

Lancashire County Council

Student Support Appeals Committee

Minutes of the Meeting held on Monday, 1st June, 2015 at 10.00 am in Room B15b, County Hall

Present:

County Councillor Sue Pryn (Chair)

County Councillors

A Cheetham

D Stansfield*

C Dereli

*County Councillor Stansfield replaced County Councillor Perks for this meeting only.

Also in attendance:

Miss J Mort, Solicitor, Legal and Democratic Services; and
Mr G Halsall, Business Support Officer, Legal and Democratic Services.

1. Constitution: Chair and Deputy Chair; Membership; Terms of Reference

Resolved: That;

- i. The appointment of County Councillor S Pryn and County Councillor C Dereli as Chair and Deputy Chair of the Committee for the remainder of the 2015/16 municipal year be noted;
- ii. The membership of the Committee following the County Council's annual meeting be noted; and
- iii. The Terms of Reference of the Committee be noted.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor Pryn declared a non pecuniary interest in relation to appeal 33743 on the grounds that the appellant resided within her division and confirmed that she had no other association with the appellant.

3. Minutes of the meeting held on 20th April 2015

Resolved: That; the Minutes of the meeting held on the 20th April 2015 be confirmed as an accurate record and be signed by the Chair.

4. Date of the Next Meeting and Future Meeting Dates

It was noted that the next meeting of the Committee would be held at 10.00am on Monday the 13th July 2015 in the Former County Mess Room (John of Gaunt Room), County Hall, Preston. All future meeting dates for the remainder of the 2015/16 municipal year were also noted.

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 5 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 appellants.

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 2015/16, and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

Appeal 3736

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 0.06 miles from their home address, and instead would attend their 37th nearest school which was 2.83 miles away.

The Clerk to the Committee reported that some late additional evidence had been supplied by the mother in support of her appeal. Copies of the additional evidence were handed out to all Members present at the meeting.

In considering the appeal the Committee noted the family's circumstances the pupil's vulnerability and health problems along with the background and reasons for transferring to their current school. The Committee also noted the mother's health problems and how this affected her ability to drive. In addition the

Committee also noted the reasons why the mother did not want the pupil to attend their nearest school.

In considering the appeal further, the Committee expressed concern in the way in which the incident at the pupil's previous school was handled and the implications this would have had on both the pupil and the mother in being able to return there. The Committee also noted the time it had taken to integrate the pupil in their new school and that it was the view of the Area Pupil Access Officer to recommend continuance of transport to the end of year 6 in order to support the pupil to avoid any unnecessary or further delays at this time in their primary education.

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 travel assistance for the pupil up to the end of 2015/16 academic year to support the pupil for the remainder of their primary education.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3736 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 6) only

Appeal 3743

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 1.6 miles from their home address, and instead would attend their 3rd nearest school which was 2.7 miles away and was within the statutory walking distance.

In considering the appeal the Committee noted the family's circumstances with the school run since the house move in May 2014. The Committee also noted that the mother had three other children whom she hoped in the future would transfer to the same school as these pupils. However, the mother expressed concern not only over the current cost of bus fares for these pupils but how this would impact on the family's financial circumstances when the younger siblings transfer to secondary school with them. In addition the mother felt that the cycling route to school was not safe and that there were no schools within walking distance from their current address.

The Committee was informed that the family chose the school due to its academic reputation, faith ethos and location.

In considering the appeal further the Committee noted that the Council was unable to offer transport assistance to this family, as the pupils lived within the statutory walking distance of 3 miles from the school they attended. In addition the Council could also offer places at nearer schools.

Whilst the Committee acknowledged the parental desire for a denominational school, no evidence had been provided to substantiate that this was more than a desire for their children. And whilst the Committee also acknowledged the eventual rise in cost of paying bus fares for these pupils and their siblings, the Committee was informed that the family's Tax Credits Awards Notice for 2013/14 had indicated that their income was too high to allow the family to be considered for the extended provisions within the Council's Home to School Transport Policy which applied to designated low income families. It was reported that if the family met the low income criteria then the Council could offer them assistance under the Council's Home to School Transport Policy as the school attended was the third nearest school.

The Committee was informed that the Council considered the shortest walking route from the home address to the school attended was a suitable route when assessed against its policy on the determination of suitable walking routes. A copy of the route map showing the shortest route was handed out to members of the Committee. Whilst the Council had advised that the shortest walking route involved the crossing of only one major road, it was noted that this could be done by means of a number of pedestrian crossings or even at a designated school crossing patrol point. The Council further advised that there were footpaths and street lighting provided for the whole of the walking route between the home and school. The Council, by law, when assessing the distance from home to school must use the shortest walking route to determine the distance. No evidence had been provided to suggest that the pupils were unable to walk the distance to and from 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 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 3743 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 3747

It was reported that a request for transport assistance had initially been refused as the pupil already attended their nearest school, which was 1.5 miles from their home address and was within the statutory walking distance.

In considering the appeal, the Committee noted that it had previously considered an appeal for transport assistance at its meeting in January 2015 whereby the appeal was allowed until the end of the current academic year (2014/15). The father had advised that nothing had changed since the previous appeal and that neither was any change likely to occur in the immediate future.

The Committee noted the pupil's health problems and how this affected them in their life. The Committee also noted that in taking the decision it did at its meeting in January 2015, it did so on the grounds that it was a temporary award until the end of the current academic year and for the parents to reapply for transport if they felt it was still considered necessary.

In considering the appeal further the Committee noted the contents of the letter from the Senior CAMHS Practitioner. In particular, the Committee noted that the pupil needed to develop and prepare themselves in order to become more independent in the future regarding their travel skills and making their own way to school. However, the Senior Practitioner had recommended that this would need to be done in very small steps, without the pressure of it happening instantly and that having spoken with the family both parties felt that this could be a long term target for the pupil. The Committee acknowledged that given the pupil's health problems this would take time and planning and felt that it should make another temporary award until the end of the Autumn Term 2015 (December 2015). However, the Committee felt that if transport was still considered necessary by the family after this date, then the parents should provide the Committee with an update to demonstrate progress made in relation to the pupil's ability to either walk or travel to school independently.

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 was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of the Autumn Term 2015 (December 2015) to support the pupil in the interim and for the family to re-apply if for transport if it was still considered necessary.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3747 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 2015/16;

- ii. The transport assistance awarded in accordance with i. above be up to the end of the Autumn Term 2015 (December 2015) only

Appeal 3748

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 1.8 miles from their home address, and instead would attend their 13th nearest school which was 11.2 miles away.

In considering the appeal the Committee noted that the family were given short notice to vacate their rented property and subsequently acquired their present property in part due to the appellant's partner needing specially adapted accommodation due to their disability. The Committee also noted the pupil's health problems and that the mother felt the pupil had difficulty with social interaction and found change to their routine very upsetting. The Committee was informed that the family felt it would be detrimental to the pupil's best interests if they had to change school.

In considering the appeal further the Committee noted that the family's current home was a temporary residence and situation until they could obtain a more suitable property to accommodate the appellant's partner. The Committee felt that the family's current circumstances was a temporary situation and that given time would hopefully be resolved by the possibility of finding a more suitable property nearer to the school attended. It was therefore suggested by the Committee that it should make a temporary award until the end of the pupil's year 9 (2015/16 academic year) to support the family in the interim while they obtain a more suitable property nearer to the school attended.

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 up to the end of 2015/16 academic year 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 3748 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 up to the end of the 2015/16 academic year (Year 9) only.

Appeal 3752

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 5.7 miles from their home address, and instead would attend their 8th nearest school which was 11.4 miles away.

In considering the appeal the Committee was informed that the family lived in the catchment area for the school to be attended even though there was a nearer school. A neighbour and relative of the family was unable to obtain a place for their child at the nearer school due to oversubscription and not living in the appropriate area for that school. The Committee was also informed that the pupil's elder siblings already attended the school and were entitled to free transport in the form of a taxi service. The mother felt that it would be illogical to send the pupil to a different school than their siblings. The mother also stated in her appeal that she could not be in two places at once if she had to pick one child up from one school and one from another, miles away. The Committee was informed that if the pupil did not receive transport assistance she would have to give up work in order to take the pupil to and fro. Furthermore, she would not be able to afford this situation. In addition the mother felt that the school attended being a smaller school would be more suitable for the pupil given their learning difficulties.

It was reported that the Council had confirmed that the family lived in the geographical priority area (GPA) for the school attended and that the pupil's elder siblings who also attended the school were entitled to transport assistance, under the Council's previous Home to School Transport Policy. The Committee was advised that the Council's Transport Policy had been amended meaning that from September 2015 the Council would only pay the cost of travel for pupils from non-low income families who attend their nearest school and the distance criterion is met. The Committee was informed that the Council had made this policy change clear in all the admission information it prepared and that the Council could no longer pay travel expenses to the pupil's eighth nearest school. The Committee was also informed that the Council could have offered places at nearer schools than the one to be attended.

Whilst the Committee acknowledged the reasons for choosing the school to be attended and the pupil's learning difficulties, it was noted that the pupil did not have a Statement of SEN.

However, the Committee was advised that the Council could offer the pupil a place on the taxi which conveyed their siblings to school, but the appellant would be required to purchase a season ticket to travel on this service. No information or evidence had been provided to suggest that the mother was unable to fund this cost which amounted to £69.20p per month for ten months.

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 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 3752 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 2015/16.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston