

## **Lancashire County Council**

### **Student Support Appeals Committee**

#### **Minutes of the Meeting held on Monday, 3rd November, 2014 at 10.00 am in Room B15b, County Hall**

##### **Present:**

County Councillor Sue Pryn (Chair)

##### **County Councillors**

A Cheetham

M Perks

C Dereli

Also in attendance:

Ms L Brewer, Solicitor, Legal Services, Office of the Chief Executive;  
Mr G Halsall, Business Support Officer, Democratic Services, Office of the Chief Executive.

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

County Councillor Perks declared a non pecuniary interest in relation to appeal 3654 on the grounds that he was a Governor at the school and confirmed that he had no other association with the appellant.

County Councillor Cheetham declared a pecuniary interest in relation to appeal 3665 on the grounds that she knew the family and stated that she would vacate the room whilst the Committee deliberated the appeal.

#### **2. Minutes of the meeting held on 6th October 2014**

**Resolved:** That; the Minutes of the meeting held on the 6th October 2014 be confirmed as an accurate record and be signed by the Chair.

#### **3. Urgent Business**

It was noted that the paperwork for appeals 3673 and 40253 had only been finalised after the agenda had been circulated. As a result, the Chair had been consulted and had agreed that these appeals could be presented to the meeting under urgent business in order to avoid any delay in determining them.

**Resolved:** That, appeals 3673 and 40253, as circulated to the Members of the Committee, be considered alongside other appeals at the meeting.

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

It was noted that the next meeting of the Committee would be held at 10.00am on Monday the 1st December 2014 in Room B15b, County Hall, Preston.

#### **5. 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.

#### **6. 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 32 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 2014/15, and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

#### **Appeal 3573**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 5 miles from their home address, and instead would attend their 6th nearest school which was 10.4 miles away. The appeal was also against the fact that the pupil would not be guaranteed a permanent seat on the school bus and that the family were seeking travel assistance from a different location and not from where the family now resided.

In considering the appeal the Committee noted the family's reasons for the house move, how the pupil travelled to their primary school for the remainder of their final year there and that the pupil continued to attend a feeder school affiliated with the school now attended. The Committee also noted the family's intention for the pupil to continue travelling with the mother in order catch the school bus from

a different and direct location to get to their secondary school. Furthermore, it was reported that when the mother enquired about these transport arrangements with the Council, she was informed that this would not affect the family's application for travel assistance to the school to be attended and was upset when the application was rejected.

However, it was reported that the Council was statutorily obliged to assess applications for travel assistance based upon the home address at the time of the transport application and that there was no provision in the Council's current Transport Policy to make an award for pupils who wish to board the school bus from a different location. Whilst the Council continued to subsidise travel to the nearest school of the family's faith subject to meeting eligibility criteria, the Committee was informed that there was a closer faith school to the home address than the one attended and that awards for subsidised transport could not be transferred as suggested by the mother.

In considering the appeal further the Committee noted the mother's concerns in relation to the pupil having secure access to a place on the school bus and not how it was paid for. The Committee was informed that children who qualified for transport assistance would be given priority seating on the school bus and that season tickets would not be issued until October, and might even be withdrawn if the bus was full. Furthermore, the mother was concerned that whilst the Council might be able to offer a spare seat on the bus it would be on the proviso that if the seat was required for a statutory pupil, the pupil would have to relinquish the seat. The mother expressed concern and sought clarification as to when the pupil would be required to relinquish the seat and how much notice the Council would give in such instances.

The Committee was informed that the Council could offer the pupil one of the spare seats before the start of term. However, whilst a notice to relinquish the seat could be as little as one week, the Committee noted that there was spare capacity on the school bus this current academic year and that the likelihood of having to relinquish a seat could be minimal. Furthermore, there was an alternative commercial bus service that the pupil could utilise should they have to relinquish their seat. However, the Committee acknowledged that this service did not operate directly to the school.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence 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 3573 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 2014/15.

## **Appeal 3582**

At its meeting held on 1st September 2014, the Committee resolved:

"That appeal 3582 be deferred in order for the Committee to receive further information from the school in relation to the incident at the primary school and evidence from the mother in relation to the family's financial standing."

In considering the appeal further, the Committee noted the mother's profession and that she tended to the pupil herself and that there was no professional involvement in relation to the incident that occurred at the primary school. Whilst officers from the Council had spoken with staff at the primary school who advised that there was nothing in their behaviour incident record to confirm the incident as described by the mother, an email from the former class teacher confirmed the relationship between the two pupils and that an incident occurred on at least one occasion. The Committee therefore felt that there was no substantive evidence in relation to the incident for them to consider the nearest school as being unsuitable for the pupil.

The Committee in considering the appeal further noted from the financial information provided the mother earned more than the qualifying amount for maximum working tax credits. The Committee felt that the evidence provided in relation to the family's limited income was not substantive to corroborate what was stated in the appeal.

Having considered all of the mother'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 3582 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 2014/15.

## **Appeal 3584**

It was reported that after the agenda had been posted to Members of the Committee, the family had managed to obtain a place for the pupil at their desired school which was 0.3 miles from their address and had requested that their appeal be withdrawn.

**Resolved:** That appeal 3584 be withdrawn at the request of the parents.

## Appeal 3593

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable schools, which was 0.2 miles from their home address, in the case of the younger sibling and an alternative school in the case of the elder sibling which was 1.6 miles from their home address and instead would attend their 6th nearest school which was 10.8 miles away.

In considering the appeal the Committee noted the family's sudden upheaval in relation to their house move and that the pupils were bullied at school due to their father's profession during the time they lived at their previous residence. It was reported that at that time the school attended by the younger sibling was their nearest when they began there. However, this did not work out and the family decided to transfer the younger sibling to the school now attended joining their elder sibling. The Committee was informed that the father was currently unemployed and was struggling to fund the bus fares.

It was reported that the Council from the information provided in the appeal could only presume the reasons why the elder sibling attended a more distant school suggesting that the family could perhaps afford the cost of transport when the father was in employment. Whilst the younger sibling commenced their education at the nearest school it was not clear from the information provided what caused the problems at the school attended which led the family to transfer the younger sibling to the same school as the elder sibling. Furthermore, there was no evidence to substantiate the reasons behind the house move. The Committee noted that whilst the family were on a low income there was no provision in the Council's Transport policy to make an award the sixth nearest school that was outside the distance criterion of two to six miles from the home address. Furthermore, the Council could offer the pupils places at nearer schools.

The Committee in considering the appeal further noted both the younger sibling's and the father's health problems. However, no evidence was provided to substantiate these claims.

Therefore, having considered all of the father'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 3593 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 2014/15.

## Appeal 3605

At its meeting held on 6th October 2014, the Committee resolved:

"That appeal 3605 be deferred in order for the Committee to receive information in relation to:

- i. What the arrangements are with the grandparents; and
- ii. How the pupil was currently getting to school."

In considering the appeal further, the Committee noted that the pupil travelled to school on the school bus most days and that when the mother had medical appointments or was ill the grandparents who lived 0.8 miles from the school attended had care responsibilities at either end of the school day. The mother had also advised that if the pupil was taken ill grandparents would collect them, however, they do not have transport.

The Committee was informed that the mother's issue was one of the pupil's safety and security. It was reported that the headteacher of the pupil's primary school had put in place informal arrangements to assist the family in their circumstances and confirmed that they were aware of other arrangements being put in place at the family's home. The Committee noted the family's risks and the support provided to them. However, the Committee felt that the provision of a bus pass would not reduce the risks for the pupil as they felt it unlikely they would walk the distance to school and whilst already catching the school bus most days and being supported on those other days as and when required by grandparents the Committee felt that the main reason for the appeal was in relation as to who should meet the cost of travel.

In considering the family's financial standing, the Committee noted that the family was on a low income. However, it was reported that the pupil was not admitted to the school on denominational grounds. Furthermore, there was no evidence to confirm the family's faith.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence 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 3605 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 2014/15.

## Appeal 3616

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 1.4 miles from their home address, and instead would attend their 8th nearest school which was 6 miles away.

In considering the appeal the Committee noted the family were surprised and disappointed that free travel was not granted to the pupil. The Committee also noted that the pupil always attended a specific primary school and that they would be transferring to the same secondary school as their peers. Furthermore, other pupils living nearby had received free travel to the school now attended. It was reported that the family were never made aware of the cost of school transport.

The Committee was informed that the family did not meet the denominational criteria for admission to the school attended and that there was a nearer school of the same faith to the family home. With regard to other pupils receiving free transport, it was reported that only pupils in year 11 would be receiving free transport to the school from the area where the family resided. The Committee was informed that those pupils would have qualified on the Council's former more generous transport policy which allowed free transport to pupils who met the denominational criteria for admission and lived in the named feeder parish for the school. These pupils are the last cohort to receive such assistance. In addition, pupils living in the area who commenced their secondary education from September 2011, when the Council's transport policy changed, would still qualify for transport but were now required to contribute towards the cost of travel by paying the contributory denominational charge. The Committee noted that the pupil was admitted to the school on one of the lowest categories for admission.

The Committee in considering the appeal further noted that there was nothing to stop the pupil from using the dedicated school bus service, however, the family would either have to pay the daily fare or purchase a season ticket for the pupil. There was no evidence to suggest that the family were unable to fund the cost of bus fares.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence 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 3616 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 2014/15.

## **Appeal 3618**

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 1.5 miles from their home address, and instead would attend their 5th nearest school which was 4.2 miles away.

In considering the appeal the Committee noted the circumstances surrounding the house move and that the mother was now a single parent and the affect this had on the pupils' wellbeing. The Committee also noted that for a time the family were in receipt of professional support and that to change schools would be detrimental to the pupils especially as they were both improving. The Committee was informed that the family was on a low income and would struggle to fund bus fares.

It was reported that since the agenda papers had been despatched to Members, the mother had submitted late evidence in relation to house move, professional support and working tax credits. Copies of which were circulated at the meeting. Upon considering the late evidence, the Committee in noting that the family were forced to move house also noted that it appeared from the information provided in the appeal schedule that the pupils were attending their third nearest school with places available. Furthermore, the Committee noted that the mother was in receipt of the maximum amount of working tax credits. In view of these points as noted by the Committee they felt that the pupils were eligible for transport assistance on low income grounds.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and the late evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide travel assistance for the pupils for the remainder of their secondary education up to the end of 2017/18 academic year for the elder sibling and up to the end of 2018/19 academic year for the younger sibling on the grounds that the pupils were statutory children who qualified for transport on low income grounds.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3618 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2014/15;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2017/18 academic year (Year 11) for the elder sibling and up to the end of the 2018/19 academic year (Year 11) for the younger sibling.



## **Appeal 3622**

At its meeting held on 6th October 2014, the Committee resolved:

"That appeal 3622 be deferred in order for the Committee to receive medical evidence in relation to both the mother and the pupil."

In considering the appeal further, the Committee noted the information provided to corroborate both the mother's and the pupil's health problems and that the school were aware of the pupil's health problems and had made necessary adjustments to support them in getting around the premises. The Committee also noted that the pupil's increasing health needs. Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and the supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide travel assistance for the pupil for the remainder of their secondary education up to the end of 2015/16 academic year (Year 11) to support the pupil.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3622 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2014/15;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2015/16 academic year (Year 11).

## **Appeal 3625**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 0.3 miles from their home address, and instead would attend their 48th nearest school which was 4.1 miles away. However, it was reported that officers could now confirm that the nearest school which could offer the pupil a place was 1.09 miles from the home address.

In considering the appeal the Committee noted the reasons for the house move and that it was the mother's intention to move back to her previous home town when the tenancy agreement ended in six months' time. The Committee was informed that the pupil enjoyed school and was doing well at the school attended and that the mother felt it would not be in the best interests of the pupil to transfer schools twice in the space of a few months. The Committee noted the mother's situation and that she would struggle to use public transport. The Committee also noted that the family was on a low income.

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

supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of 2014/15 academic year (Year 1) or until the family return to their previous home town whichever occurs first to support the family in the interim.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3625 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2014/15;
- ii. The temporary transport assistance awarded in accordance with i. above be only up to the end of the 2014/15 academic year (Year 1) or until the family return to their previous home town whichever occurs first

### **Appeal 3628**

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 0.4 miles from their home address, and instead would attend their 11th nearest school which was 3.3 miles away.

In considering the appeal the Committee noted the reasons behind the house move and that the grandmother followed the family to live with them in order to provide support. The Committee also noted both the mother's and the grandmother's health problems and that the grandmother did not drive. It was reported that the mother had been driving the pupil to school and that this was having a negative impact on her ability to work and her health. Furthermore, whilst the mother felt that changing the pupil's school would present similar difficulties experienced by them when they transferred schools previously, the mother had appealed for a place at a nearer faith school but was awaiting the outcome.

The Committee noted that there was no current evidence to support the mother's or the grandmother's health problems and the effect this had on her ability to work.

In considering the appeal further the Committee noted the mother's comment that her business did not provide a source of income for the family and that they were living on benefits. However, there was no substantive evidence to show the family's financial incomings and outgoings.

Having considered all of the mother'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 3628 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 2014/15.

### **Appeal 3630**

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 3.8 miles from their home address, and instead would attend their 8th nearest school which was 4.9 miles away.

In considering the appeal the Committee noted the family's circumstances and that the mother could not afford to pay for the pupils' travel expenses to attend school. Furthermore, the mother could not understand why the mother's eldest child who also attended the same school as the pupils had been granted a travel pass and why they should be treated differently.

It was reported that as the family were on a low income as defined by central government the pupils were only eligible for free travel to their three nearest schools which met the distance criterion of between two and six miles. The school attended was their eight nearest school. The Committee noted that the family's only other preference of school was next door to the school attended and that had the pupils attended their second preference of school the family would not have been eligible for transport assistance. Furthermore, the Committee was informed that the elder sibling who was in year 11, had been allowed a temporary travel pass on discretionary grounds at the request of the school as it appeared the family's financial hardship was impacting on their ability to attend school at this important time within their education.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form 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 3630 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 2014/15.

### **Appeal 3631**

At its meeting held on 6th October 2014, the Committee resolved:

"That appeal 3631 be deferred in order for the Committee to ascertain when the pupil's transfer took place."

In considering the appeal further, the Committee noted that officers had spoken to staff at the school attended and noted that the pupil had transferred to their new school during year 9. The Committee in considering all the information before them felt that there was no evidence to support the mother's claims in relation to the bullying incidents at the previous school. The Committee also noted that whilst the family were on a low income the pupil did not attend one of their three nearest schools. Furthermore, the Council could offer the pupil places at nearer schools which were within statutory walking distance being two miles.

Having considered all of the mother'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 3631 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 2014/15.

## **Appeal 3632**

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 0.5 miles from their home address, and instead would attend their 11th nearest school which was 7.2 miles away.

In considering the appeal the Committee noted that as of September 2014, the family would have two children attending the school and that they would have to contribute towards the cost of travel for both pupils amounting to £950 per annum. The Committee was informed that the mother felt this would be a large amount to pay out of the family's budget especially as she narrowly missed out in receiving the maximum amount of working tax credits due to her earnings the previous year. The mother felt that it was important for her children to receive a faith education.

Evidence was submitted to show that the mother's hours of work had now recently been reduced and that she would be earning less than the total projected by the working tax credits element. Furthermore, it was reported that the father had recently ceased paying maintenance for the pupils and that this was adding to the family's financial burden. The Committee was informed that this issue was being looked into by the mother on behalf of a specific organisation and was awaiting the outcome. However, the Committee in noting the family's three preferences of schools felt that the school attended was parental preference rather than specifically related to the family's beliefs as one of the other

preferences was a comprehensive school and the other was of a different faith. The Committee also felt that the mother should have known about issues relating to transport costs prior to her second child commencing their secondary education at more distant school and that the costs would be twice as much for her children to attend the same school. The Committee also noted that there was no substantive evidence to demonstrate the family's incomings and outgoings that would allow them to take a view on their ability to meet the cost of the contributory charges. Furthermore, the Council was unable to make an award of transport assistance on low income grounds as the family was not in receipt of the maximum amount of working tax credits.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence 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 3632 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 2014/15.

### **Appeal 3635**

It was reported that after the agenda had been posted to Members of the Committee, the appellant had transferred the pupil to a nearer school and wished to withdraw their appeal.

**Resolved:** That, Appeal 3635 be withdrawn at the request of the appellant.

### **Appeal 3643**

It was reported that a request for transport assistance had initially been refused as the pupil already attended their nearest school, which was 1.6 miles from their home address and was within the statutory walking distance.

In considering the appeal the Committee noted that upon the family arriving in their new home they could not obtain a school place in the area. It was reported that there was some professional involvement with the family who helped the pupil settle in at the school attended by providing temporary transport in the form of a taxi which proved invaluable for the mother given her health problems and that she did not own a car. The Committee also noted the mother's health problems and that she was on a low income and had no other family or friends to provide support with the school run.

The Committee in noting the reasons for the professional involvement and the family's circumstances felt that after having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and the supplementary evidence they were persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of 2014/15 academic year (Year 2) to support the family in the interim to be reviewed.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3643 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2014/15;
- ii. The temporary transport assistance awarded in accordance with i. above be only up to the end of the 2014/15 academic year (Year 2) to be reviewed.

### **Appeal 3644**

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 0.7 miles from their home address, and instead would attend their 14th nearest school which was 2.1 miles away.

In considering the appeal the Committee noted that the mother was not able to obtain a place for the pupil at her only preference of school due to the lack of information provided in respect of the school admissions process and that the pupil was a summer born baby. It was reported that the mother was under the impression that the pupil could commence their Reception year twelve months late and as a result of this decision could not obtain a place at her preferred school and had now chosen the school attended where the pupil attended nursery there.

It was reported that the Council went to great lengths to provide information in the public domain about school admission procedures and that such information was provided to nurseries across Lancashire. Whilst the mother chose a more distant school for the pupil to attend the Committee noted that the mother had chosen not to appeal for a place at her preferred school. However, it was suggested that the likelihood of a successful appeal would be low due to infant class size legislation.

The Committee also noted the mother's health problems and her current situation and that she felt none of these issues would have been a problem had the pupil attended the nearest and preferred school as the family lived close to the school and had family support there. The mother felt that transferring the pupil to the nearest school with a place available would not help as it required a twenty

minute walk. Furthermore, the mother had issues with that particular school as she previously attended there as a child. However, in considering these points the Committee felt that the medical letter provided in relation to the mother's health problems appeared to be in support of a school admission appeal rather than for transport purposes. In addition it was not clear who had added the footnote about transport at the end of the medical letter. Furthermore, it was not clear from the information provided in the letter as to how far the mother was able to walk. The Committee noted that had the pupil attended their current nearest school with places available it would have been only 420metres further away than their preferred school. However, when the mother made her preferences for primary school she was living at a different address and that her preferred school was 1 mile away from the then family home and her fourth nearest school constituting a more distant walk. No evidence had been provided to suggest why the current nearest school with places available was not suitable for the pupil.

In considering the appeal further the Committee noted that the mother could not afford taxi transport to the school attended due to the family's limited income and that the bus service was not frequent enough. However, no evidence had been provided to substantiate these claims.

Having considered all of the mother'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 3644 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 2014/15.

### **Appeal 3645**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 0.2 miles from their home address, and instead would attend their 15th nearest school which was 5.7 miles away.

In considering the appeal the Committee noted there was professional involvement with the family and that they were working towards the grandmother having Special Guardianship of the pupil. It was reported that in the meantime, the grandmother wished for the pupil to remain at the school attended where their friendship group was and where the staff were aware of the issues relating to the pupil. The Committee also noted that the grandmother felt a change of school would be detrimental to the pupil both in terms of their education and their emotional wellbeing.

It was reported that the Council had in the short term provided temporary discretionary transport in the form of a taxi due to the pupil's circumstances and that the Council had recommended the grandmother should submit an appeal for continuation of transport assistance as the 12 week discretionary period would lapse on 31st October 2014. Furthermore, it was not clear whether the grandmother had the power to change the pupil's school.

Therefore, having considered all of the grandmother's comments and the officer responses as set out in the Appeal Schedule and application form the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil until the end of the 2014/15 academic year (Year 5) to support the family in the interim to be reviewed.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3645 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2014/15;
- ii. The transport assistance awarded in accordance with i. above be only up to the end of the 2014/15 academic year (Year 5) to be reviewed.

### **Appeal 3651**

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 0.6 miles from their home address, and instead would attend their 32nd nearest school which was 19 miles away.

In considering the appeal the Committee noted that the father had lost his full time job earlier in the year and that he was now only working part time, was on a low income and in receipt of child tax credits. Prior to these events the father was able to fund all the family expenses including the pupil's travel to the school attended. However, he could no longer afford this expense. The Committee also noted that the father felt as the pupil was in year 9, this was an important time in their educational career and that it would be a shame for them to transfer schools when they are settled and accomplishing so much for the sake of bus fares.

However, the Committee noted that whilst the family qualified for extended rights to free travel on the low income rule, the Council was unable to offer transport assistance as the pupil was not attending one of their three nearest schools which met the distance criteria as set by central government being between two and six miles. Furthermore, the Council was unable to apply the discretion in its transport policy when there's been a change in domestic circumstances since the choice of school was made as the Council could offer a place at a nearer school which was within walking distance of the home. No evidence was provided to suggest that the family were unable to fund the cost of travel. However, the



Committee felt that the school might be able to offer some level of support with the costs and that the father should perhaps investigate this possible source of support.

Therefore, having considered all of the father'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 3651 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 2014/15.

### **Appeal 3654**

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 2.6 miles from their home address, and instead would attend their 5th nearest school which was 3.65 miles away.

In considering the appeal the Committee was informed that the father had took the view that it was unfair to refuse the pupil free transport to the school purely on distance grounds and the fact that they were not attending their nearest school. The father also took the view that the pupil should receive travel costs to any school within the district they resided. Furthermore, the pupil attended a feeder school for secondary schools within the district.

However, the Committee was informed that the parents are free to exercise a preference for any school but this would not bring with it an award of home to school travel unless the pupil attended the nearest school and lived more than three miles from it. In addition the Committee noted that the Council's school admissions literature clearly stated that pupils living in the area where the family lived would not qualify for transport assistance if they went to the school the pupil attended. The Committee also noted that the primary school attended by the pupil was not a feeder a school for the secondary school now attended. However, it was acknowledged that many pupils transferred from the same the school to the school attended by the pupil. The primary school previously attended was also not the nearest to the family home.

The Committee also noted that the family had relatives who lived a mile away who received transport assistance to the same school. The Committee was informed that the Council had investigated the specific case the father had related to and advised that these pupils lived in the geographical priority area for the schools in the district and furthermore, lived more than the statutory walking distance from the school attended. The Committee noted that the Council in accordance with its transport policy allowed them to meet the cost of transport to

other than the nearest school if a pupil lived in the geographical priority area of that school and the distance criteria is met.

The Committee also noted that the pupil would not have been eligible for travel assistance to any of their other secondary school preferences. No evidence had been provided to suggest that the family were unable to fund the cost of transport.

Therefore, having considered all of the father'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 3654 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 2014/15.

### **Appeal 3657**

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 2.7 miles from their home address, and instead would attend their 4th nearest school which was 5.8 miles away.

In considering the appeal the Committee noted the mother was a single parent who sent all her children to the nearest school of the family's faith. It was reported that the three eldest children received free transport to the school and the pupils concerned also previously received free travel to the same school on the low income rule. However, due to the mother's earnings exceeding the qualifying amount for maximum working tax credits the pupils no longer qualified for free travel. The Committee also noted that the mother might have to send the pupils to a closer school and that this would have a detrimental effect on their education. Furthermore, the mother had recently purchased new school uniforms for the pupils. The Committee noted the family might meet the low income criteria again next year.

It was reported that the pupils' elder siblings attended the same school and received free transport under the Council's previous transport policy which allowed free travel to the nearest school of the family's faith. This discretion ceased in September 2011. However, the pupils concerned in this appeal who commenced their secondary education in 2011 and 2012 had previously qualified for free transport on the extended provisions for families on low incomes as they were in receipt of free school meals. As it appeared the mother was now working the pupils no longer qualified for free school meals and therefore lost their entitlement to free transport when assessed under the Council's current transport policy. The pupils did not attend their nearest school per se. However, the family

were still eligible for transport assistance as the pupils were attending their nearest school of their faith but the mother would be required to meet the denominational contribution. In considering the family's financial standing the Committee noted the mother fell short of qualifying for maximum working tax credits. However, there was no substantive evidence to suggest that the family were unable to fund the cost of the denominational charge.

Having considered all of the mother'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 3657 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 2014/15.

### **Appeal 3665**

County Councillor Cheetham, having already declared a pecuniary interest in relation to this appeal left the room whilst the Committee considered it.

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 1.4 miles from their home address, and instead would attend their 6th nearest school (and 4th nearest school of the family's faith) which was 4.3 miles away.

In considering the appeal the Committee noted the reasons for why the pupil was bullied and that this instigated the transfer to the school now attended. The Committee also noted that a letter of support from professional involvement with the family confirmed the narrative to their situation. The Committee was informed that the pupil was also subjected to bullying at their primary school. The Committee noted the pupil's health problems. Furthermore, it was reported that the mother considered the school now attended to be the school most suitable for the pupil's needs, in part because they had family and friends living in the same area as the school.

The Committee having considered the issue of the previous school attended felt that it was not a suitable school for the pupil to attend. This school was therefore discounted from deliberations which therefore meant that the pupil was now attending one of their three nearest suitable schools and was within the distance criterion for low income families (two to six miles of the home address) for the pupil to become eligible for transport assistance and therefore a statutory child.

Having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and the supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal

and provide travel assistance for the pupil for the remainder of their secondary education up to the end of 2017/18 academic year (Year 11) on the basis that the pupil's previous school was not a suitable school and was therefore attending one of their three nearest schools with places available within the distance criterion of two to six miles for low income families to be eligible for transport assistance.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3665 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2014/15;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2017/18 academic year (Year 11).

*County Councillor Cheetham returned to the meeting room after Appeal 3665 had been resolved.*

### **Appeal 3668**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 1.1 miles from their home address, and instead would attend their 2nd nearest school which was 1.7 miles away. It was also reported that there were five other schools in the neighbouring borough that were closer to the home address than the school attended.

In considering the appeal the Committee noted the pupil's health problems and that they would struggle with the walk to school and back. It was reported that the pupil followed their elder sibling to commence their education at the same school but was only attending school during the mornings only. This presented additional problems with the school run for the family which in turn also impacted on the pupil's abilities during school hours. The Committee was informed that whilst the pupil travelled to school either by bus or taxi, it was reported that travel by bus had presented problems with their safety.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil until the end of the 2014/15 academic year (Year R) to support the pupil and the family in the interim to be reviewed.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3668 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2014/15;
- ii. The transport assistance awarded in accordance with i. above be only up to the end of the 2014/15 academic year (Year R) to be reviewed.

### **Appeal 3670**

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 1.6 miles from their home address, and instead would attend their 10th nearest school (and 2nd nearest school of a particular faith) which was 6.5 miles away.

In considering the appeal the Committee noted the mother's health problems, how this affected her mobility and that she was on a low income. The Committee was informed that when the mother enquired about transport she was advised that the pupil would be eligible for free travel to secondary school and only became aware that this was not the case with regard to the school now attended at a late stage. The Committee noted that the mother would not have chosen the school attended had she known this earlier.

However, the Committee noted that the Council could not make an award of home to school travel costs on low income grounds on the basis that the pupil was not attending one of their three nearest schools and neither did they meet the denominational criteria for admission to the school. Had the pupil met the denominational criteria for admission they would have been eligible for free travel on low income grounds on the basis that they lived in a contributory parish for the school. In addition the Committee noted that none of the pupil's preferences were amongst their nearest schools and that whichever one they attended they would not have been eligible for travel assistance. Furthermore, it was reported that the Council could not take into account the mother's health problems as they took the view that the pupil was of an age where they should be able to travel to and from school without accompaniment from the mother. The Committee also noted that most of the pupil's peers had transferred to schools in their respective areas which was not where the pupil resided or transferred to.

The Committee in considering the appeal further noted that the appellant felt the route to school was to suitable for walking due to a lack of footpaths and inadequate street lighting and that other local schools did not have dedicated school buses.

The Committee was informed that the Council would not expect a child to walk the distance to the school attended, but this was the criteria set by central government the Council must use to determine eligibility for transport assistance.

The Committee noted that there were two schools within the statutory walking distance of two miles for low income families that could offer places for the pupil. Furthermore, there was a nearer school of the same faith as the one attended. However, this school did not list the parish in which the family resided in its admission criteria. The Committee was also informed that the Council could not take into account the suitability of the walking route to the school attended as it was not the nearest school to the family home.

It was reported that the mother had been advised that if the appeal was not approved the Council would have to arrange transport for the pupil in the form of a taxi which would be a greater expense than paying for a travel pass. The Committee was informed that if the pupil attended their third nearest school then the Council would pay for a pass on a commercial bus service and not a taxi as intimated in the mother's appeal.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence 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 3670 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 2014/15.

### **Appeal 3671**

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 3.5 miles from their home address, and instead would attend their 5th nearest school (and 2nd nearest school of a particular faith) which was 12.3 miles away.

In considering the appeal the Committee was informed that the mother felt the nearest faith school was not a practicable option for the pupil to attend and that the village where the family resided had no public transport on offer. It was reported that local children received travel assistance to secondary school in the form of taxis, however, the mother felt that as the pupil did not receive such assistance this was discriminatory. Furthermore, the volume of traffic on route to the nearest faith school would add time to the journey.

In considering the appeal further the Committee noted the pupil's elder sibling attended the same school and received assistance with transport to school, including a taxi from the village to the nearby town and then a bus pass to area where the school was situated. The Committee was informed that the mother felt it was important that the pupils attended the same school as each other and that it was particularly important for them as they were from a small rural community.

It was reported that the pupil had to make their own way to and from the nearby town while the elder sibling boarded the taxi. Furthermore, the pupil was sometimes forced to walk the 3.5 miles from the nearby town on unsuitable roads and was therefore being placed at risk and was upsetting the pupil.

It was reported that the elder sibling had been awarded denominational transport on the basis that the nearer faith school which was 10.4 miles from the family home could not offer them a place and was therefore attending their nearest faith school with a place available. However, this was not the case for the younger sibling as the nearer faith school could offer a place and therefore the younger sibling was not eligible for denominational transport.

The Committee was informed that whilst the Council accepted that journey times from the village to the nearest city would take longer, the Council was legally required to make their assessments on distance and not the length of time the us journey would take.

However, it was reported that the Council was unsure as to why the parents were making separate arrangements for the younger sibling's journey as the Council was in a position to offer the family a place in the taxi upon payment of the appropriate fare where the pupil could travel with their elder sibling to the nearest town and catch the commercial bus service to the city in which the school was in. No evidence had been provided to suggest that the family were unable to fund the cost of home to school travel.

The Committee noted the mother's desire for the pupils to attend a faith school and that none of the other local children attended the nearest faith school. However, these were factors that the Council could not take into account when making their transport assessments.

Therefore, having considered all of the mother'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 3671 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 2014/15.

### **Appeal 3672**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 1.1 miles from their home address, and instead would attend their 5th nearest school which was 5.5 miles away. It was also reported that there were schools in

neighbouring boroughs which were closer to the home address than the school attended.

In considering the appeal the Committee noted the family's situation, the upheaval they had experienced and the reasons for choosing the school attended. The Committee also noted that an appeal for the elder sibling who already attended the school was approved by the Committee in October 2013. However, the mother's appeal on this occasion was based on the difficulties the family had experienced in the town in which they currently resided and that the family still appeared to be experiencing the same difficulties. Whilst in the appeal documentation it was inferred that the family hoped to relocate to another village, it was reported that the mother had no plans to move to that village as the housing list was long and could not afford to purchase a property there. Furthermore, the mother had stated that the family would remain in the town where they currently resided. From this information, the Committee could not determine whether the mother had considered any properties from the village mentioned or any other properties near to or in the town where the school attended was situated. The Committee also felt that given the mother's circumstances the family should be at the top of the waiting list for housing but could not determine whether this was the case.

The Committee felt that when the family chose their options for secondary transfer they would have been aware that the younger sibling would not have been eligible for transport assistance and that this was a matter of parental preference as to why the pupil was to attend a more distant school. The Committee noted that the family did not follow the same faith as the school attended and further noted that it was not clear if the family followed the same faith as the school attended and that had they relocated to the village specified in her appeal they would not have been eligible for free transport assistance.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence 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 3672 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 2014/15.

### **Appeal 3676**

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 5.6 miles from their home address, and instead would attend their 2nd nearest school



which was 6.2 miles away. The appeal was against the refusal to waive the parental contribution.

In considering the appeal the Committee was informed that the father felt there was no suitable walking route from where the family resided to any secondary school and suggested an alternative route to the school attended which he believed would make the school attended the nearest school and that the pupils should therefore be eligible for free transport. The father was not aware of any documentation from the Council stating that if all walking routes were unsuitable the Council would use road routes to determine the nearest school.

It was reported that the Council was satisfied that all walking routes from the village in which the family resided met the criteria of an unsuitable walking route when assessed against the Council's Unsuitable Routes Policy. The Committee was informed that in these situations and in this particular case the Council would then use road routes to determine the nearest school

In considering the appeal further the Committee was informed that the father felt the analysis of the walking route to the school attended was out-dated and inaccurate, as there had been improvements to the route. Furthermore, the Father felt that an analysis should have taken place in respect of the nearest school as well. However, the Council had previously inspected the route as referred to by the father where upon it was concluded that that route was also deemed an unsuitable walking route when assessed against the Council's Unsuitable Routes Policy.

The Committee was informed that the pupils were admitted to the school on denominational grounds and were therefore entitled to subsidised travel to the nearest school of their faith, upon payment of the parental contribution. No evidence had been provided to suggest that the family were unable to fund the cost of the parental contribution.

Therefore, having considered all of the father'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 3676 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 2014/15.

### **Appeal 3679**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 1.5

miles from their home address, and instead would attend their 4th nearest school which was 3.1 miles away. It was also reported that there were two other schools in a neighbouring borough (one of them the same faith as the school attended) which were closer to the home address than the school attended.

In considering the appeal the Committee was informed that the mother had been refused a bus pass because they did not follow the same faith as the school attended and that the family chose the school because of the pupil's health problems. Furthermore, the pupil attended a primary school of the same faith which was a feeder school for the school now attended and that they would be transferring with their peer group. The mother felt that another change of school would be upsetting for the pupil. The Committee noted the family was on a low income.

It was reported that the Council had refused the application on the basis that for low income families the Council by law could only pay travelling expenses to the more distant faith school if the school attended met the religious beliefs of the parents. However, the mother had indicated that the family did not follow the same faith as the school attended.

Whilst the mother had stated in her appeal that she chose the school attended as she felt it would best meet the pupil's needs, the Council had suggested that this was parental preference as they felt the pupil's needs could equally have been met in any of the nearer schools. However, whilst the Council acknowledged the transfer to secondary school would perhaps impact on the pupil's wellbeing the pupil did not have a Statement of SEN.

With regard to the pupil transferring with their peers, the Committee was informed that this was not a matter they could consider when assessing the family's claim for transport costs.

In considering the appeal further the Committee noted that a neighbour's child had been awarded free travel to the school attended. The Committee was informed that the Council would need to investigate the matter to see if the award had been made in error or not. However, it was not clear whether this had been followed up whether the mother had informed the Council of who the pupil was in order for them to investigate the matter.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence 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 3679 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 2014/15.

## **Appeal 3673**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a secondary school 1.5 miles from the home address as opposed to the nearest suitable school which was 0.7 miles away.

In considering the appeal the Committee noted the family's circumstances and the upheaval they had experienced. The Committee also noted that at the time the family relocated to their current address they were advised by the Council that the nearest school with a place available was the school now attended and not the one as stated on the appeal schedule.

The Committee was informed that the mother was appealing for transport on the grounds that the walking route was not suitable. The Committee also noted the mother's health problems. Furthermore, the mother was only requesting temporary assistance as she intended to move closer to the school as soon as possible. The Committee was informed that various agencies were supporting the family and that they were on a low income.

However, the Committee in considering the appeal felt there was nothing to suggest whether a place was available at the time the mother first enquired about school places with the Council. In addition it was not clear when the mother first contacted the Council about this matter. It was suggested that the Committee defer the appeal in order to obtain this information.

In considering the appeal further, the Committee noted that the mother had managed to secure employment. However, it was not clear whether the mother experienced difficulty with the school run in relation to this point, nor was it clear as to whether the mother had family support with the school run. Furthermore, the Committee felt that there was no substantive evidence in relation to the mother's health problems and current working tax credits. The Committee therefore felt that in order to take a decision the appeal should be deferred in order to obtain further information and that the appeal be brought back to the Committee at the earliest opportunity.

**Resolved:** That appeal 3673 be deferred in order for the Committee to receive further information relating to:

- i. Current working tax credits;
- ii. The mother's place of work;
- iii. The mother's health problems;
- iv. Family support with the school run;
- v. How the pupil is currently getting to school; and
- vi. When the mother contacted the Council to enquire about places and if there was a place available at the nearest school (for transport purposes) at that time.

## **Appeal 135800**

It was reported that a request for transport assistance had initially been refused as the pupil already attended their nearest college, which was 7.4 miles from their home address. The request was also refused on the grounds that the pupil did not have a Statement of SEN or any new medical evidence to advise the impact on the pupil.

In considering the appeal the Committee noted the pupil's health problems and the reasons why the family chose the college attended. The Committee was informed that the pupil was settled at the college and had a high level of adult support to assist them in managing the college environment and at the start of the day. A number of strategies were also put in place to support the pupil. The Committee also noted that the pupil would not take public transport on their own for reasons as set out in the appeal. Professional supporting evidence was provided to corroborate this. The Committee was also informed of some of the measures put in place by the college and assistance by the mother to alleviate matters.

However, the Committee noted that the pupil has never had a Statement of SEN. Furthermore, pupils under the age of 19 years would only be considered for transport, if the college attended was the nearest that could offer an appropriate course and the journey was three miles or more from home to college. Whilst the Council considered the college attended to be the nearest post 16 college, the application was turned down as the pupil's SEN needs weren't considered severe enough to meet the SEN criteria for transport assistance. The Committee noted that support provided for the pupil by the college was not solely for them as intimated in the appeal.

It was reported that college had supported the family by contributing towards the cost of travel as an emergency interim whilst the family applied for transport assistance. The Committee was informed that the temporary taxi transport arrangement had assisted the pupil in progressing with their education and hoped to commence a higher level course as a result. The Committee noted that the family's income was limited, the father was on income support and that the pupil's parents could only provide limited support due to their own personal circumstances. It was reported that the family enlisted professional support in submitting their appeal for transport. However, the Committee noted that the expense of travel costs was something all families were exposed to when their child chooses to attend post 16 education.

The Committee was informed that the pupil had had their DLA stopped and that the family were appealing against this decision. The Committee was also informed that even whilst the pupil was in receipt of DLA they never received the mobility component. However, the Committee noted that the family since submitting their appeal had received notification that their appeal had been allowed in respect of benefits for the pupil and that over the next three years they

would receive the mobility component at the standard rate for a period of three years commencing from the claim.

In considering the appeal further the Committee noted that the pupil relied heavily on adult support in the home environment as well and that they did not have the maturity to become an independent traveller. The family felt that a taxi would give the pupil more consistency and provide them with the structure they needed to manage their learning. The Committee was informed that the Council was not obliged to offer assistance with transport post 16. The pupil did not have a Statement of SEN and that the pupil's needs were identified from the evidence provided to be outside the criteria for the Council to agree assistance. No additional medical evidence was provided to support their application for transport assistance.

Therefore, having considered all of the family'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 135800 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 2014/15 and the policy on the provision of transport for pupils with special educational needs.

### **Appeal 358153**

It was reported that a request for transport assistance had initially been refused as the pupil already attended their nearest college, which was 1.2 miles from their home address and was within the statutory walking distance.

In considering the appeal the Committee noted the pupil's health problems and that they were unable to travel independently and required medication during the journey to college. It was also reported that the pupil received support from CAMHS. The Committee also noted that parents were unable to assist due to their own health problems and that whilst an elder sibling was previously able to do the school run they were no longer able to do this for reasons set out in the appeal. The Committee was informed that the pupil also lacked capacity.

It was reported that the pupil's Statement of SEN had ceased in April 2014 and that the pupil's previous school were able to meet their needs within the delegated budget using existing resources. Whilst relevant medical letters had been submitted in relation to one particular need, it was noted that this did not impact on the pupil's ability to travel to school. Furthermore, no evidence had been submitted in relation to all the other health problems and how this would impact on the pupil's ability to walk the distance to college and back.

The Committee noted the pupil's elder sibling had commented on the appeal schedule that there had never been a private taxi for the pupil to attend school and that he was doing the school run. However, the Committee noted in the pupil's Section 139a document that the family along with other family's had 'clubbed' together to pay for taxi transport for those pupils to be transported safely to the school. Furthermore, there was no evidence to suggest that the family were unable to fund the cost of travel to the college attended.

There was no evidence to corroborate that the pupil required medication during the journey to college and whilst it was not clear from the appeal documentation what decision the pupil lacked capacity in.

Therefore, having considered all of the family'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 358153 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 2014/15 and the policy on the provision of transport for pupils with special educational needs.

### **Appeal 463405**

At its meeting held on 6th October 2014, the Committee resolved:

"That appeal 463405 be deferred in order for the Committee to ascertain the following aspects of the appeal;

- i. The ages of all other siblings;
- ii. Availability of before and after school clubs at the primary school attended; and
- iii. The family's financial standing."

In considering the appeal further, the Committee noted the ages of all the pupils, the details relating to before and after school club provision at the primary school attended by a younger sibling and the evidence in relation to the family's financial standing. The Committee was informed that whilst there were several before and after clubs available at the primary school there were limited spaces on offer. It was also not clear whether the primary school operated a dedicated before and after school club rather than activity clubs.

The Committee was informed that the mother had extreme difficulty in ensuring all the children attended school on time especially since the grandfather had been taken ill. The Committee noted that the grandfather took responsibility for the school run for the pupil. School had reported that the pupil had been late to

school recently. Furthermore, the mother felt that the pupil had too little road sense and awareness to manage the journey to school independently. In addition it had been reported that there was no warden at a specific pelican crossing. However, the Committee was informed that the father had recently been made unemployed and was assisting with the school run. It was not clear whether the father assisted with the school run prior to him being made unemployed and whether the mother took one sibling or two to their respective educational establishments. It was noted that the eldest sibling who attended a secondary school 3.8 miles from home received free transport on low income grounds. Therefore, the Committee could not see why at the current time one of the parents could not transport the two younger siblings to their educational establishments given the distance between them was only 0.3 miles apart and the start and finish times were different and the other parent taking the pupil concerned to school which was within the statutory walking distance from the home address. Furthermore, there was nothing to suggest that the pupil could not walk the distance to school and back.

It was reported by the mother that she was aware of another child who attended the same school as the pupil who benefitted from transport each day. The Committee was informed that this pupil was granted transport in 2009 under a previous transport policy.

Therefore, having considered all of the Mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence 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 463405 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 2014/15 and the policy on the provision of transport for pupils with special educational needs.

### **Appeal 481257**

At its meeting held on 6th October 2014, the Committee resolved:

"That appeal 481257 be deferred in order for the Committee to receive information from the school in relation to the pupil's abilities."

In considering the appeal further, the Committee noted the comments from the school in relation to the pupil's abilities and further noted that they would be concerned that without taxi transport the pupil's attendance would become an issue. School also felt that the pupil would need to be accompanied on the journey to school and back whether this was by foot or on public transport and expressed concern if the pupil was to travel alone.

It was reported that the pupil was currently getting to school by taxi with two other pupils who attended the same school despite approval having only been given until the end of the 2013/14 academic year. The Committee was informed that taxi transport would continue until the outcome of their appeal was known.

Whilst the Committee felt they could not allow the appeal, it was suggested that as this appeal should have been assessed under the Council's mainstream policy only as the pupil did not have a statement of SEN the family should contact the Council's Central Pupil Access Team to see if they can still access a place on the taxi but at the cost of a bus pass. Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence 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 481257 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 2014/15 and the policy on the provision of transport for pupils with special educational needs.

### **Appeal 504345**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a secondary school 13.1 miles from the home address as opposed to the nearest suitable school which was 3 miles away.

In considering the appeal the Committee noted the pupil's elder sibling attended the same school and received a bus pass. The Committee also noted that he parents were unable to transport the pupil to school due to their work commitments. Furthermore, there was no public transport from the village in which they resided. The Committee in noting the pupil's health problems was informed that parents felt these circumstances made it impossible for the pupil to travel independently to school. In addition the pupil had anxieties about transferring to secondary school and in preparation attended summer school for which parents were able to take the pupil to and from the school during the summer holiday but would be unable to do so during term time.

It was reported that other children in the village accessed taxi transport to the nearest town and that the Council had allowed the use of this facility for the pupil in the interim and until their appeal outcome was known. The Committee was informed that the father funded the pupil's travel from the nearest town to school and back. Furthermore, it was clarified that the father was not seeking a free bus pass but the same entitlement the elder sibling had for the pupil as well. The Committee noted that the elder sibling received transport assistance on denominational grounds. In considering the pupil's eligibility it had come to light that the pupil was admitted to the school on denominational grounds and that the



pupil was entitled to transport upon payment of the denominational charge as they were considered to be a statutory child.

Therefore, having considered all of the father's comments and the officer responses as set out in the Appeal Schedule, application form and the supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide denominational travel assistance for the pupil up to the end of 2018/19 academic year (Year 11) on the basis that the pupil was admitted to the school on denominational grounds and therefore became an eligible child under the transport policy.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 36369 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award denominational travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2014/15;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2018/19 academic year (Year 11).

### **Appeal 40253**

The Committee was informed that a request for transport assistance had initially been refused as the pupil's SEN needs were not severe and complex enough to meet the need for assistance with post 16 travel. Furthermore, there was no new additional evidence to highlight on-going severity or complexity of the pupil's needs. The college attended was 29 miles away (by walking route) and 38 miles away by road route from the home address.

In considering the appeal the Committee noted that the pupil had benefitted from assisted transport throughout their secondary education at a special school and also to the college from the family's previous address. It was reported that the pupil met their previous local authority's criteria for transport assistance whilst at the specialist school. The Committee also noted that the pupil previously lived in Lancashire and also received transport assistance to the same school. Furthermore, the mother wished for the pupil to be transported to college like all the other children who are on the same course and benefit from taxi transport.

It was reported that when a family moves from one local authority to another, they would be subject to different local authorities' policies and procedures on providing SEN travel assistance. Within Lancashire, provision for each young person with SEN was reviewed annually whilst they had a statement of SEN. The Committee was informed that the pupil was refused transport as they were not in receipt of a statement of SEN. The application for transport assistance provided no new medical evidence or otherwise to demonstrate that the pupil was unable to travel on public transport either supported or alone. Furthermore, there was no specific duty on the Council to provide any transport assistance for post 16

learners. In addition it was not clear what the reasons were for the house move to such a distant location.

The Committee noted the pupil's health problems and the mother's concerns if the pupil had to use public transport. The Committee also noted the contents of a report from an occupational therapist and that the pupil was discharged following advice given. It was reported that the pupil's statement of SEN, which lapsed in July 2013 under a different local authority, stated that their needs resided in social, emotional and behavioural difficulties. However, the Committee was informed that during the pupil's annual review in November 2012, it was noted that the pupil's behaviour had improved considerably, had made considerable progress with their difficulties and continued to achieve more socially and academically.

Again, the Committee noted there was no new medical evidence or otherwise to suggest that the pupil was unable to travel on public transport either supported or alone. The Committee noted that the mother had advised that if transport assistance was not provided she would be able to provide transport.

It was reported that the course the pupil attended was not available anywhere else and that the pupil was just getting used to the staff within the college. The Committee was informed that officers had investigated other possible options and had identified a similar course at the same level as the one currently attended by the pupil at a college that was 11.7 miles from the family home. The nearer college offered a personalised learning programme to suit the needs of pupils.

In considering the appeal further the Committee noted that the college attended operated a private bus from a nearby town to the family's home directly to the college's premises at a cost. The Committee also noted that applications for bursaries were considered if the family income was less than £30K per annum and that depending on the family income the College would either provide a proportionate amount towards the cost of a bus pass or even a free one. However, there was no information in the appeal to suggest what the family's income was or whether they had explored this option with the college attended before submitting an appeal through the Council.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence 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 40253 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 2014/15 and the policy on the provision of transport for pupils with special educational needs.

I Young  
County Secretary and Solicitor

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