bus fares. There was a dedicated school service the served the school attended by the pupil with the bus stop less than half a mile away from home. The appellant could contact School Traveline to enquire about purchasing a pass on this service.

It was noted by the Committee the pupil was in receipt of Free School Meals. The Committee have noted all the supplementary evidence provided 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."

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 4695 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 2019/20.

Appeal 4696

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 0.39

miles from the home address, and within the statutory walking distance of under 3 miles and instead would attend a school which was 4.39 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The Committee noted the appellant was not appealing on financial grounds but was appealing on medical grounds. The appellant lived with their partner. The appellant had health issues and was unable to walk unaided and required help outside the home. The appellant used crutches, a cane and a wheelchair but was pretty much housebound. The appellant received PIP standard for care and mobility.

The appellant stated as noted by the Committee, the appellant had no one who could help the appellant to support them to get the pupil to school. The extended family members were disabled and elderly and other family members lived 10 miles away in a different town. The appellant's partner took the pupil to breakfast and after school club but the family were struggling to pay for this and also it meant that the appellant's partner was arriving late for work and having to leave early which was affecting their work.

It was also noted by the Committee, the appellant was not appealing on education continuity grounds. The appellant was appealing under Section D. The appellant had attached a letter in support of their request for help. The pupil was already at the school attended when the appellant started to have health issues. It would be extremely difficult for the pupil to settle into a different school and therefore the appellant doesn't wish to move the pupil. The appellant also felt that the pupil had gone through enough by missing out on things because of the appellant's health. The appellant stated that their health did not allow them to use any transport. They had made the decision not to drive due to the dizziness and pain.

The appellant had requested, as noted by the Committee, home to school transport would be required as soon as possible until the appellant's health improved.

The Officer's comments stated, as noted by the Committee, transport had been refused as the pupil was not attending their nearest suitable school, which was at 0.39 miles from the home address.

The Committee noted the Officer's comments which stated it is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council

has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

It was noted by the Committee, in exceptional circumstances where it was not possible due to the medical condition of one or both of the parents or carers, for them to accompany a child to school and it was not possible to make suitable arrangements for a family member or friend to accompany a child to school transport assistance would be considered. Assistance may be provided where it was felt by the County Council that some assistance should be given to ensure that the pupil travelled to school safely and attended the school. Any such assistance was subject to satisfactory medical evidence being provided indicating the parental incapacity.

This assistance would only be provided for pupils who met the low income criteria (in receipt of Free School Meals or the maximum amount of Working Tax Credit).

The County Council will not consider assistance where one parent was unable to accompany the child to school due to the work commitments. If transport is approved on these grounds it is only for a maximum of 12 weeks. Should transport be required for longer than this then parents will usually have to appeal.

In considering the family's financial circumstances the Committee noted that the family are not 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 or in receipt of the Maximum amount of working tax credits. Also, the appellant's partner resided in the family home and the Officers were unable to take the partner's work commitments into consideration. Parents had the primary responsibility for ensuring their child's arrival at school.

The Committee reminded that it is the parents' primary responsibility for ensuring their child's safe arrival at school and in all cases when assessing the suitability of routes, the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably dressed. The County Council's Unsuitable Routes Policy considers routes to be safe if there is a footway, verge, walkable roadside strips or footpath. The committee were reminded and noted that the authority will not take into account the working arrangements of parents or other commitments like work.

Additionally, in circumstances where the pupil did not attend their nearest school and places were available at nearer schools then normally no assistance with travel costs would be given due to temporary incapacity of either appellant.

The Committee have noted all the supplementary evidence supplied by the appellant.

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 4696be 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 2019/20.

Appeal 4697

It was reported that a request for transport assistance had initially been refused as two of the pupils would not be attending their nearest suitable school, and third pupil was attending a school nearer to the home address and was therefore not entitled to free transport in accordance with the Council's policy or the law. :

Pupil 1: Was not attending their nearest suitable school at 0.82 miles from home and within statutory walking distance and instead attended a school at 2.17 miles away.

Pupil 2: Was not attending their nearest suitable school at 1.48 miles from home and within statutory walking distance and instead attended a school at 2.17 miles away.

Pupil 3: Was attending their nearest suitable school at 2.50 miles away and within statutory walking distance.

The appellant, as noted by the Committee, were appealing on financial grounds. The appellant worked and was in receipt of working tax credit and had provided evidence to support this.

The Committee noted, the appellant was not appealing on medical or educational continuity grounds. The pupils presently travelled to school by taxi which the appellant found very costly to maintain. The appellant was requesting transport from beginning of July for the full school term.

The Officer's comments stated as noted by the Committee that:

Pupil 1 had not been approved for transport as they were not attending their nearest suitable school which was at 0.82 miles from home.

Pupil 2 had not been approved for transport as they were not attending their nearest suitable school which was at 1.48 miles from home.

The Council has no statutory duty to provide transport assistance in circumstance where pupils do not attend their nearest school or academy.

Pupil 3 had not been approved for transport because the distance from home to school was less than the statutory walking distance of 3 miles for a pupil over the age of 8.

The Committee were advised that there is additional assistance available to low income families but only if the parents are in receipt of one of the qualifying benefits for free school meals or are in receipt of the maximum working tax credits. In order to qualify for help with travel costs, a pupil must be attending one of their nearest three schools between 2 and 6 miles from home or if the pupil was admitted to a faith school on faith grounds; free transport could only be authorised to the nearest school of faith providing the distance is between two and fifteen miles.

The committee were advised that the family had submitted a Credit Award Notice for the period of 06/04/2019 to 14/07/2019, this showed that the family were in receipt of Working Tax Credit and therefore are not entitled to extended assistance offered to low income families. The committee noted there was insufficient detail provided on the award and that the information supplied was now out of date.

The Officer's comments stated, as noted by the Committee, if the family met the low income criteria then Pupil 3 would be entitled to transport assistance because the school attended was their nearest suitable school and was more than 2 miles away from the family home.

It was noted by the Committee, Pupil 1 and Pupil 2 would still not be entitled to assistance because they are not attending their nearest suitable schools.

The Officer's notes stated, as noted by the Committee, there was a public bus service that stopped near the school attended by Pupil 3 with the stop from home a few minutes' walk away. The Appellant would be able to contact the relevant operator to enquire about purchasing a pass on this service.

The Committee have noted all the supplementary evidence supplied by the appellant. It was also noted the pupils were not in receipt of Free School Meals. Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 4697 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 2019/20.

Appeal 4698

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

from home to the school attended instead a school which is 3.93 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.

The appellant stated, as noted by the Committee, they moved house with their parent and the pupil due to the landlord selling the house.

The Committee noted, the appellant was appealing on financial grounds and had attached supporting evidence of their total monthly income.

It was noted by the Committee, the appellant was not appealing on medical grounds, but on the grounds of educational continuity because the pupil had settled into school life very well. The pupil had a great rapport with their peers and teachers. The school offered the options the pupil wished to take at GCSE. The appellant felt that to change schools at this point would impact severely on the pupil's health. The pupil didn't want to follow their peers as they were being bullied. Transport was required from August until the pupil left school.

The Officer's comments stated, as noted by the Committee, transport had not been approved because the pupil was not attending their nearest suitable school, which was at 1.79 miles from the home address.

The Committee noted, the pupil was awarded transport assistance from their previous home address on low income grounds. Pupil Access Team received correspondence on 2 July 2019 from the appellant to update the pupil's bus pass given that the family had moved address in November 2018.

It was brought to the Committee attention, as per the transport policy, if a child's circumstances change, for example, there is a change of address, the Council will reassess the claim. After reassessment it was determined that the pupil was no longer entitled to transport assistance from the new home address due to the availability of places at nearer schools.

The Committee were advised that there is additional assistance available to low income families but only if the parents are in receipt of one of the qualifying benefits for free school meals or are in receipt of the maximum working tax credits. In order to qualify for help with travel costs, a pupil must be attending one of their nearest three schools between 2 and 6 miles from home.

It was noted by the Committee, the pupil was in receipt of Free School Meals, however, there were three nearer schools with a place available; at 1.79 miles, 2.2 miles and 2.3 miles respectively. Therefore, the pupil was not entitled to transport assistance on these grounds.

It was brought to the Committee's attention that the pupil did not have an Education, Health and Care Plan. The statutory guidance from the Department for Education states that schools can be considered when undertaking assessments to receive transport assistance if they have placed available and "provide education appropriate to the age, ability and aptitude of the child, and any SEN that child may have".

The Committee were made aware that all secondary schools would offer GCSEs to their pupils. The school attended by the pupil might offer the particular GCSEs

that the pupil wished to study, however, that was not a consideration when undertaking transport assessments.

The Committee were reminded that there is a statutory requirement for all schools to have an anti-bullying policy. Schools are very experienced in separating peers who may cause each other anxiety both in form groups and during less structured times.

The Committee were informed when assessing home to school transport entitlement, it is not possible for there to be consideration how the pupil might undertake the journey to school. The availability and capacity of bus services can change depending on demand and revenue from bus fares.

It was brought to the Committee's attention that there was a dedicated school service that served the school attended by the pupils with the stop from home a few minutes' walk away. The appellant could contact School Traveline to enquire about purchasing a pass on this service.

The Committee had noted all the supplementary evidence supplied 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 09th August 2019, 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 and application form the Committee 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 4698 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 2019/20.

Appeal 4700

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 1.39 miles from their home address, and instead would attend school which was 10.48 miles. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The Appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The appellant stated, as noted by the Committee, the school attended by the pupil was the nearest faith school of the families faith. The pupil had been attending the chosen place of worship since they were 3 years old and had recently been confirmed in the chosen faith and that the pupil would like to keep with the religious part of the learning. A letter was attached from the place of worship in support.

The Officer's comments stated, as noted by the Committee, transport had not been approved because the pupil was not attending their nearest suitable school at 1.39 miles from the home address.

The Committee noted the Department for Education statutory guidance requires the County Council to assess transport eligibility by considering whether a place would have been allocated in the normal admissions round if the appellant had included the school as a preference.

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.

It was brought to the Committee's attention the nearest denominational school to the home address at which a place could have been offered was at 8.66 miles from home address. However, since September 2018 denominational reasons for expressing a preference for a school are no longer taken into account in assessing applications for assistance with transport.

The Committee noted the Department for Education guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

The Committee were advised, a summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in the booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a school application. Additionally, members of the Pupil Access Team are in attendance at nearly all of the school open evenings to give advice about admissions and transport entitlement.

The Committee were informed when assessing home to school transport entitlement, it is not possible for there to be consideration how the pupil might undertake the journey to school. The availability and capacity of bus services can change depending on demand and revenue from bus fares. There were buses from the home area to the school area and parents were able to contact the relevant operator to enquire about purchasing a pass on this service.

The Committee noted the pupil was not in receipt of Free School Meals. They had also noted the supplementary evidence supplied by the appellant.

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 4700 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 2019/20.

Appeal 4707

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 3.33 miles from their home address, and instead would attend school which was 8.04 miles. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The Appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the appellant's marriage broke down and they moved in with family member with the pupil to the present address in June 2019. The appellant was not appealing on medical or education continuity grounds but was appealing on financial grounds. They worked full time and stated their monthly income although no evidence had been provided to support this. The appellant stated they were not on a large salary, had recently moved house and didn't have enough money to pay for a bus pass.

The appellant stated, as noted by the Committee, the school attended by the pupil was the only school available with a space for the pupil. The appellant could take the pupil to school as they passed the school every morning, but they didn't finish work till 5:00pm. The school finished earlier than this and the appellant lived too far away for the 11 year old pupil to walk home, the distance being 8 miles. The appellant was requiring transport from September 2019 until the pupil left school or the family circumstances changed.

The Officer's comments stated, as noted by the Committee, the pupil had been refused transport assistance as there were a number of nearer schools, with places available, to the home address.

The Committee noted that the pupil and appellant were living in a different area at the time the school application was made and that preferences were expressed for schools in that locality.

It was noted by the Committee, the pupil was offered a place at the school attended presently from the school's waiting list. It was not known who would have advised the appellant that all the other schools were full. They must have been in touch with the local Pupil Access Team to have placed the pupil on the waiting list for the school attended and advice from the team would have been that there were places available at the nearest suitable school. There were 5

schools with places available nearer to the pupil's new home other than the one attended by them.

The Committee noted the pupil was not in receipt of Free School Meals. They have also noted all the additional documents and correspondence relating to the appeal.

In considering the family's financial circumstances the Committee noted that the family are not 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 or in receipt of the Maximum amount of working tax credits.

The Committee reminded that it is the parents' primary responsibility for ensuring their child's safe arrival at school and in all cases when assessing the suitability of routes, the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably dressed. The Committee were reminded and noted that the authority will not take into account the working arrangements of parents or other commitments like work.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was 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 4707 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 2019/20.

Appeal 4709

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 3.37 miles from the home address, but was attending the school of parental preference which was 3.72miles away 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 exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The appellant, as noted by the Committee, was not appealing on financial, medical or educational continuity grounds.

The Committee noted, under Section D, the appellant advised that the family received the rejection letter in June and emailed

school.transport@lancashire.gov.uk for a transport appeals form and didn't receive a response (emails attached). The appellant rang in July requesting an application form and one arrived 4 days later. This was the reason why the appeal was not made within 20 working days.

It was noted by the Committee, in their supplementary document, the appellant advised that their first choice of school over oversubscribed so the pupil was

allocated a place at their second choice of school. Home to school transport was refused because "There were nearer suitable schools with places available, when you were seeking a place for your child". The appellant disputed that these schools were nearer and had provided evidence to support this from AA Route Planner.

The Committee noted, the appellant felt that the policy did cover their specific circumstances and that the appeals committee should acknowledge that they did try to mitigate these costs by applying to the nearest school as their first choice of schools. Transport would be required from September 2019 until the pupil left school.

The Officer's comments stated, as noted by the Committee, the pupil had been refused transport assistance as there was a nearer qualifying school that they could attend.

The Committee noted, the appellant's email sent to school.transport@lancashire.gov.uk was not received as this was not an LCC email address. The Area South Transport email address, as shown in the top right hand corner of the Transport Officer's letter, is school.transportsouth@lancashire.gov.uk. Regarding the length time taken to receive the appeal form, the outgoing mail from the Pupil Access Team mailbox was collected at 2:30pm every day and all mail was sent out by second class post. The Pupil Access Team were not responsible for mail once it had left the premises.

The Committee noted the Department for Education statutory guidance requires the County Council to assess transport eligibility by considering whether a place would have been allocated in the normal admissions round if the appellant had included the school as a preference.

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 DfE Guidance stipulates that eligibility to receive transport assistance is based on the walking distance between a pupil's home and the school rather than the travel time.

It was noted by the Committee the County Council makes use of a bespoke mapping system that has a proven history for accuracy when assessing eligibility to receive transport assistance. Data map measures from the nearest boundary entrance of a pupil's home to the nearest entrance of the school which a child can walk to. A pupil's post code and house number is entered in to the software and the home to school distance is assessed to 4 decimal points. The assessment is then checked whilst preparing the appeal schedule.

AA Route Planner measures the distance that a car travels between two points and does not necessarily measure the nearest available walking route. Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was 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 4709 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 2019/20.

Appeal 4712

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 1.76 miles from the home address, and within the statutory walking distance of under 3 miles. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law

It was noted by the Committee, the appellant was appealing on medical and financial grounds but had not forwarded any evidence to support this case. The appellant stated the pupil was underweight and had problems walking long distances, complaining of pain in their legs for which they were on medications. The Committee noted the school supported assisting with uniforms and trip payments.

The Officer's comments stated, as noted by the Committee, transport had not been approved because the distance from home to school was 1.76 miles and so less than the statutory walking distance.

The Committee were advised that there is additional assistance available to low income families but only if the parents are in receipt of one of the qualifying benefits for free school meals or are in receipt of the maximum working tax credits. In order to qualify for help with travel costs, a pupil must be attending one of their nearest three schools between 2 and 6 miles from home.

It was noted by the Committee, the pupil was in receipt of Free School Meals and attending their nearest suitable school, however, the distance from home was less than 2 miles, therefore transport couldn't be awarded on these grounds.

The Committee were made aware County Council's Home to School Transport policy contained a discretionary award for pupils with long term medical needs. Where it was apparent that a pupil was physically unable to walk to school, transport provision might be considered where a pupil attended their nearest suitable school.

It was noted by the Committee, no medical evidence had been provided so the Council had been unable to consider the pupil's entitlement to transport on these grounds. It might be helpful for appellant to provide a letter from a medical professional explaining the reasons why the pupil would not be able to walk to school.

The Committee were informed when assessing home to school transport entitlement, it is not possible for there to be consideration how the pupil might undertake the journey to school. The availability and capacity of bus services can change depending on demand and revenue from bus fares.

It was noted by the Committee, that there was a dedicated school services that served the home area with the stop from home a few minutes, walk away. The appellant could contact School Traveline to enquire about purchasing a pass on this service.

The Committee noted the pupil was in receipt of Free School Meals. They also noted that no supplementary evidence was provided by the appellant to support their 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 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 4712 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 2019/20.

Appeal 4718

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 2.47 miles from their home address and within statutory walking distance, and instead would attend school which was 9.86 miles. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The Appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted, the appellant was not appealing on medical or educational continuity grounds but on financial grounds. The appellant had stated their household monthly income but not evidence had been received to support this.

It was noted by the Committee, the appellant also stated Section D and advised the pupil was bullied for 3 years at their previous school by a group of pupils there and the same group went to the nearest suitable school and the pupil went to a different school. During the course of the year, 80% of the group moved to the school where the pupil attended and the intimidation started again. The appellant struggled to get the pupil to go to school because of this. The appellant ascertained that there were no spaces available at the nearest suitable school and their only option was the school attended by the pupil.

The appellant stated, as noted by the Committee, they struggled to afford a monthly bus pass each month. They also had an older child and had to pay for their bus pass now that the child was 16.

The Committee noted the appellant was requesting transport from September 2019 until the pupil left school.

The Officer's comments stated, as noted by the Committee, transport had not been approved because the pupil was not attending their nearest suitable school at 2.47 miles from the home.

The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

The Committee were advised that there is additional assistance available to low income families but only if the parents are in receipt of one of the qualifying benefits for free school meals or are in receipt of the maximum working tax credits. In order to qualify for help with travel costs, a pupil must be attending one of their nearest three schools between 2 and 6 miles from home.

It was noted by the Committee, the pupil was in receipt of Free School Meals but did not qualify for transport assistance on low income grounds because there were nearer schools with a place available, and the distance to the school attended was greater than 6 miles from home.

The Committee noted the pupil was entitled to transport assistance to their previous school because it was the second nearest school to their home address and met the distance requirements.

The Committee were reminded that there is a statutory requirement for all schools to have an anti-bullying policy. Schools are very experienced in separating peers who may cause each other anxiety both in form groups and during less structured times.

The Committee were informed when assessing home to school transport entitlement, it is not possible for there to be consideration how the pupil might undertake the journey to school. The availability and capacity of bus services can change depending on demand and revenue from bus fares.

It was brought to the Committee's attention that there was a bus service that served the school attended by the pupils with the stop from home a few minutes' walk away. The appellant could contact School Traveline to enquire about purchasing a pass on this service.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was 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 4718 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 2019/20.

Appeal 4719

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 2.14 miles from their home address and within statutory walking distance, and instead would attend school which was 3.32 miles. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted, the appellant was appealing on financial grounds. The appellant was undertaking full-time university education in September 2019. Their partner worked part-time and even though the appellant had stated their total household monthly income no evidence had been provided to support this. The appellant was also appealing on medical grounds, as noted by the Committee. The younger pupil had learning disabilities and severe health issue. Their reading age was that of a 7 year old and they had a spelling age of 6 years and 8 months. The pupil's spatial awareness was poor. They would cross roads without looking. The older pupil cared and supported the younger pupil on the way to and from school. The younger pupil didn't have an Education, Health and Care Plan (EHCP), but was presently undergoing assessment.

The Committee noted, the appellant explained, that extended family members were elderly and could only help once a week by dropping off and picking up. The appellant dropped the partner to work who did bank shifts and then drove to university.

The appellant stated, as noted by the Committee, the younger pupil had been severely bullied at their previous school and had been hospitalised due to the children. These children went to the nearest suitable school, therefore, it felt that the younger pupil could not go there. The family also felt that the nearest suitable school could not meet the younger pupil's needs as well as the school attended by the pupil and the elder pupil already attended this school.

It was noted by the Committee, the pupils walked or cycled to school using the long walking route, as the country roads near their house are not safe and lack footpaths and street lighting. It took the pupils 1 hour to walk or 30 minutes to cycle.

The Committee noted the appellant required bus tickets for both pupils as the older pupil was the carer for the younger pupil. Bus passes would be required from September 2019 until the younger pupil left school.

The Officer's comments stated, as noted by the Committee, transport had not been approved because the pupils were not attending their nearest suitable school at 2.14 miles.

The Committee noted the Department for Education statutory guidance requires the County Council to assess transport eligibility by considering whether a place would have been allocated in the normal admissions round if the appellant had included the school as a preference.

The Committee was reminded that it is parental preferences for a school and academies and the application of admission arrangements linked to those which

informs and drives the subsequent application of the Local Authority home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

The Officer's comments stated, as noted by the Committee, assessing a pupil's eligibility to receive transport was a two part process. Firstly, a pupil's nearest school, for transport assessment purposes, was determined. This was the school that is closest to the pupil's home, measured by the shortest walking or road route, as accepted by the Council. The safety of the route between home and school was only considered if a pupil was attending their nearest establishment.

The Committee was reminded that it is the parents' primary responsibility for ensuring their child's safe arrival at school and in all cases when assessing the suitability of routes, the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably dressed. The County Council's Unsuitable Routes Policy considers routes to be safe if there is a footway, verge, walkable roadside strips or footpath. The committee were reminded and noted that the authority will not take into account the working arrangements of parents or other commitments like taking other children to and from school when assessing transport entitlement.

It was also noted by the Committee 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 County Council delegates a significant amount of funding to all mainstream high schools to provide the learning support for pupils with additional needs. All schools are expected to provide the necessary support to enable a pupil to fully access the curriculum.

No medical information has been provided to indicate that the younger pupil's needs could only be met at the school attended.

The Committee were reminded that there is a statutory requirement for all schools to have an anti-bullying policy. Schools are very experienced in separating peers who may cause each other anxiety both in form groups and during less structured times.

The Committee were advised that there is additional assistance available to low income families but only if the parents are in receipt of one of the qualifying benefits for free school meals or are in receipt of the maximum working tax credits. In order to qualify for help with travel costs, a pupil must be attending one of their nearest three schools between 2 and 6 miles from home.

The pupils were not in receipt of Free School Meals. However, if the appellant provided evidence that they did meet the low income criteria then the pupils would be entitled to transport assistance because the school attended was the third nearest school to the home address and met the distance requirements.

It was brought to the Committee's attention that the younger pupil was currently under assessment for an Education, Health and Care Plan (EHCP). The Inclusion Service team have a separate transport policy for those children with an EHCP

The Committee were informed when assessing home to school transport entitlement, it is not possible for there to be consideration how the pupil might undertake the journey to school. The availability and capacity of bus services can change depending on demand and revenue from bus fares.

It was brought to the Committee's attention that there was a dedicated school service that served the school attended by the pupils with the stop from home a few minutes' walk away. The appellant could contact School Traveline to enquire about purchasing a pass on this service.

The Committee noted all the supplementary evidence supplied by the appellant. 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 could therefore not consider the appeal until the appellant could provide evidence of their financial situation.

Resolved: That Appeal 4719 be deferred so that the appellant can provide evidence of financial situation in order for the appeal to be fully considered at the next Student Support Appeals Committee which will take place in October 2019.

Appeal 4721

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 5.20 miles from their home address, and instead would attend school which was 5.85 miles away. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the appellant was not appealing on financial, medical or educational continuity grounds.

The appellant was appealing under Section D: Other Exceptional Reasons, as noted by the Committee. The appellants were writing to appeal against the exceptionally unfair decision that they had to pay for school transport, when, in fact, they DID NOT choose the school the pupil attended. They were denied a place at their nearest school in the area, where they wouldn't have had to pay transport for on the grounds that they were too far away. They were now expected to travel further and be charged for the process. They didn't choose to bypass their nearest school, they wanted their nearest school.

The Committee noted, the appellant stated that the pupil couldn't walk to school as it was too far away. From the area where the pupil lived there were only buses to schools not attended by the pupil. The appellant felt that in their current situation, they should be given free transport, because they had not been granted any of their choice of schools.

It was noted by the Committee, the family owned suitable transport, but due to work commitments, it would be very difficult to take the pupil to and from school.

Transport would be required from September 2019 until the pupil left school or the family's circumstances changed.

The Officer's comments stated, as noted by the Committee, the Transport Policy included other Local Authority schools in assessment of nearest suitable school. In this case the school at 5.97 miles was closer than the allocated school which is at 6.34 miles.

The Committee were made aware the admissions policy for Lancashire stated that an allocation of the next nearest school with a place available would be made should none of the preferences be offered. This did not include other Local Authority Schools.

It was noted by the Committee, none of the preferences could be offered as the family lived too far away even though they lived within the geographical priority area for 2 of their preferences.

The Committee noted the Department for Education statutory guidance requires the County Council to assess transport eligibility by considering whether a place would have been allocated in the normal admissions round if the appellant had included the school as a preference.

The Committee noted the Officer's comments which stated it is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school to transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. It was brought to the Committee's attention there was no claim registered for Free School Meals nor was there evidence of the family being on the highest level of working tax credit which meant the low income element of the policy could be applied.

It was noted by the Committee, there is an extended entitlement to those in receipt of low income in that those families who have an entitlement to one of their three nearest schools providing the distance is between two and six miles from home. Had family met the threshold to be classed as low income, free transport would be authorised as the school the pupil attended was the second closest schools to home a place could have been offered and was within the distance qualification.

The Officer's comments stated, as noted by the Committee, assessing a pupil's eligibility to receive transport was a two part process. Firstly, a pupil's nearest school, for transport assessment purposes, was determined. This was the school that is closest to the pupil's home, measured by the shortest walking or road route, as accepted by the Council. The safety of the route between home and school was only considered if a pupil was attending their nearest establishment.

The Committee reminded that it is the parents' primary responsibility for ensuring their child's safe arrival at school and in all cases when assessing the suitability

of routes, the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably dressed. The County Council's Unsuitable Routes Policy considers routes to be safe if there is a footway, verge, walkable roadside strips or footpath. The committee were reminded and noted that the authority will not take into account the working arrangements of parents or other commitments like taking other children to and from school when assessing transport entitlement.

The Committee were advised, a summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in the booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a school application. Additionally, members of the Pupil Access Team are in attendance at nearly all of the school open evenings to give advice about admissions and transport entitlement.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was 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 4721 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 2019/20.

Appeal 20426

It was reported that a request for transport assistance had initially been refused on the grounds that the pupil had applied for a course at College and would be 22 years at the start of the course. This would also be the 4th year of post 16 transport to College.

Transport policy stated that no assistance would be provided for students who were aged 19 or above when they started their further education course. The pupil had moved from a different college to start a new course at the present college in September 2019.

It was noted by the Committee, the appellant's summary stated they were appealing on:

Financial Grounds – The appellant stated in order for the pupil to attend the college they required transport with a personal assistant on board to travel with them to and from college. Without this transport and support the pupil would be unable to attend the course and this would have a major impact on their learning. The pupil lived with the appellants and sibling and was in receipt of direct payments and had two carers who allowed them to access activities outside the home. The pupil was in receipt of a PIP at higher rate for mobility and care. Mobility car insured for appellants to drive. The pupil received employment support allowance/Income support. Amount were stated by the appellant. The pupil's outgoings were listed in additional letter added as attachment.

Medical Grounds – Appellants reported that the pupil had significant learning difficulties and poor co-ordination/mobility. There was a report from health professional in appeal documents which stated the pupil's health condition. In the pupil's case this was now permanent and significantly restricting. Mobility was severely restricted and resulted in pain in their legs and back. There were other health issues causing health issues.

Exceptional Reason – Appellants were not appealing on the grounds of educational continuity but exceptional reason. They had listed other exceptional reason including the pupil's Education, Health and Care Plan and included an attachment added below which an application to appeal against the refusal of transport was and included:

The pupil was accepted onto a supported learning programme at the College for 4 days per week from September 2019. Designed for adults with learning difficulties to focus on their personal/independent skills to introduce them to work (voluntary paid or unpaid) and to prepare for their future. Appellants had stated that a part of EHCP outcome, the pupil should be given further opportunity to further develop their cognitive skills, develop numeracy and literacy develop short term auditory memory to enable them to achieve functional literacy. To develop their ability to concentrate for an appropriate length of time on a task or activity. In order to develop the skills they should be in an environment rich in linguistic stimulation in which the pupil was actively encouraged to take part with the outcomes in independence and self-help skills. Supported learning programme at the College would provide the support and environment the pupil needed in order to progress on these key skills.

The pupil's family and extended family were unable to assist with transport. The appellants both work and were not in a position to assist with transporting to and from college and extended family members did not live nearby and were therefore unable to assist with transport. Both appellants work shifts in order to care for both children with disabilities. The pupil's younger sibling attended a special school and appellants had to be at home to see the younger child on and off school transport each day. Appellants had made enquiries into employing a carer however, they had stated that the pupil was unable to fund this and the appellants had been unable to find anyone who would work the 2 hours required (1 hour at the beginning and end of day).

The appellants reported the pupil was an extremely vulnerable young woman who struggled to see any dangers. They were unable to access public transport or be alone in a taxi without a carer. The pupil required an adult with them at all times to oversee safety and care. The pupil required a high level of adult care. Social care additional attachments included by the appellants.

The Officer's comments stated, as noted by the Committee, post 16 transport policy stated that no assistance would be provided under this policy for the following students:

A student who is aged 19 or above when they started further education course. The following condition also apply: The young person is under 19 years old when they start their course and the distance between the young person's home and their education provider is more than 3 miles by the nearest suitable walking route.

The pupil's needs were described in the EHC Plan which had been attached for panel's reference. There was no disagreement regarding the nature of their needs and/ or the content of their EHC Plan.

The post 16 transport policy stated that no assistance would be provided under this policy for the following students:

A student who is aged 19 or above when they started a further education course. Therefore the information regarding the family's ability to transport the pupil was outside the information in the post 16 transport policy statement.

The post 16 transport policy stated that Home to school/ provider transport assistance would be considered for young people aged 16-19 who were attending their nearest appropriate school/provider which was within the 3 mile walking distance if they could not be reasonably expected to walk there, accompanied as necessary, by reason of their SEN, disability or mobility problem. Cases were considered on an individual basis and medical evidence was required before transport assistance was agreed.

Therefore although the pupil's social care needs and vulnerability were listed within the EHCP and social care assessment, the age range for receiving transport was listed within the transport policy as above.

The Committee noted all the supplementary evidence supplied by the appellant. Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was 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 20426 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 2019/20.

AOB - Appeal 4646

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 1.07 miles from the home address, and within the statutory walking distance of under 3 miles and instead would attend a school which was 2.47 miles away which was under 3 miles as well. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The appeal was deferred on the previous Committee meeting in order for the appellant to gather the following information:

- Clarification why the child was taken off role at the previous school attended.
- Time line of what school was offered when (Date) and why the places were not taken up at the time from the appellant.
- Walking distance from the home address to all the schools offered to the appellant.
- Shift pattern of the appellant to be confirmed from their employer.
- Details of why the current arrangements cannot continue for taking the pupil to and from school.

- Details of any public bus services from the home address to the school attended.

The appellant had stated the reasons for the above:

- The pupil was taken off roll at the previous school attended due to extended leave. On appeal the pupil's siblings had their approved but the pupil was refused due to rules on class sizes. All information on circumstance should be available from the Pupil Access Team.
- When the pupil was refused a place on appeal the appellant was informed by Pupil Access Team that places were available at a faith school at 1.07 miles and a community school at 2.47 miles, the school where the pupil currently attended. After looking at both schools the appellant preferred the school at 2.47 miles as it was a community school and not a faith school. The school at 1.07 miles was a faith school. The appellant felt the pupil would fit in better at a community school. The appellant, therefore, approached the school and made an application. After nearly three weeks of chasing the school for a start date via phone the appellant visited the school and were told by the office they were unable to provide a place because there was a place available at the faith school which was closer to our home. The appellant then went to the faith school to take up the place there. When the appellant contacted the faith school they were told the place was no longer available. The appellant contacted the Pupil Access Team again and they advised the appellant to contact the community school again. The community school were again reluctant to enrol the pupil, it transpired this was because they had reservations about the pupil's attendance at their previous school. After pressure from Pupil Access Team, the community school finally enrolled the pupil. The appellant wanted to clarify that had they been told they had no choice they would have accepted the faith school from the outset. As the appellant was given options this had caused confusion. Once again a timeline of this would be available from Pupil Access Team.
- The walking distance to the faith school was 1.07 miles and 2.47 to the community school.
- The appellant stated where they worked and their shift pattern was 7am to 6pm daily. This could be confirmed with the management. A letter is attached confirming this.
- A family member had been dropping the pupil at school after dropping their own children at a different school. This was a temporary arrangement and they had informed the appellant they were no longer able to do this from September. This meant the appellant would have to either give up work or it would put a significant strain on their finances if they had to get a taxi to drop pupil to school.

- Public transport was not an option as the appellant's other children attended schools in different areas and it would mean further pressure in the morning for the appellant's partner to get a bus to school. For the pupil this would mean travel time in the mornings of up to 45 minutes at peak time which was not appropriate for a primary school age.

The appellant had stated that if further information was required then not to hesitate to contact them.

The Committee had taken note of the all the information supplied by the appellant

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 could therefore not consider the appeal until it was made clear if the faith school at 1.07 miles was available at the time when transport was considered by the appellant.

Resolved: That Appeal 4646 be deferred so that the Pupil Access Team can provide evidence of financial situation in order for the appeal to be fully considered at the next Student Support Appeals Committee which will take place in October 2019.

Appeal 4689

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 1.08 miles from their home address and is within that statutory walking distance of 3 miles from home to school and attending instead a school which is 1.50 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.

The Committee noted, the appellant was appealing on medical grounds relating to the appellant. The appellant supplied a support plan from social services and a PIP entitlement letter dated 2016. The appellant directed the Committee to view the documents for details of their medical issues.

The appellant stated, as noted by the Committee, they used a scooter, otherwise was driven if the journey was longer. The family had a mobility car, but had lost their personal assistant in March so didn't have transport anymore for school runs or appointments, etc. They did not have any extended family to assist due to distance. The appellant offered to 'scooter' the pupil to the nearest bus stop. The transport would be required from September 2019 for long term. The pupil was not subject to an EHC Plan or Statement of SEN.

The Officer's comments stated, as noted by the Committee, the pupil was not attending their nearest qualifying school. The pupil would be eligible for free school meals but would still not be entitled to assistance with transport as the

school attended by the pupil was under the statutory walking distance of 2 miles (for those on low income).

It was brought to the Committee's attention that travel costs were only paid when a pupil was attending their nearest qualifying school, with a place available and the lived over the statutory distance away. This is 2 miles for pupils aged 8 and under and 3 miles for pupils aged over 8. There is additional assistance available for low income families when pupils are attending their nearest qualifying school and it is over 2 miles from home.

It was noted by the Committee there is some discretion within the County Council's Home to School Transport policy based on parental incapacity. This would only normally be awarded on a short term basis and if a pupil was attending their nearest school. It was also considered that secondary aged pupils could walk to school unaccompanied.

The Committee were made aware of Appendix B, section 5 of the policy which refers to children whose parents are unable to accompany their children. This section specifically states family would need to be classed as being in receipt of a low income and specifically states if places are available at a closer school, this part of the policy is not applicable. This part of the policy also refers to secondary school aged pupil's being "expected" to travel to school alone. Even if substantial medical evidence was provided, we could not use this part of our policy. This policy is stated below:

5. Children whose Parents due to their Medical Conditions are unable to accompany their children to school.

In exceptional circumstances where it is not possible due to the medical condition of one or both of the parents or carers, for them to accompany a child to school and it is not possible to make suitable arrangements for a family member or friend to accompany a child to school transport assistance will be considered. Assistance may be provided where it is felt by the County Council that some assistance should be given to ensure that the pupil travels to school safely and attends the school. Any such assistance is subject to satisfactory medical evidence being provided indicating the parental incapacity.

This assistance will only be provided for pupils who meet the low income criteria as outlined in Section 6 of this policy

This might include instances where the pupil resides within the statutory walking distance or the pupil does not attend their nearest school.

The County Council will not consider assistance where one parent is unable to accompany the child to school due to work commitments nor will it usually consider it necessary to provide assistance to secondary school aged pupils as they will usually be deemed to be capable of walking to school unaccompanied.

In the above cases transport will be provided for up to a maximum of 12 weeks. Any extension of transport will be subject to a central review process by the County Transport Policy Officer.

In circumstances where the pupil does not attend their nearest school and places were available at nearer schools then normally no assistance with travel costs will be given due to temporary incapacity of either parent.

The Committee noted all the supplementary evidence supplied by the appellant but have noted the information was not up to date.

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 4689 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 2019/20.

Appeal 4701

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 4.08 miles from their home address and is within that statutory walking distance of 3 miles from home to school and attending instead a school which is 1.50 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.

The Committee noted, the appellant was not appealing on financial, medical or educational continuity grounds. The appellant was appealing under Section D: Other Exceptional Reasons.

The appellant advised, as noted by the Committee, the school considered as the nearest suitable school was not the pupil's nearest school. The route to the school was unsuitable to walk as there was no footway, verge, walkable strip, footpath or bridleway. The appellant had measured the distance from home to the school attended by the pupil and also from home to the nearest suitable school using an Ordnance Survey map APP. The school attended by the pupil was 6.43km from the home address. This utilised footpaths through the town centre and parks in the area. When using the same APP and map, the route to the nearest suitable school was 6.48 km. This was taken and measured from the pavement outside their home to the gate at each school. Therefore, the appellant disputed that the school considered the nearest by the Officers was correct.

In addition, as noted by the Committee, the appellant wished to highlight that the road used to measure the distance to the nearest suitable school was unsuitable, as there were long stretches of this road that had national speed limit restrictions in place on single carriageways. Therefore, based upon this, the actual distance to the nearest suitable school would be even further away. Utilising the same Ordnance Survey APP, the most suitable and shortest route was 8.7 km. Given that under Section 508(B) of the Education Act 1996 that the Council must provide free transport between home and their nearest school, and that both

schools are over 4.82 km, the question to be considered is which school was the nearest. The Council would, under the Act, have to pay for the transport to the nearest school. The appellant believed that the previous decision had been based upon roads only and not taken account of the footpaths between the roads and the pedestrian area through the town centre.

The Committee noted the appellant stated that in addition, one of the route was a national speed, a fast route without street lighting, had deep ditches alongside the road and would present extreme risk and danger to the pupil should they be expected to walk this way to school. Both the appellant and their partner both owned a vehicle, but left for work before the pupil caught the bus to school.

Transport would be required from September 2019 until the pupil left school.

The Officer's comments stated, as noted by the Committee, the Council has two bespoke packages of mapping software specifically purchased for the accuracy of measurements undertaken for both admissions and transport purposes. Both have a proven history of accuracy.

The Officer's comments stated, as noted by the Committee, assessing a pupil's eligibility to receive transport was a two part process. Firstly, a pupil's nearest school, for transport assessment purposes, was determined. This was the school that is closest to the pupil's home, measured by the shortest walking or road route, as accepted by the Council. The safety of the route between home and school was only considered if a pupil was attending their nearest establishment. If the pupil were to attend the nearest suitable school an assessment of the suitability of the route would be carried out.

It was also noted by the Committee 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 County Council delegates a significant amount of funding to all mainstream high schools to provide the learning support for pupils with additional needs. All schools are expected to provide the necessary support to enable a pupil to fully access the curriculum.

The Committee reminded that it is the parents' primary responsibility for ensuring their child's safe arrival at school and in all cases when assessing the suitability of routes, the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably dressed. The County Council's Unsuitable Routes Policy considers routes to be safe if there is a footway, verge, walkable roadside strips or footpath. The committee were reminded and noted that the authority will not take into account the working arrangements of parents or other commitments like taking other children to and from school when assessing transport entitlement.

The Committee were advised, a summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in the booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a school application. Additionally, members of the Pupil Access Team are in

attendance at nearly all of the school open evenings to give advice about 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. 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.

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 4701 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 2019/20.

Appeal 4704

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 4.15 miles from their home address and instead would attend school which was 4.99 miles. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted, the appellant was not appealing on financial, medical or educational continuity grounds.

The appellant stated, as noted by the Committee, the pupil's previous school felt that the pupil's future education would be best served if they were to attend a school that had a strong focus on STEM (Science, Technology, Engineering and Maths), as this would be the best fit for their educational needs and the school attended by the pupil was the most suitable environment to fully nurture their talents and provided them with the extra rigour and challenge in order for them to achieve their full potential.

The Committee noted, the appellants did not consider the two nearest schools to home suitable for the pupil's education, as the pupil needed a school that had STEM as a priority. In addition, the shortest walking route to the nearest suitable school had roads with no streetlights or pavements and was, therefore, unsuitable.

It was noted by the Committee, the appellant stated, there was no suitable transport in the home and, therefore, transport would be required as soon as possible until the pupil left school.

The Committee noted the Officer's comments which stated transport had not been approved because the pupil was not attending their nearest suitable school at 4.15 miles.

The Committee noted the Department for Education statutory guidance requires the County Council to assess transport eligibility by considering whether a place would have been allocated in the normal admissions round if the appellant had included the school as a preference.

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

It was also noted by the Committee 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 fact that a school may not have a focus on STEM does not mean that the school can be discounted for the purposes of a transport assessment.

The Committee noted that there was an additional entitlement to transport assistance for low income families if parent are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credits. 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 brought to the Committee's attention, the pupil was not in receipt of Free School Meals, and however, if the family did meet the low income criteria the pupil would be entitled to transport assistance because the school attended by the pupil was the third nearest to their home address and met the distance requirement.

It was brought to the Committee's attention that there was a dedicated school service that served the school attended by the pupils with the stop from home a few minutes' walk away. The appellant could contact School Traveline to enquire about purchasing a season ticket on this service.

The Committee have noted the supplementary evidence supplied by the appellant.

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 4704 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 2019/20.

Appeal 4705

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 1.75 miles from the home address, and within the statutory walking distance of under 2 miles. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The Committee noted, the appellant was not appealing on financial, medical or educational continuity grounds. The appellant was a lone parent and a full time student reliant upon their student loan and benefits. Therefore, the cost of a bus pass could not be financially sustained. It was noted by the Committee, the appellant was supported by professional services.

The appellant was appealing under Section D: Other Exceptional Reasons, as noted by the Committee, and referred to the circumstances surrounding the application. The appellant advised that significant social difficulties were present that had serious safeguarding concerns which could be mitigated by the allocation of free transport. The appellant had separated from their partner. There has been domestic issues and police have been involved. The Committee have noted the information supplied relating to it.

The Committee noted, the appellant was conscious that their partner knew their home address and felt it was unsafe for the pupil to leave form and arrive home alone daily in a predictable fashion or regularly travel alone on public transport to and from school. The court ruling prohibits the partner from approaching the appellant but does not apply to the children. The partner does not as yet know which school the pupil was going to attend.

The appellant was requesting transport on a school bus (not public transport) from September 2019 until the pupil left school or the family's circumstances changed, as noted by the Committee.

The Officer's comments stated, as noted by the Committee, the pupil had been refused transport assistance as they lived less than two miles away from the school attended.

The Committee noted as the pupil was in receipt of free school meals there would be denominational transport assistance available if the distance criteria were met.

It was noted by the Committee, that there are exceptional circumstances relating to this case but officers do not have the discretion to award transport assistance outside the County Council's published Home to School Transport Policy.

The Committee have noted all the extra information supplied by the appellant in respect of their appeal.

The Committee noted all the appellant's and Officer's notes and have approved to grant the pupil school transport assistance on basis of the pupil's safety, for one academic year.

Resolved: Therefore, having considered all of the family's circumstances and the officer responses as set out in the Appeal Schedule 4577, 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 2019/20 – July 2020 academic year to support the family in the interim.**

County Hall
Preston

L Sales
Director of Corporate Services