

Lancashire County Council

Student Support Appeals Committee

**Minutes of the Meeting held on Thursday, 3rd September, 2015 at 10.00 am
in Room B15b, County Hall**

Present:

County Councillor Sue Pryn (Chair)

County Councillors

A Cheetham
C Dereli

M Otter*

* CC M Otter replaced CC D Stansfield for this meeting only.

Also in attendance:

Miss J Mort, Solicitor, Legal and Democratic Services;
Miss H Ishaq, Paralegal Officer, Legal and Democratic Services;
Mr G Halsall, Business Support Officer, Legal and Democratic Services; and
Mrs I Winn, Business Support Officer, Legal and Democratic Services.

1. Disclosure of Pecuniary and Non-Pecuniary Interests

No disclosures of interests were made at the meeting.

2. Minutes of the meeting held on 13th July 2015

Resolved: That; the Minutes of the meeting held on the 13th July 2015 be confirmed as an accurate record and be signed by the Chair.

3. Date of the Next Meeting

It was noted that the next meeting of the Committee would be held at 10.00am on Wednesday the 7th October 2015 in Cabinet Room D (The Henry Bolingbroke Room), County Hall, Preston.

4. 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.

5. 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 43 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 3774

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 5.3 miles from their home address, and instead would attend their 4th nearest school which was 6.6 miles away.

In considering the appeal the Committee was informed that the mother had been refused free transport assistance to the pupil's geographical priority area (GPA) school, which was the only school in the area served by school transport. In addition two of the nearer schools were not in the borough where the family resided and to reach either of them would necessitate utilizing public transport which would mean that the pupil would arrive late for school.

The Committee was advised that changes in the Home to School Transport Policy, for new entrants from September 2015, had meant that many pupils in the borough were no longer entitled to free transport to their GPA school. Prior to September 2015, the Council had exercised discretion within its transport policy and allowed the payment of travelling expenses to other than the nearest school, where the school attended was the nearest GPA school. This discretion had now been removed for new pupils and the Council was applying the legislation relating to home to school transport, as it is stated in law.

The Committee was informed that the Council had produced its Admission Information for the September 2015 in-take back in September 2014, which was prior to the time the parents had expressed preferences for Secondary School places. It was reported that the Council had drawn to the attention of the mother to Section E on page 16 of the General Admissions Booklet which related to home to school travel. The Committee was advised that Section E had stated the

fact the Council had changed its Home to School Transport Policy and in particular made reference to changes relating to geographical priority areas.

With regard to the two nearer schools, the Committee acknowledged the difficulties the mother would have faced if the pupil had attended either of the two nearer schools. However, the Committee felt that this was not relevant to this appeal for transport to the school attended, since if the pupil had attended their nearest school then the Council would have had to put in place suitable transport arrangements to get the pupil between home and school. The mother had stated that if the Council was to implement such provision this might be more costly than allowing free travel on the existing service to the school attended. The Committee was informed that whilst this might be the case, the Council was required by law to assess transport applications on distance and not cost. In addition, the Council were not saying that the pupil must attend the two schools mentioned, but if the mother wished for them to attend any school other than the nearest school with places available, then transport assistance could not be given.

In considering the family's circumstances and the mother's financial situation the Committee felt that the mother was not on a low income. Furthermore, there was no evidence to substantiate the figures provided in order for the Committee to assess the impact of paying for an additional bus fare when according to the figures provided there was nearly £200 spare income left each month.

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 3774 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.

Appeal 3778

It was reported that a request for transport assistance had initially been refused as the pupils would attend their nearest suitable school, which was 1.4 miles from their home address and was within the statutory walking distance.

In considering the appeal the Committee noted that when the family moved to the current property in April 2013, there were no places available at the nearest school and that the Council had offered places for the pupils at the school now attended. The Committee also noted that the walking route to the school attended was unsuitable and that the mother had no transport.

In addition, the Committee noted that the logistics of the school run revolved around the taxi provision for the siblings' brother who attended a special school which impacted on the family's ability to catch the bus to the school attended and often arrived late in the mornings. The mother also struggled to arrive home at the end of the school day to receive the pupils' sibling from the special school. The pupils' attendance records were provided for the information of the Committee which corroborated the mother's claims. The Committee also noted that the eldest sibling would commence their final year at primary school and that family circumstances would change again come that pupil's transfer. And when considering the information provided in respect of the professionals involved with the family the Committee felt that they should make a temporary award in this case.

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 pupils 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 3778 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 2015/16 academic year (Year 6 for the elder sibling and Year 2 for the younger sibling) only.

Appeal 3779

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 2.3 miles from their home address, and instead would attend their 2nd nearest school which was 3.4 miles away.

In considering the appeal the Committee noted the family's circumstances and that following their move to this Country the pupil re-commenced their education in year 6 at their nearest primary school. The Committee was informed that the pupil had formed friendship groups and that the parents wished for the pupil to transfer with their peers to the secondary school to be attended rather than placing them in a situation of attending a new school not knowing anyone again. In addition parents were advised by teachers and local parents that children who attended the primary school historically transferred to the secondary school to be attended. The Committee noted that the pupil's elder sibling attended a different secondary school than the one to be attended by them.

In considering the appeal further the Committee was informed that the mother felt that the withdrawal of free transport to the school to be attended by the Council was inadequately advertised and that even the school had not been informed of the change in Policy. The mother also felt that it would be environmentally better for pupils to travel on a school bus rather than be driven there by their parents, causing more traffic congestion on rural roads. Furthermore, only year 7 pupils would have to pay bus fares, whereas those in years 8 to 11 would still receive free travel and this seemed unfair to the mother.

The Committee was informed that the Council's records indicated that the family moved to Lancashire in November 2014 and that the pupil began to attend their nearest school. Whilst the Committee acknowledged the parents' reasons for not wanting to transfer the pupil to the same school as the elder sibling which was the nearest school, no information had been provided to suggest that the family were unable to fund the daily transport costs when using the school bus service provided.

The Committee was also informed that the Council did not accept the mother's statement that the school were not advised of the changes in the Council's Transport Policy. It was reported that all schools in Lancashire were notified of the Cabinet Member's decision in respect of changes in the Council's Transport Policy via the Schools' Portal and that this was the established method of communication between the Council and all schools in Lancashire.

The Committee was informed that by allowing existing pupils to travel free of charge, the Council was following suggested good practice as advised by the Department for Education. Families of pupils in years 8 to 11 made their preferences of school at a time when the Council's Transport Policy was more generous. Information relating to the changes in the Transport Policy were stipulated in the Council's Admissions Information prior to parents making their choices for September 2015 in-take, thereby giving parents the opportunity to make an informed decision especially if they chose to send their child to a further 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 3779 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.

Appeal 3780

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 a parish school of the family's faith which was 5 miles away.

In considering the appeal the Committee noted the mother's health problems and how this affected her daily life and that she was now no longer able to work or drive. In addition her partner had become her main carer. The Committee also noted the family's circumstances and their financial situation and that the mother's grounds for appeal was on financial grounds.

The Committee was informed that the mother previously drove the pupil to school as she believed this was the less costly option than paying the denominational contribution which would have allowed the pupil to travel on the school taxi service from home to school. However, since the deterioration in the mother's health she was no longer able to drive the pupil to and from school and was having difficulty due to the family income to meet the denominational contribution. There was no evidence to suggest that the family were on a low income as they were not in receipt of maximum working tax credits and neither was the pupil eligible for free school meals. Had this been the case the Council could have waived the denominational contribution on low income grounds. The Committee in considering the family's financial circumstances further, noted the information provided by the mother in respect of their weekly income and monthly expenditure. However, the Committee noted that in the monthly expenditure column, the mother had already taken into account the cost of denominational contribution. Furthermore, no evidence was provided to substantiate the mother's claims that they were unable to fund the cost of transport and that they had no spare income left at the end of each month.

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 3780 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.

Appeal 3782

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 2.1 miles from their home address, and instead would attend their 5th nearest Lancashire school and 11th nearest school which was 6.9 miles away. The

Committee also noted that the pupil's nearest non faith Lancashire school which was their 3rd nearest school was 3.5 miles from the family home.

In considering the appeal the Committee noted that the mother's first preference was for the school to be attended as she felt this was the closest school within the borough in which they lived and that to apply for a school in another borough was not a consideration of theirs. The mother therefore suggested that the school to be attended was the nearest suitable school for the pupil and that they should receive free travel to the school.

The mother acknowledged in her appeal that the nearest non-faith school was nearer being 3.5 miles away, but that she felt there were considerable transport difficulties for pupils in their area to attend that particular school which involved a longer and indirect bus journey. Furthermore, pupils from the primary school previously attended traditionally transferred to the school to be attended.

It was reported that the Council acknowledged that traditionally pupils from the village would have expressed a preference for the school to be attended as this was their geographical priority area (GPA) school. The Committee was advised that prior to the September 2015 in-take, the Council had exercised discretion within its Home to School Transport Policy and awarded travelling expenses to those pupils attending their nearest GPA school, subject to the distance criterion being met. However, from September 2015, this discretion in the Council's Transport Policy had been removed for new pupils starting at the school to be attended. The Committee was informed that the Council would now only meet the cost of travel if the pupil attended their nearest school and lived more than three miles from it.

The Committee was advised that whilst pupils from the area where the family resided might not have traditionally expressed a preference for their nearest school which was located in another borough, this option was available to parents as they are free to express a preference for any school they wish.

The Committee was informed that whilst the Council had acknowledged that the bus journey to the nearest Lancashire school might not be as direct and as short as the bus journey to the school to be attended, these were not criteria the Council could take into account when assessing claims for travel against the Council's Transport Policy.

No information had been provided to indicate that the family were unable to meet the cost of home to school travel.

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 3782 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.

Appeal 3784

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 0.1 miles from their home address, and instead would attend their 21st nearest school which was 3 miles away.

In considering the appeal the Committee noted the circumstances surrounding how the pupil came to live with the grandmother and that the pupil was subject to a Child Protection Plan. The Committee also noted that it was hoped the pupil would be able to return to their mother's care but that this could not be achieved for at least another six months. In the meantime, the grandmother had stated that it was important for the pupil's stability and emotional wellbeing that she should continue to attend the school where they settled and happy. Furthermore, both the pupil's Social Worker and the Headteacher of the school attended were in support of the appeal.

In noting the grandmother's family circumstances, the upheaval experienced by the pupil and that this situation may only be a short term arrangement the Committee felt that it should make a temporary award in this case either for the whole of the forthcoming academic year or until the pupil returns to the care of their mother – whichever event is the sooner to occur to support both the pupil and the grandmother in the interim and for the grandmother to reapply for assistance if it is still needed.

Therefore, having considered all of the grandmother'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 or until the pupil returns to the care of their mother – whichever event is the sooner to occur to support both the pupil and the grandmother 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 3784 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 2015/16 academic year (Year 3) only or until the pupil returns to the care of their mother – whichever event is the sooner to occur.

Appeal 3786

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 3.7 miles from their home address, and instead would attend their 3rd nearest school which was 4.4 miles away.

In considering the appeal the Committee noted that the appellants had been advised that the two nearer schools had unsuitable walking routes, whereas the route to the school to be attended was a more suitable walking route thereby making it their nearest suitable school. The Committee also noted the parent's comments that one of the pupils had special educational needs and that the school to be attended had been rated very highly by Ofsted in terms of the achievement of children with special educational needs whereas the two nearer schools were not rated as high as quoted by the appellants in their appeal.

The Committee was informed that the premise of the appellant's appeal seemed to be based on the unsuitability of the walking routes to the two nearer schools. The Committee was advised that in order to determine the nearest school the Council established this by using the shortest available walking route. The Committee was further advised that the Council was not required to take into account the suitability of the walking routes unless the pupils attended their nearest school and that if the walking route to the nearest school was deemed unsuitable the Council would have to provide transport assistance to that school. The Committee noted that the Council had established that there were no suitable walking routes out of the village where the family resided to any of the local schools including the one to be attended.

In considering the appeal further the Committee was informed that whilst the school to be attended was the nearest of the family's faith, it was not the nearest school per se and as the pupils were admitted to the school on denominational grounds the pupils qualified for transport assistance to the school to be attended but that the parents would be required to contribute to the total cost in the form of the denominational contribution which for the coming academic year amounted to £505 per child per year. No evidence had been provided to indicate that the family were unable to fund this cost for the two pupils. In addition the Committee felt that the parents should have been aware of the Council's Home to School Transport Policy before making their preferences of secondary school, especially if transport was a significant factor in their preferences of schools. The Committee noted that the parents had only expressed the one preference for secondary school transfer. The Committee therefore felt that the parents were already getting support from the Council for the pupils to attend a school that was not the nearest school.

The Committee acknowledged the reasons for selecting the school based on its performance relating to special educational needs matters. However, whilst these might have been genuine reasons for expressing a preference for the school to be attended this was something the Council could not take into account when assessing travel claims. The Committee was advised that the pupil concerned did

not have an Education and Health Care Plan (EHCP). Whilst the Council had ascertained the level of support provided by the pupil's primary school and that the school to be attended would continue to provide them with support, the Committee was advised that similar support appropriate to their needs could and would have to be provided regardless of which school they attended.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 3786 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.

Appeal 3789

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 3.8 miles from their home address, and instead would attend their 2nd nearest school which was 4.2 miles away.

In considering the appeal the Committee noted that the pupil had passed the entrance exam for the school to be attended and was subsequently offered a place there. In addition, the pupil's elder sibling attends the school to be attended and receives free transport.

The Committee also noted that a supplementary form was incorrectly submitted for their second preference of school and that the father had suggested that if this form had not been submitted then the pupil would not have been eligible for a place at that school and that their nearest school would then have been the school to be attended to which the father felt the pupil would have been eligible for free transport. The father stated that they were mis-informed about the relevance of the supplementary information form and had they been aware of the implications, they would have ensured that this form would not have been submitted.

The Committee was advised that the Council had taken the view that the pupil was offered a place at their first preference of school, which was not the nearest school, and therefore the pupil was not entitled to transport assistance when assessed against the Council's current Home to School Transport Policy. The Committee was informed that the elder sibling who was in Year 9 received free transport under the Council's former transport policy where the Council did not consider the suitability of the nearest schools if the school was a faith school. The

revised policy came into effect for new pupils starting secondary schools from September 2015.

The Committee was advised that the issue regarding the supplementary form was not relevant to the original transport assessment since the Council looked at parental preferences and addresses to establish whether pupils would have got places at nearer schools and that the relevance of the supplementary form was superfluous to the appeal and the original transport assessment.

No evidence or information was provided to suggest that the family were unable to meet the cost of home to school travel costs.

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 3789 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.

Appeal 3790

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 2.2 miles from their home address, and instead would attend their 11th nearest school which was 6.1 miles away.

In considering the appeal the Committee noted that the primary school previously attended by the pupil was a feeder school for the secondary schools in the borough where the family resided. The Committee also noted that the mother had interpreted the admissions booklet entry for the school to be attended in a way that she felt the pupil would have received free travel there and that had she known about the policy change relating to geographical priority area (GPA) schools she would have chosen differently.

The Committee was informed that there was a dedicated school bus to the school to be attended, which picked up and dropped off on the family's street and that school buses were a safer mode of travel for children. In addition the mother felt that it was unfair for those children who attended faith schools received subsidized travel. Furthermore, there was little choice in terms of specific faith schools in the County of Lancashire.

The Committee was advised that pupils from the primary school previously attended had in the past transferred to two specific secondary schools, however, it was not the case that the primary school was a "feeder school" for any

secondary school. The Council had confirmed that the family lived in the GPA for the school to be attended and that this might have been the reason why in the past many parents who did not desire a faith education for their children, might have expressed a preference for that school, since living in the GPA provided families with a greater priority for admission to the school than someone who did not. Prior to September 2015, the Council had exercised discretion within its transport policy and awarded travelling expenses in those cases where the pupil attended their GPA school. This discretion had been removed for new pupils starting school in September 2015.

Whilst the Committee noted the mother's interpretation of the information contained within the admissions booklet for the school to be attended, it was reported that the mother appeared to have misunderstood the relevant entry which related to the specific aspect for home to school transport which stated that pupils might be entitled to travelling expenses "with the exception of pupils living in ... [the village where the family resided]" etc.

The Council had confirmed that there was school bus provision to the school from where the family resided and that the pupil could still travel on the bus upon the payment of the daily fare or through the purchase of a season ticket. Whilst the Committee acknowledged the mother's perceived unfairness in respect of pupils receiving subsidized travel to more distant faith schools, it was noted that parents in these instances would have to pay the denominational contribution amounting to £505 for the forthcoming academic year. It was reported that the Council like many other local authorities still chose to offer this discretion in its transport policy. However, in saying this, the Committee noted that the contribution from September 2015, was comparable to what the mother would need to pay for an annual season ticket on the school bus. Parents could pay the amount by direct debit over 10 months. No evidence had been provided to suggest that the family were unable to fund the cost of home to school travel.

The Committee could not determine the relevance of the mother's point in relation to there only being a small number of particular faith schools in the County of Lancashire.

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 3790 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.

Appeal 3791

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 3.3 miles from their home address, and instead would attend their 3rd nearest school which was 6.5 miles away.

In considering the appeal the Committee noted that the family resided in the catchment area for the school to be attended. The Committee also noted that school bus provision for the school also served the area in which the family resided whereas for their nearest school there was no school bus provision. The mother suggested that if the pupil and their siblings attended the nearest school, the Council would have to provide transport, which would be very costly.

It was reported that the family lived in the geographical priority area (GPA) for the school to be attended and that historically, pupils who lived in the area would have transferred to the school as they would have received greater priority for admission to the school over and above those who did not live in the GPA. Prior to September 2015, the Council had exercised discretion within its transport policy and awarded travelling expenses in those cases where the pupil attended their GPA school. This discretion had been removed for new pupils starting school in September 2015 and the Council would now only meet the cost for pupils who attend their nearest school. The Committee was informed that this change of policy was made clear in the admission literature the Council produced at the time the appellants were making their decisions for secondary school places for their child.

Whilst the Committee acknowledged the additional costs that might be incurred if the pupil and their siblings attended their nearest school, it was noted that the Council must apply its transport policy as outlined in law, which stated that transport assessments should be undertaken on distance and not cost. However, the Committee also noted that in respect of the above point, the Council did have transport operating to the nearest school which covered the area and passed close by to the family home whereupon it was suggested that any increase in cost to assist the family in such a scenario would be minimal anyway.

The Committee noted that the mother would eventually be paying for three season tickets for their children (if they all attended the same school as the pupil) and that the cost would be comparable to their Council Tax for the year. It had been suggested that the cost of £2.84 per day for a 25 mile round trip on the school bus in comparison to factoring in all the costs of using a private car would be comparable. However, the Committee noted that the mother would only have to pay for one season ticket for this forthcoming academic year. No evidence had been provided to suggest that the family were unable to fund this cost of home to school travel.

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 3791 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.

Appeal 3792

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 1.2 miles from their home address, and instead would attend their 4th nearest school which was 2.2 miles away.

In considering the appeal the Committee noted the pupil's health problems, their vulnerability and that they needed to be under constant supervision for their safety. The Committee also noted that the pupil's grandmother usually transported them around as the mother did not drive and that the grandmother would transport the pupil's two younger siblings to their school and therefore could not get all three children to their respective schools on time. The Committee was informed that the pupil had few friends and that the mother would struggle to accompany them to school due to having other children. The mother was concerned for the pupil's safety if they were to use public transport. The Committee noted that the mother had hand written on the appeal schedule that the Committee would receive a letter from the pupil's consultant. This to date had not been received.

Whilst the Committee acknowledged the information provided in respect of the pupil's health problems and the difficulties they might face if they were to use public transport, no evidence had been provided to substantiate any of these points. In addition the pupil did not have an Education and Health Care Plan (EHCP). The Committee was informed that officers had spoken to staff at the pupil's previous primary school who confirmed a specific diagnosis and other points and whilst they expressed concern about the pupil making the transition in to secondary school with regard to travelling, they had suggested that it was possible for the pupil to develop the necessary skills to access public transport, over time. No information had been provided to indicate why the family had expressed a preference and only preference for a more distant school for the pupil. The Committee was therefore informed that as the pupil did not attend their nearest school, then the responsibility for their safe travel between home and school was now a parental one which might include accompanying them to and from school either by the parent or relative. The Committee noted that the grandmother would be taking the pupil's two younger siblings to their school.

The Committee was informed that the pupil attended a primary school which was their sixth nearest school and was 1.4 miles away and that the grandmother used to drive the pupil to and from school. The Committee noted that the siblings attended the same primary school and noted the issues now faced by the mother

with the school run. No information had been provided indicate why the grandmother could not transport the pupil and the mother walked the siblings to their primary school which was the closer of the two establishments.

The Committee acknowledged that this family was on a low income and that they might find it difficult to fund the cost of home to school travel. However, the pupil concerned attended their fourth nearest school and therefore was not eligible for assistance with transport costs under the extended criteria for families on a low income.

Therefore, having considered all of the mother's and grandmother'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 3792 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.

Appeal 3793

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 2.7 miles from their home address, and instead would attend their 7th nearest school which was 5.7 miles away.

In considering the appeal the Committee was informed that the mother attended a meeting organised by the Council to discuss matters relating to secondary school transfer and that at this meeting, representatives from the Council advised parents to include the school to be attended which was their geographical priority area (GPA) school, as one of their children's preferences. No-one at the meeting was advised that such a preference would incur transport costs for parents. The Committee was then informed that the mother had been told that only if the pupil attended their nearest school would the family not be responsible for transport costs. The Committee noted the mother's point in that they lived in a specific borough and that the nearest school was situated in the neighbouring borough and that for this reason along with the school to be attended being their GPA school, she was appealing the refusal to fund travel to school costs.

The Committee was informed of the pupil's health problems and the professional support that had been put in place to ease the transition in to secondary school and from a small village school to a large secondary. The mother felt that it would be unfair and detrimental for the pupil's education and emotional wellbeing to send them to a different school especially given the strategies that had been put

in place to aid the transition and having attended the additional input days and summer school programme at the school to be attended.

It was reported that the Council would have advised families living in the GPA for the school to be attended that it might be appropriate to place this school as one of their preferences if they required a school within the borough in which they resided since pupils living in the GPA received higher priority for places at this school. The Committee was informed that parents are free to make other preferences and are also advised in the admissions literature to check the situation regarding transport costs with the local authority if the payment of travelling expenses was an important factor in making their preferences. Furthermore, prior to September 2015, the Council had exercised discretion within its transport policy and awarded travelling expenses in those cases where the pupil attended their GPA school. This discretion had been removed for new pupils starting school in September 2015.

Whilst the Committee acknowledged the information provided in respect of the pupil's health problems, the work which had been done to prepare the pupil for transition and that they would transfer to the same school as the majority of their peers, the Committee noted that the Council were not saying that the pupil must or must not attend any particular school, but that the Council's Home to School Transport Policy only allowed free travel to be awarded to pupils who attended their nearest school and met the distance criterion. The Committee also noted that preparatory work would have been done for any other school they might have transferred to. In noting that the pupil did not like change, it was noted that the family moved address in June 2010 and that this involved a change of schools at this time as well. No information or evidence had been provided to demonstrate any problems that might have occurred at this time.

The Committee acknowledged the mother's point in relation to the nearest school being in a different borough to where the family reside. However, it was reported that under the Council's Home to School Transport Policy, the Council were not required to take borough/district boundaries into account when undertaking their transport assessments.

No evidence had been provided to suggest that the family were unable to fund the cost of home to school travel nor whether they were 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 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 3793 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.

Appeal 3794

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 4.9 miles from their home address, and instead would attend their 4th nearest school which was 6.3 miles away.

In considering the appeal the Committee was informed that the mother attended a meeting at the pupil's previous school where parents were advised by a Council representative that those families living in two specific areas would be entitled to full transport assistance to the school to be attended "as it was the closest community high school" and that parents should put this particular school down as one of their preferences as this was the only school which could guarantee them a place. The Committee noted that these pieces of information were contributing factors towards the decision to make the school to be attended one of the pupil's preferences. However, the news that the mother would have to pay for a season ticket was one the mother had not budgeted for. In addition the mother felt that the changes to the Council's Home to School Transport Policy had been poorly communicated at best and at worst, misrepresented, leaving the mother to make decisions based upon incorrect information.

The Committee was advised that the Council had accepted that parents were likely to have been advised that it might be appropriate to express a preference for the school to be attended since parents living in the area where the family reside, lived in the geographical priority area (GPA) for the school and that pupils living in these areas had a greater priority for admission to the school. However, the Committee noted that this did not mean that they were guaranteed to get a place at the school and that parents are free to express a preference for any school.

However, the Committee noted that the Council did not accept that parents were advised at the meeting at the pupil's previous school that if families lived in two specific areas then their children would be entitled to free travel to the school to be attended. Prior to September 2015, the Council had exercised discretion within its transport policy and awarded travelling expenses in those cases where the pupil attended their GPA school. This discretion had been removed for new pupils starting school in September 2015. The Council's admissions literature also advises parents to check entitlement with the Council if the payment of travelling expenses is a determining factor in their preference for schools.

Whilst, the Committee noted the information provided in respect of the family's financial situation, no evidence had been provided to corroborate the information. Furthermore, the Committee noted and felt that the mother's partner contributed a substantial amount to the household bills. No information had been provided regarding the partner's income to the household and any spare monies they might have remaining. The Committee therefore felt that the mother's income was reasonable given the circumstances and information presented in the 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 3794 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.

Appeal 3795

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a primary school 4.1 miles from the home address as opposed to the nearest suitable school which was 2.4 miles away.

In considering the appeal the Committee was informed that the pupil had been refused transport assistance on the grounds that there was a school closer to home. However, the mother stated that this school was only closer if the route was measured along a particular road which was a dangerous single track road. The mother further stated that if the home to school route was measured via another road, then the distances to both the school to be attended and the nearest school was 4.1 miles.

The Committee acknowledged that the family resided in a remote rural area and that the Council considered that most of the roads in the area where they lived were unlikely to satisfy the Council's criteria as a suitable walking route including the two roads as mentioned by the mother. The Committee was informed that whilst the Council acknowledged these facts, the Council in these instances determines the nearest school using the shortest walking route normally using roads and that the Council is only required to take into account of the suitability of the walking route once the nearest school has been determined and is only required to take this point into account if the pupil attends the nearest school. The Committee was advised that in this case the pupil would not be attending their nearest school and therefore the Council was not required to consider the suitability of the walking route when making their assessment of the family's claim for home to school transport.

The Committee was informed that the Council had acknowledged that the mother's neighbours in the past might have qualified for transport assistance to the school. However, this would have been under a previous more generous policy which the Council had previously offered.

No financial evidence had been provided to demonstrate that the family were unable to meet the cost of home to school travel costs. No evidence had been provided to suggest 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 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 3795 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.

Appeal 3796

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 1.01 miles from their home address, and instead would attend their 21st nearest school which was 2.47 miles away.

In considering the appeal the Committee noted that it had previously considered an appeal for transport assistance at its meeting in December 2014 for which the family received a temporary award until the end of the academic year (2014/15) that was not in accordance with the Council's Transport Policy. The Committee noted that the family's reasons for appeal back in 2014, still stood now with the exception that the eldest sibling would commence their final year of primary education and that the middle sibling had experienced a difficult last six months given their health problems.

However, the Committee noted that in making the temporary award it did, they did so on the basis that the mother might be able to find a property in the area where the school was situated to alleviate any future problems with the school run. It was reported that it seemed this had not happened.

In considering the appeal further the Committee noted the letter of support from the headteacher and felt that given the difficulty experienced by the middle sibling in the recent past and that the eldest sibling would commence their final year in primary school the Committee felt that it should make another temporary award up to the end of the 2015/16 academic year, and for the matter to be reviewed when the time came with the mother producing evidence that she has made attempts to move closer to the school attended.

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 pupils up to the end of 2015/16 academic year to support them in the interim and for transport assistance to be reviewed.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3795 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 2015/16 academic year only and for all three siblings.

Appeal 3797

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 miles from their home address, and instead would attend their 7th nearest school (and 3rd nearest school of the family's faith) which was 6.3 miles away.

In considering the appeal the Committee noted that the pupil was baptised, attended their primary school from reception to year 6 and that the school was an associated primary school for the secondary school to be attended and that the family lived in a contributory parish. It was therefore felt that the pupil should naturally transfer to the school to be attended and at no time had the family considered the schools from a different local authority area as children attending the primary school would not have been in any of the higher categories for admission. In addition there were no dedicated school buses to those schools, or even satisfactory public transport. The mother therefore felt that it would not be in the pupil's best interests at their age to have to make a journey to a strange school were they wouldn't know anyone.

The Committee was informed that the Council had acknowledged that the changes to the Home to School Transport Policy for 2015/16 were impacting families in the borough where the family resided. The Committee was also informed that historically, children of a particular faith in the area transferred to the school to be attended and that the school's admission policy reflected this, as pupils such as in this case who attended an associated primary school and lived in a contributory parish received priority in the school's admission criteria. However, for transport purposes the Council from September 2015, for new pupils no longer exercised the discretion to allow the payment of travelling expenses to other than the nearest schools on the grounds of faith, where there was a nearer school of the parental faith. However, the Committee noted that the nearer schools of the family's faith were situated outside of the borough where the family resided.

Whilst the Committee acknowledged the issues surrounding public transport to the schools out of the borough, it was reported that had the pupil attended their nearest school then the Council would have been statutorily obliged to provide suitable transport.

The Committee noted the mother's point that she had been led to believe that if you paid your Council Tax to a particular borough then you should attend a school in that borough. However, the Committee noted that parents are free to express a preference for any school irrespective of local authority boundaries. In addition the Council is not required to take into account the matter of boundaries when assessing claims for home to school transport.

No evidence had been provided to suggest that the mother was unable to meet the cost of home to school transport on the school bus services which operated to the school to be attended.

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 3797 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.

Appeal 3798

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 8th nearest school which was 6.9 miles away.

In considering the appeal the Committee noted that the pupil transferred from their nearest school to the school now attended during their year 7 due to allegations of bullying and that since the transfer the mother had borne the cost of transport even though she was a single mother and suffered various health problems. The mother had stated that she was on a low income and that the family's situation was getting increasingly difficult. Furthermore, the pupil was due to commence their final year of GCSE studies and that it was important for their education and well-being that they should complete their secondary education at the school attended.

In considering the appeal further the Committee noted the comments made by the family's social worker corroborating the mother's points and that the pupil was awaiting assistance from Child and Adolescent Mental Health Services (CAMHS). The Committee felt that in considering all of these points it should make an award

to support the pupil in their final year of GCSE studies given the circumstances both the mother and pupil were now in.

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 up to the end of 2015/16 academic year to support them in their final year of GCSE studies.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3798 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 2015/16 academic year only.

Appeal 3799

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

In considering the appeal the Committee noted that it had previously made a temporary award for the pupil until the end of the 2014/15 academic year whereby it was hoped that if the mother felt that assistance should continue it would be necessary for her to submit the appropriate medical evidence with any subsequent appeal. Whilst the mother had included evidence from medical professionals, the Committee whilst noting that the evidence was undated, felt that the evidence did not provide sufficient detail for them to assess the severity of the pupil's health problems in relation to distances walked. In the appeal documentation, the Committee noted the officer's comments that there were school bus services operating to and from the school in close proximity to the pupil's home. The Committee therefore felt that from the information provided it could not determine the severity of the pupil's health problems as there was no professional medical evidence to demonstrate how far the pupil could walk. It was therefore suggested that the appeal deferred until the next meeting to allow the mother to provide further dated medical evidence for the Committee to consider. Whereupon it was;

Resolved: That Appeal 3799 be deferred in order for the Committee to receive dated professional medical evidence to demonstrate how far the pupil was able to walk.

Appeal 3800

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 7.5 miles from their home address, and instead would attend their 2nd nearest school which was 8.3 miles away.

In considering the appeal the Committee noted that the father was appealing against the refusal of transport assistance for the pupil based on the discrepancy between the Council's admissions policy and its Home to School Transport Policy. In the appeal, the father mentioned that the Council had stated a particular school was the nearest to the family's home, however, the family lived in the geographical priority area (GPA) for the school to be attended. The father felt that the pupil would not have been ranked high enough to be offered a place at the nearest school as they lived so far away and did not reside within the GPA for that school. Furthermore, in the admissions literature for the nearest school the village where the family resided was excluded from the eligible parishes and that under the transport heading the village was listed as one of the exceptions for funding. Whereas the admissions literature for the school to be attended stated that the school's priority area included the village. However, under the transport heading for this school, it stated that "pupils living in the ... priority areas ... may be entitled to travelling expenses to this school provided they reside three miles or more from the school, measured by the shortest walking route".

The Committee also noted that in establishing walking routes to the local schools, the father had noted that footpaths were included in the policy and that isolation and other dangers were not considered as reasons why a route was not suitable for walking and suggested that the school to be attended should be considered the nearest school, by utilizing a route to the school which measured 6.6 miles over the fells.

The Committee was informed that the Council had accepted that the family resided in the GPA for the school to be attended and that the pupil would have received greater priority for admission to this school. However, the Committee was informed that in accordance with the Council's Home to School Transport Policy for 2015/16, this would no longer bring with it an award of free transport to the school as the Council had determined there was a nearer school. The Committee was also informed that had the pupil expressed a preference for the nearest school, the Council would have been able to offer them a place there. The Committee noted that the family had only expressed one preference which was for the school to be attended.

The Committee acknowledged that the walking route as suggested by the father would place the school to be attended as the nearest. However, the Committee concurred with the Council in that it would not normally expect pupils to walk over fells to get to and from school.

The Committee was informed that the Council had accepted that the transport insertions for both the nearest school and the school to be attended were misleading. However, the Committee noted that the insertion for the school to be

attended had stated that transport 'may' be provided. In addition, the admissions literature also suggests to parents that if the payment of travelling expenses is an important factor in the preference of schools then parents should check with the Council before making their preferences.

No information had been provided to suggest that the family were unable to meet the cost of transport to and from school on the school buses provided. Neither was there any evidence to suggest that the family was on a low income.

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 3800 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.

Appeal 3801

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 4.8 miles from their home address, and instead would attend their 9th nearest school which was 7.07 miles away.

In considering the appeal the Committee noted that the Council had allocated the pupil a place at the school to be attended which was not one of their three preferences. However, after some discussion the family had decided not to proceed with admission appeals for places at other schools as the pupil had accepted the idea of attending the school allocated. The father therefore felt that this was the nearest suitable school which could offer the pupil a place as considered by the Council. The family were therefore surprised when transport assistance was refused on the grounds that a particular school in the neighbouring borough was the nearest suitable school. Furthermore, the father had stated that after further phone calls, they had been advised by the Council that the pupil had been offered a place at their second preference of school – of which they knew nothing.

The Committee was informed that the Council had confirmed that they allocated the pupil a place at the school to be attended as none of their preference schools were able to offer them a place. The Committee was advised that for admissions purposes this school was the nearest Lancashire school which could offer them a place, since the Council would not ordinarily make an offer of a non-Lancashire school if this was not requested. The Committee was further advised that this process was separate from the Council's transport assessment which grants travelling expenses only if a pupil attends the nearest school, which in this case

was a non-Lancashire school. The Committee was informed that parents are free to express a preference for any school. The family's second preference of school was a non-Lancashire school.

The Committee was advised that the Council's transport policy did make allowances for those families in these circumstances who had not been granted any of their three school preferences (Clause 4a8). However, it was reported that the Council was able to offer a place at a nearer school and therefore the family could not benefit from this clause in the policy.

Whilst the Committee was informed that the Council's records had indicated that the family were given a verbal offer of their second preference school from the reserve list, and that the Council's records had also shown that the parents had not responded to this offer, the Committee felt that the offer should perhaps have been made in writing for the parents which could in turn have corroborated the Council's point.

No evidence had been provided to indicate that the family were unable to fund the costs of home to school transport to the school to be attended. Neither was there any information to suggest that the family was on a low income.

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 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 3801 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.

Appeal 3802

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 1.2 miles from their home address, and instead would attend their 16th nearest school which was 8.1 miles away.

In considering the appeal the Committee noted that the pupil attended a particular primary school for seven years due to the Council allocating them a place there. In addition the pupil has had a travel pass for the whole of their primary school education. Furthermore, the primary school was a "feeder school" for the school to be attended, the pupil's peers would also be transferring to the same school and the pupil's elder sibling also attends the school. The family felt that they had already uprooted the siblings due to the Council being unable to offer them places at nearer schools and believed that their choices had been over-ridden by the Council and the decision on their children's education had

been taken away from them. The mother therefore felt that the Council should honour the pupil's free transport to the school to be attended due to the decision taken to place them at a primary school in another town.

The Committee was informed that the Council did not agree with the mother's point in that they should meet the cost of transport due to placing the pupil at a feeder school for the school to be attended. It was reported that the pupil's elder sibling commenced their primary education in 2006 and was not offered a place at their first preference school. The Committee noted that this school was a faith school and would have allocated places subject to their admissions criteria which would have included regular church attendance and as the Governors of that school could not offer the elder sibling a place there the Council therefore offered a place at a school that was 3.8 miles away and as this offer was rejected the Council then offered places at a number of schools with the family taking up a place at their 47th nearest school (faith school) being 4.8 miles away. The Committee was informed that the parents had expressed a preference for the same school for the pupil concerned in this appeal but unfortunately the Governors of that school were unable to offer a place there. The Council then offered the pupil a place at a school which was 8 miles away to which the elder sibling also transferred.

It was reported that the primary school attended was not a feeder school for the school to be attended. This point was also stated in the admissions literature. However, the Committee noted that the Council had acknowledged that many children would transfer to the school to be attended as this was the nearest secondary school to the primary school attended.

The Committee was advised that whilst the Council had acknowledged that it was the parents' preference for both pupils to attend the same school for which they would be doing come September, this preference did not commit the Council to meet the cost of transport. The Committee noted that many parents choose to send their children to different schools.

The Committee acknowledged that the family lived in the geographical priority area (GPA) for the school to be attended and that they would have received greater priority for admission to the school. However, prior to September 2015, the Council had exercised discretion within its transport policy and awarded travelling expenses in those cases where the pupil attended their GPA school. This discretion had been removed for new pupils starting school in September 2015.

No evidence had been provided to indicate that the family were unable to fund the cost of home to school transport. Neither was there any information to indicate 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 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 3802 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.

Appeal 3803

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 2.99 miles from their home address, and instead would attend their 2nd nearest school which was 3.3 miles away.

In considering the appeal the Committee was informed that the pupil's parents had been advised that if they changed their first preference to a particular school then they would have been entitled to full transport assistance as the walking distance although under three miles was unsuitable. However, the parents wished to send the pupil to their geographical priority area (GPA) school as children from the pupil's primary school historically transferred to.

The Committee noted that the parents would be happy to contribute towards the pupil's travel costs to their second nearest school, however, they felt they were being asked to pay too much, particularly in view of the fact that if they met the low income rule, the pupil would be entitled to free travel to the school to be attended. And whilst the parents were aware of the financial situation the Council currently faced they felt that £505 per year plus 5% plus inflation was an excessive amount for ordinary families to have to pay.

It was reported that the Council had confirmed that if the pupil attended their nearest school they would receive free transport on the grounds that the walking route was deemed to be unsuitable. It was also reported that as the pupil was attending the nearest school of their faith and not coming from a low income family as defined in law, that they would be entitled to transport assistance to the school, but that the parents would be required to meet the standard denominational contribution, which from September would be £505. The Committee was informed that this standard contribution was applied across the County and that for certain pupils travelling longer distances to school, it could be argued that this contribution is not excessive. The Committee was also informed that the cost could be met by paying it across ten monthly instalments. No evidence had been provided to suggest that the family were unable to meet the cost of this contribution. Neither was there any evidence to suggest that the family was on a low income. The Committee acknowledged that the Council had no control over this aspect of the transport policy as this rule was set in law.

Whilst the parents had offered to meet the difference in cost of travelling to the nearest school as opposed to the cost of attending the school to be attended, the Committee was informed that the Council's transport policy did not allow this. In

addition, if parents chose not to attend their nearest school they lose their entitlement that they would have received, had they attended their nearest school.

The Committee noted the parents' view that the Council should not establish the nearer schools by distance but by utilising a relevant 'cut-off point'. However, it was reported that the Council was required by law to assess home to school travel by measuring from home to school.

Therefore, having considered all of the parents' 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 3803 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.

Appeal 3804

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 1.7 miles from their home address, and instead would attend their 5th nearest school which was 3.8 miles away.

In considering the appeal the Committee noted that the mother stated she was on a low income and that the pupil would be attending their nearest school of the family's faith and that the mother felt that she was entitled to transport assistance as granted to low income families under the Council's Home to School Transport Policy. The mother was also of the opinion that it was the Council's legal duty to provide free transport for the pupil if the school was more than three miles from home (Clause 1b). Furthermore, the pupil was aged 8 and over and the shortest walking route was more than three miles (Clause 1b and 4a2) and the family lived in the administrative boundary of Lancashire County Council (Clause 4a1).

The mother also stated that she receives the maximum amount of working tax credit and was therefore defined in law as being on a low income. The mother could also confirm that she received maximum amount of working tax credit for the year ending April 2015 and that this was confirmed in a telephone conversation with HMRC on 3rd August 2015.

The mother also stated that the pupil met the conditions of faith schools (Clause 5d) and that the pupil also attends the nearest faith school and that this was between two and fifteen miles from their home address.

Furthermore, the mother expressed concern regarding the pupil's ability to travel alone and that the nearest school would never have been acceptable. The mother also stated that by choosing the school to be attended they would maintain their faith at their nearest faith school and that the pupil's elder sibling could supervise them to and from school.

The Committee was advised that the pupil was attending their nearest school of their faith and that they met the denominational criteria for admission to the school and lived more than three miles from it. The Committee was also advised that under the Council's Home to School Transport Policy for non-low income families, the pupil would qualify for transport assistance to this school, but as this was not the nearest school per se, the mother would be required to meet the denominational contribution towards the full cost of transport.

Whilst the Council had acknowledged the information provided relating to the family's income was not significant, and that the mother received maximum amount of working tax credits (MWTC) for year ending April 2015, no evidence had been provided to substantiate that the mother was receiving MWTC for the current financial year ending April 2016.

The Committee was advised that the mother was incorrect in her interpretation of the law relating to the payment of travelling expenses as for pupils from non-low income families must attend their nearest school and live more than three miles from it in order to qualify for such assistance. Living three miles or more from any school was not a qualifying criterion in law. The pupil would be attending their 5th nearest school. In addition whilst the Council had accepted the school attended was the nearest faith school and was between two and 15 miles from home, it was reported that this criterion could only be applied for pupils who met the national criteria as a low income family. Furthermore, whilst the family lived in the County to qualify for home to school transport the pupil also needed to meet the qualifying criteria to be eligible for home to school transport.

The Committee noted that the mother had made her preference for the school to be attended on the basis that the elder sibling could accompany them on the journey to and from school. However, whilst this might have been a valid reason for expressing a preference for the school, this did not meet the criteria for the Council to provide free transport.

No evidence or significant detail was provided to enable the Committee to determine the extent of the mother's financial situation or to demonstrate that she was unable to meet the cost of the denominational contribution.

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 3804 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.

Appeal 3805

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 4.6 miles from their home address, and instead would attend their 10th nearest school which was 6.9 miles away.

In considering the appeal the Committee noted the mother's point that pupils from the village where the family resided had always been entitled to free transport to schools in a specific town. The mother acknowledged that she had been advised that there had been changes made to the Council's Home to School Transport Policy which meant that the pupil would not receive free travel on the grounds that a particular school was considered to be their nearest school. Not only was the mother not aware of the implications of this change in the policy, it was reported that the headteacher at the pupil's primary school was also not aware of the changes. The mother therefore took the view that the consultation was not done correctly and that neither were the changes to the policy widely advertised.

The Committee noted that incorrect and insufficient information had been provided whereupon the mother felt that her concerns were not being promptly addressed.

The Committee also noted that the mother felt the Council's admissions and transport policies contradicted each other in that for those pupils in the village who were not offered places in any of their preference of schools were allocated places at the school to be attended which was their nearest suitable school with places, when the Council went on to state that another school was the nearest suitable school with places.

The mother stated that there was no transport to the nearest school from the village and that the walking route was unsuitable. The mother had been informed that if this was the case, distances from home to school were measured by road routes. However, there was no mention of this in the Council's Home to School Transport Policy and the Department for Education's guidelines also made no mention of driving routes.

The Committee was advised that pupils prior to September 2015, would have received transport assistance to the school to be attended on the basis that even though this was not their nearest school, the Council previously exercised discretion within its Home to School Transport Policy and offered transport assistance to other than the nearest school on the basis that this was their nearest geographical priority area (GPA) school. The Committee was informed that this discretion had been removed for all new pupils starting school from September 2015.

The Committee was also advised that the decision to change the transport policy was made after a consultation with schools and parents via the schools and the schools' portal in the Autumn Term of 2013 and that following this consultation, the Council finally decided to change its transport policy in February 2014. The decision to change the policy was again conveyed via schools and the schools' portal in the same month. In addition this information was covered extensively in the local media. Furthermore, the Council in its admissions literature they produced for parents in September 2014, when parents would have been expressing their preferences for secondary school places, drew parents' attention to the changes in the Home to School Transport Policy.

The Committee was informed that the Council had accepted that in the extract they produced which listed the schools in the south of the County and the extract specifically relating to the school to be attended did seem to indicate that pupils living in the village where the family resided may still qualify for transport assistance to this school. The Committee was informed that the Council in this case emphasised the word 'may' and the Committee was reminded that the Council in its admission literature asks parents before completing their preferences to check with them if free transport was available for their preferences if it was an important factor in deciding their preference of schools.

The Committee was informed that the Council would have offered places for pupils living in the village at their GPA schools and not at other schools, as pupils living in this area received greater priority for places at their GPA schools, and subsequently as those schools had places the Council was therefore able to award places. It was reported that had those places not been available the Council would have looked to other schools to offer places.

Whilst the Council acknowledged that public transport was more readily available to the school to be attended than perhaps other schools, it was reported that transport assessments were based on distance. In addition the Council was not able to take into account the suitability of the walking route when a pupil did not attend their nearest school. Furthermore, the Committee was advised that if a pupil chose not to attend their nearest school to which they would have qualified for transport assistance, by not attending their nearest school, they would lose their right to any entitlement that they would have previously had to their nearest school. The Committee was advised that Clause 4a3 in the Home to School Transport Policy stated that the nearest school was the one closest to the family home. Parents are free to express a preference for any school and the Council did not take into account local authority boundaries when making their transport assessments.

No evidence had been provided to indicate that the family were unable to meet the cost of travel to the school attended. Neither was there any information to suggest 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 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 3805 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.

Appeal 3806

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 4.6 miles from their home address, and instead would attend their 10th nearest school which was 6.9 miles away.

In considering the appeal the Committee was informed that the father had advised that pupils living in the village where the family resided had always been entitled to free transport to schools in a nearby town. However, he had been advised that there had been changes made to the Council's Home to School Transport Policy which meant that the pupil would not receive free travel on the grounds that there was a nearer secondary school in a different town. The father stated that not only was he not aware of the implications of the change in the policy, but the pupil's headteacher at primary school was also not aware. The father therefore took the view that the consultation had not been carried out correctly, nor had the changes to the policy been widely advertised.

The Committee also noted that the father felt the Council's admissions and transport policies contradicted each other in that for those pupils in the village who were not offered places in any of their preference of schools were allocated places at the school to be attended which was their nearest suitable school with places, when the Council went on to state that another school was the nearest suitable school with places.

The father stated that there was no transport to the nearest school from the village and that the walking route was unsuitable. The father had been informed that if this was the case, distances from home to school were measured by road routes. However, there was no mention of this in the Council's Home to School Transport Policy and the Department for Education's guidelines also made no mention of driving routes.

It was reported that the village where the family resided fell within a shared geographical priority area (GPA) for community high schools in a nearby town and that prior to September 2015, existing pupils living in the village would have qualified for transport assistance on the basis that the school to be attended was the nearest of the GPA schools to their home address, even though it was not the nearest school. The Committee was informed that the Council had changed its policy from September 2015 for new pupils starting at the school and this

discretion to pay travelling expenses to other than the nearest school has been deleted. Subsequently, the Council was now purely assessing home to school transport claims in accordance with the law in that they would now only meet the cost of travel for secondary aged pupils from non-low income families who attend their nearest school and lived more than three miles from it. The Committee was advised that this now meant for new year 7 pupils living in the village where the family resided, the Council now took into account the nearer schools which included those in another town.

The Committee was informed that the decision to change the transport policy was made after a consultation with schools and parents via the schools and the schools' portal in the Autumn Term of 2013 and that following this consultation, the Council finally decided to change its transport policy in February 2014. The decision to change the policy was again conveyed via schools and the schools' portal in the same month. In addition this information was covered extensively in the local media. Furthermore, the Council in its admissions literature they produced for parents in September 2014, when parents would have been expressing their preferences for secondary school places, drew parents' attention to the changes in the Home to School Transport Policy.

The Committee was also informed that the Council had accepted that in the extract they produced within its admissions literature which listed the schools in the south of the County and the extract specifically relating to the school to be attended did seem to indicate that pupils living in the village where the family resided may still qualify for transport assistance to this school. The Committee was informed that the Council in this case emphasised the word 'may' and the Committee was reminded that the Council in its admission literature asks parents before completing their preferences to check with them if free transport was available for their preferences if it was an important factor in deciding their preference of schools.

With regard to the suitability of the walking routes to schools in another town, it was reported that the Council was not required to take account this as stated in the Home to School Transport Policy, as the pupil was not attending their nearest school. Suitability of a walking routes are only considered when a pupil lives less than three miles from their nearest school and attends that school.

The Committee noted that the father had made reference to the fact that families might now have to send their children to a different borough in which they paid their Council Tax. The Committee was advised that parents living in the village would still receive priority in the admission criteria for community high schools in the nearby town and would still be free to express a preference for those schools, however, their transport expenses will no longer be paid.

No evidence had been provided to indicate that the family were unable to fund the home to school transport costs. Neither was there any information to suggest that the family was on a low income.

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 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 3806 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.

Appeal 3807

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 4.6 miles from their home address, and instead would attend their 6th nearest school which was 6.4 miles away.

In considering the appeal the Committee was informed that the mother had advised that pupils living in the village where the family resided had always been entitled to free transport to schools in a nearby town. However, she had been advised that there had been changes made to the Council's Home to School Transport Policy which meant that the pupil would not receive free travel on the grounds that there was a nearer secondary school in a different town. The mother stated that not only was she not aware of the implications of the change in the policy, but the pupil's headteacher at primary school was also not aware. The mother therefore took the view that the consultation had not been carried out correctly, nor had the changes to the policy been widely advertised.

The Committee also noted that the mother felt the Council's admissions and transport policies contradicted each other in that for those pupils in the village who were not offered places in any of their preference of schools were allocated places at a particular school which was their nearest suitable school with places, when the Council went on to state that another school was the nearest suitable school with places.

The mother stated that there was no transport to the nearest school from the village and that the walking route was unsuitable. The mother had been informed that if this was the case, distances from home to school were measured by road routes. However, there was no mention of this in the Council's Home to School Transport Policy and the Department for Education's guidelines also made no mention of driving routes.

In considering the appeal further the Committee noted the circumstances relating to the preference for the school to be attended in that the pupil's younger sibling had health problems which restricted the mother's ability to do the school run. Furthermore, the mother could not take the pupil to their nearest school and as she had already stated, the walking route was unsuitable and there was no public

transport or dedicated school buses whereas the schools in the nearby town were served by dedicated school buses.

It was reported that the village where the family resided fell within a particular parish and that prior to September 2015, existing pupils from the village would have qualified for free transport to the school to be attended on the basis that they resided in one of the contributory parishes which received priority admission to the school. The Committee was informed that the family still lived in the contributory parish and would have received priority for admission to the school, however from September 2015, the Council would no longer consider contributory parishes when assessing home to school travel claims. Subsequently, the Council in this case had determined the nearest school in another town to be the pupil's nearest school.

However, the Committee was informed that as the Council was unable to offer the pupil a place at their nearest faith school and as the family met the denominational criteria for admission the Council had awarded transport assistance to the pupil as they would be attending their next nearest faith school with a place, but as there was a nearer school, the family would be required to pay the denominational contribution towards the total cost of transport. No evidence had been provided to suggest that the family were unable to fund the denominational cost. Neither was there any information to suggest that the family was on a low income.

The Committee was informed that the decision to change the transport policy was made after a consultation with schools and parents via the schools and the schools' portal in the Autumn Term of 2013 and that following this consultation, the Council finally decided to change its transport policy in February 2014. The decision to change the policy was again conveyed via schools and the schools' portal in the same month. In addition this information was covered extensively in the local media. Furthermore, the Council in its admissions literature they produced for parents in September 2014, when parents would have been expressing their preferences for secondary school places, drew parents' attention to the changes in the Home to School Transport Policy.

The Committee was advised that in the Admission South Booklet, the insertion relating to the school to be attended stated that pupils living in the contributory parish where the family resided would not qualify transport assistance to this school

With regard to the suitability of the walking routes to schools in another town, it was reported that the Council was not required to take account this as stated in the Home to School Transport Policy, as the pupil was not attending their nearest school. Suitability of a walking routes are only considered when a pupil lives less than three miles from their nearest school and attends that school.

The Committee noted that the mother had made reference to the fact that families might now have to send their children to a different borough in which they paid their Council Tax. The Committee was advised that parents living in the village would still receive priority in the admission criteria for community high

schools in the nearby town and would still be free to express a preference for those schools, however, their transport expenses will no longer be paid.

The Committee acknowledged the younger sibling's health problems and the difficulties the family would face if they had to send their children to different schools in different directions by driving them to their respective schools. However, the Committee felt that this point was not relevant as the family were sending the pupil to their preferred school and there were school buses provided to meet this need. The Committee again noted that the family qualified for transport assistance in that they would be required to pay the denominational contribution towards the total cost. The Committee was informed that had the mother chosen to send the pupil to the nearest school the Council by law would have been required to provide free transport to that 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 3807 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.

Appeal 3808

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 1.1 miles from their home address, and instead would attend their 3rd nearest school which was 2.8 miles away.

In considering the appeal the Committee noted that the father of the pupils had recently lost his job and was now on a low income and the expense of the pupils' bus fares to the school attended was taking a lot out of the family's budget. Furthermore, the father had been advised that he was told the school attended was less than three miles away. However, the father had stated that he had checked the distance and believed that it was three miles and therefore felt that the pupils would qualify for free travel.

In considering the appeal further the Committee noted that no evidence had been provided to corroborate the father's claims in relation to losing his job. Neither had any evidence been provided to substantiate the family's financial situation. Furthermore, the Committee could not determine whether the family was claiming free school meals or whether they were in receipt of maximum working tax credits. The Committee noted that if the family were in receipt of either of these two benefits, then this would allow the Council to meet the home to school travel

costs on the extra statutory provisions that are made for pupils from low income families as the pupils were attending their third nearest school. As the Committee did not have sight of such information, it was suggested that the appeal be deferred until the next scheduled meeting in October 2015, in order to obtain the information required. Therefore, it was;

Resolved: That appeal 3808 be deferred;

- i. In order for the Committee to receive evidence of the father being made unemployed and evidence of low income; and
- ii. For the appeal to be presented to the Committee at its next scheduled meeting in October 2015.

Appeal 3809

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 2.3 miles from their home address, and instead would attend their 5th nearest school (and second nearest school of the family's faith) which was 3.1 miles away.

In considering the appeal the Committee noted that the pupil's preferred school was over three miles away and was the only secondary school of a particular faith in the town where they resided. The Committee also noted that as the family followed the same faith as the school to be attended and had brought the pupil up to follow that faith, other schools which were closer to the home were not suitable for them.

The Committee was advised that the Council's previous, more generous Home to School Transport Policy would have subsidised the pupil's travel to their nearest faith school in Lancashire, upon payment of the parental contribution towards the total cost. However, with effect from September 2015, only new pupils attending the nearest school of the family's faith irrespective local authority boundaries were entitled to this discretion.

The Committee noted that there was a nearer school of the family's faith in the neighbouring borough which was 2.6 miles away from the family's home. The Committee also noted that this particular school was the pupil's second preference for transfer into secondary education.

No evidence had been provided to indicate that the family were unable to fund the cost of home to school transport if that was the chosen method of getting to and from school. Neither was there any information to suggest that the family was on a low income.

Therefore, having considered all of the parents' 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 3809 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.

Appeal 3810

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 2.5 miles from their home address, and instead would attend their 3rd nearest school which was 4.7 miles away.

In considering the appeal the Committee noted that the parents felt they had chosen the nearest (proximity) suitable school being a school of the family's faith for the pupil and felt that those schools identified as merely nearest by proximity to the family home were not suitable as they were community high schools. The father was unsure how the word suitable was being applied in their case for transport assistance and felt that the Council's transport policy was discriminatory.

The Committee was advised that for pupils living in the village where the family resided the Council had determined the nearest suitable school per se and for transport purposes to be that as identified on the Appeal schedule and in accordance with its transport policy. The Committee was further advised that the Council still currently exercised discretion within its transport policy and allowed transport assistance to other than the nearest school per se such as in this case whereby the Committee noted that the family were being given assistance towards travel costs in that they would be required to meet the annual denominational contribution which goes towards the total cost of transport for a pupil to attend a more distant school. It was suggested that this discretion whilst still being allowed in the transport policy was actually discriminatory in favouring parents such as in this case who desired a faith education for their children and would attend a more distant school. Parents who chose to send their children to a more distant community school would not receive such assistance. The Committee therefore felt that perhaps the parents did not understand that they were in receipt of travel assistance/support to attend the school of their choice but that they would be required to contribute towards the total cost of it.

The Committee acknowledged that both parents had previously attended the school to be attended by the pupil. However, whilst this might have been a valid reason for expressing a preference for the school, regrettably this would not bring with it an award of free home to school transport.

No evidence had been provided to suggest that the family were unable to meet the cost of the denominational contribution. Neither was there any information to indicate that the family was on a low income.

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 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 3810 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.

Appeal 3812

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

When considering the appeal the Committee noted that it had previously considered an appeal from this family back in March 2015, whereupon the Committee had approved the appeal until the end of the 2014/15 academic year to support the pupil in the interim and to assist with them settling in at the school attended.

In considering this further appeal the Committee noted the pupil's health problems and how this affected them in their daily life. The Committee also noted that the mother felt the school attended was 2.1 miles away from the home and expressed concerns for the pupil if they were to walk to school and back. The Committee was informed that the mother had three younger children who attended a primary school and therefore could not accompany the pupil to school. The Committee was also informed that the family received disability living allowance for the pupil (DLA).

However, in considering the appeal further the Committee noted that in making the temporary award it had back in March 2015, it had stated that if the mother reapplied for transport assistance then the mother should provide a copy of the (CAMHS Consultant) progress report from the review meeting held on 23rd February 2015. The Committee noted that whilst this had not been submitted by the mother in her appeal, the Committee also felt that officers should consult with the school's SENCO officer to ascertain what support the school provide in class for the pupil especially as they did not have a Statement of SEN or Education and Health Care Plan (EHCP).

The Committee noted that in the mother's previous appeal for travel assistance only the first page of the DLA statement had been included. The Committee felt that it should have sight of the full document in order to ascertain the level of support provided from that source of funding.

In view of the above issues raised by the Committee, they felt that they should make a temporary award until the end of the October half-term and for the appeal

to be brought back to the Committee at its next scheduled meeting in October 2015.

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 up to the end of the October half-term 2015 to support them in the interim whilst officers in the Council investigate the points raised by the Committee and for the appeal to be presented at the next scheduled meeting of the Committee in October 2015.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3812 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 October half-term 2015 only; and
- iii. For officers in the Council to investigate the points raised by the Committee and for the appeal to be presented to the Committee at its next scheduled meeting in October 2015.

Appeal 3813

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 3.3 miles from their home address, and instead would attend their 3rd nearest school which was 3.8 miles away.

In considering the appeal the Committee noted that one of the reasons the family chose the school to be attended was the difficulties of transport to the nearest school as opposed to the straightforward bus route on offer to the school to be attended. The Committee also noted that the pupil's elder sibling received free travel to the same school.

In considering the appeal further the Committee was informed that the parents were not made aware of any change in the criteria for free travel to schools and that having the pupil attend the same school as their elder sibling would also ease the transition from a village primary school to a secondary school in a town. Furthermore, most of the pupil's peers were transferring to the same school.

The Committee acknowledged the family's reasons for choosing the school to be attended. However, they were advised that whilst these might have been valid reasons for preferring the school, these were not factors the Council could take

into account of when undertaking their transport assessments in accordance with their transport policy.

The Committee was advised that the village where the family resided fell within the geographical priority area (GPA) for the school to be attended and that prior to September 2015, existing pupils including the pupil's elder sibling would have qualified for free travel on the basis that the school was their GPA school, even though it was not their nearest school. The Committee was informed that the Council had changed its transport policy from September 2015 for new pupils starting at the school and that the previous discretion to pay travelling expenses to other than the nearest school (ie to the GPA school) had been removed. Subsequently, the Council was now purely assessing home to school transport claims as per statute (in law) in that the Council would now only meet the cost of travel for secondary aged pupils from non-low income families who attend their nearest school and lived more than three miles from it. In addition this now meant that for new year 7 pupils living in the village where the family resided the Council would now take into account in their assessments the nearer schools which included those in the nearby city.

The Committee was informed that the decision to change the transport policy was made after a consultation with schools and parents via the schools and the schools' portal in the Autumn Term of 2013 and that following this consultation, the Council finally decided to change its transport policy in February 2014. The decision to change the policy was again conveyed via schools and the schools' portal in the same month. In addition this information was covered extensively in the local media. Furthermore, the Council in its admissions literature they produced for parents in September 2014, when parents would have been expressing their preferences for secondary school places, drew parents' attention to the changes in the Home to School Transport Policy.

The Committee was informed that the Council had drawn to the attention of the mother the Area North Admissions Booklet which listed all the secondary schools in the area and in particular the page relating to the school to be attended where there was a specific insertion that made clear which areas parents need to reside in in order to qualify for transport. The village where the family reside was not one of those villages.

The Committee acknowledged the fact that many of the pupil's peers would be transferring with them to the school. However, these were not grounds which the Council had to take into account of in their home to school transport assessments.

No evidence had been provided to indicate that the family were unable to fund the home to school transport costs to the school to be attended. Neither was there any information to suggest 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 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 3813 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.

Appeal 3815

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 that the pupil came to live with their grandmother (the appellant) on 18th June 2014 for reasons as set out in the appeal and that the grandmother was granted Special Guardianship of the pupil. The Committee also noted that in the meantime the grandmother wished for the pupil to remain at the school attended, with their friendship group and where staff were aware of all the issues relating to the pupil. The grandmother felt that a change of school would be detrimental for the pupil both in terms of their education and their emotional wellbeing and was requesting transport assistance.

The Committee in considering the appeal further recalled that it had previously awarded temporary transport until the end of the 2014/15 academic year on the basis that the case could be reviewed at that time. The Committee noted that the family's circumstances had changed since the appeal was heard in November 2014, in that the grandmother had obtained a Special Guardianship Order. Furthermore, the Committee noted that the pupil was due to commence their final year in primary education.

Therefore, having considered all of the grandmother'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 pupil in their final year of primary education.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3815 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 2015/16 academic year (Year 6) only.

Appeal 3817

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 3.1 miles from their home address, and instead would attend their 2nd nearest school which was 3.2 miles away.

In considering the appeal the Committee was informed that the mother had stated the pupil was attending the nearest local faith school and as it was more than three miles from their home and that the pupil should be entitled to a free travel pass. The Committee noted that the mother had measured the distances to both the nearest school and the school to be attended by road route personally and by the use of online tools. The mother was of the opinion that measured by these means, the school to be attended was the nearer school.

The Committee was advised that the Council determines the nearest school by measuring the distance from home to school using the shortest suitable walking route which would inevitably use rights of way not applicable to motor vehicles and in many cases would provide a shorter distance. The Committee was informed that the Council's measurements had indicated that by this measure the nearest school was 260 metres closer to the home than the school to be attended. Had the pupil attended their nearest school they would have been entitled to free transport as it was more than three miles from their home. The Committee acknowledged the relatively short difference in distances to the two schools, but also acknowledged that the Council in order to be equitable to all families must enforce these distances strictly.

The Committee in considering the evidence provided in relation to the distances was informed that the online tool as used by the mother tended to measure from a post code which does not provide accurate measurements. Furthermore, the print out provided appeared to state road routes in the calculation of the journey.

In considering the appeal further, the Committee was advised that as the pupil was not attending their nearest school per se but was attending the nearest school of the family's faith the mother was required to contribute towards the total cost of travel by paying the denominational contribution. No evidence had been provided to indicate that the family was unable to meet the denominational contribution. Neither was there any information to suggest 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 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 3817 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.

Appeal 3819

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 3.6 miles from their home address, and instead would attend their 2nd nearest school which was 4 miles away.

In considering the appeal the Committee was informed that the pupil had set their heart on attending the school to be attended, which their elder sibling also attended and to which their friends were transferring to. The pupil expressed no desire to go to the nearest school which the father had accepted was the nearest school.

The Committee was also informed that the elder sibling received free transport to the school and that the pupil's friends who lived nearby had also been issued with free travel passes. The family did not understand why the pupil was not entitled as well.

The Committee noted the father's comments regarding the family's preference to attend a state-run grammar school rather than a school of a particular faith.

It was reported that the Council had refused the application on the basis that the pupil would not be attending their nearest school and that the pupil would have been awarded a place at the nearest school as it was one of their preference of schools, had they not expressed a preference for the school to be attended as a higher preference and passed the entrance examination to that school.

The Committee was informed that the pupil's elder sibling was entitled to free transport to the school because prior to September 2015, the Council did not take into account of faith schools in their transport assessment and so at the time of the assessment for the elder sibling this placed the school to be attended as the nearest for them. Regrettably, this now meant that for this pupil starting year 7 from September 2015, there was a nearer school and therefore were not eligible for transport assistance.

The Committee was advised that most of the pupil's peer group from primary school would transfer to the nearest school with only a small group transferring to the grammar schools.

With regard to the father's comments in respect of the family's faith, the Committee was informed that the Council would be prepared to reconsider the application if they could produce evidence to indicate that the nearest school was an inappropriate school for the family due to their religion. If this was proven the family would still be required to pay the denominational contribution which is asked of parents attending faith schools, when there is a nearer school available.

However, the Committee noted that the pupil previously attended a school of the same faith as the nearest school. Furthermore, the nearest school was also the family's second preference.

No evidence had been produced to indicate that the family were unable to fund the home to school transport costs for the pupil. Neither was there any information to suggest that the family was on a low income.

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 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 3819 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.

Appeal 3823

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 1.7 miles from their home address, and instead would attend their 7th nearest school which was 3.01 miles away.

In considering the appeal the Committee noted that it was the mother's wish for the pupil to attend the same school as, and travel with, their elder siblings. The Committee also noted the mother's point that the pupil was a high achiever and would do well at the school to be attended. The Committee also noted the family's circumstances and that the mother was working to provide for five children and would have peace of mind knowing that the pupil was with their elder siblings. The mother had to pay for school meals, and the cost of transport was a further charge on the family's limited income.

It was reported that the Council had confirmed that the pupil's two elder siblings received free travel to the school to be attended. However, these awards had been made at a time when the Council's transport policy was more generous and exercised discretion by allowing the payment of travelling expenses to other than the nearest school if the pupil attended their geographical priority area (GPA) school. However, it was reported that this discretion had since been removed for new pupils starting school from September 2015. Therefore, to qualify for transport assistance now, new secondary aged pupils from non-low income families must now attend their nearest school and live more than three miles from it.

The Committee acknowledged the mother's desire for the pupil to attend the school along with and to travel with their elder siblings. However, it was reported that whilst this was a preference which the Council had met, unfortunately it did not bring with it now an award of free home to school travel.

With regard to the mother's financial situation the Committee acknowledged the information provided in respect of the mother's tax credits awards, there was no evidence to demonstrate the severity the cost of transport would have on the family's budget.

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 3823 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.

Appeal 3824

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 7th nearest school which was 1.5 miles away.

In considering the appeal the Committee recalled that it had previously considered an appeal for the pupils at its meeting back in January 2015, whereupon it had made a temporary award until the end of the academic year (2014/15) to support the pupils and the grandmother in the interim. The Committee was informed that the grandmother was now requesting continuance of the transport arrangements as the family's situation remained the same.

The Committee noted the reasons how the pupils came to live with their grandmother and that the grandmother had specific duties of care towards them. The Committee also noted that the situation surrounding the pupils' parents remained the same and in view of this, the Committee felt that it should make a further temporary award until the end of the forthcoming academic year (2015/16) to assist the pupils and the grandmother in the interim.

Therefore, having considered all of the grandmother'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

pupils up to the end of 2015/16 academic year to support them and the grandmother in the interim.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3824 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 2015/16 academic year (Year 5 for the elder sibling and Year 1 for the younger sibling) only.

Appeal 3826

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 2.7 miles from their home address, and instead would attend their 33rd nearest school which was 10.8 miles away.

In considering the appeal the Committee noted the mother had stated that "every local parent/child who attended the school they had spoken to received a free bus pass" including their neighbours. The Committee noted that the mother felt the pupil would be singled out as their peers would be receiving free travel and that having to pay for a season ticket would have a detrimental effect on the family's finances. The Committee also noted the pupil's health problems.

It was reported that the Council's Home to School Transport Policy was previously more generous and granted free travel to children who attended their geographical priority area (GPA) school, even if there were schools closer to the home. However, with effect from September 2015, for new pupils, this discretion no longer applied. Only pupils who attended their nearest school, and the distance criterion was met would be entitled to free transport. The Committee was advised that no new year 7 pupils living in the village where the family reside was entitled to free transport to the school to be attended as there were many closer schools. Furthermore, the Committee was advised that only older pupils who qualified under the previous policy, would continue to receive free travel to the school.

Whilst the Committee acknowledged the information provided in respect of the pupil's health problems no evidence had been provided to substantiate these points. In addition, the Committee was informed that for transport assessment purposes these were not factors the Council could take into account in the circumstances when a pupil did not attend their nearest school.

When considering the severity of the cost of the season ticket on the family's household budget, no evidence had been provided to corroborate the mother's

claims. The Committee was informed that in the admissions literature the Council had produced when parents were making their preferences of secondary schools, made it clear to parents to contact the Council before making their preferences if travel costs were a determining factor in their preference of schools.

The Committee was informed that the Council disputed the mother's statement that by having to pay the pupil's bus fares the pupil would be singled out as the Council had confirmed that none of the pupil's peers from the village where they lived or in the area where they attended primary school would be entitled to transport to the school to be attended. Furthermore, even pupils from low income families would not be entitled, as there were many nearer schools.

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 3826 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.

Appeal 3827

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 3rd nearest school which was 1.7 miles away.

In considering the appeal the Committee noted that it had previously awarded temporary transport for the pupil until the end of the 2014/15 academic year to support both the pupil given their health problems and the father given his financial circumstances. The Committee noted that the pupil would commence their final year of GCSE studies and that the family's circumstances remained unchanged.

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 2015/16 academic year to support them in their final year of GCSE studies.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3827 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 2015/16 academic year (Year 11) only.

Appeal 3828

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 8.3 miles from their home address, and instead would attend their 2nd nearest school which was 9.1 miles away.

In considering the appeal the Committee was informed that the father had stated that the preference for the school to be attended was made on the grounds that it was the geographical priority area (GPA) school for the area in which they lived and that the pupil was therefore assured of a place there, which might not have been the case had they indicated a preference for any other school. The father went on to state that the admissions booklet for the school advised that the parish where the family resided was in the GPA for the school and that on the same page under the header for "transport" it stated that "pupils living in the priority areas [with exceptions] may be entitled to travelling expenses to the school provided they reside three miles or more from school...". Whereas the insertion for the nearest school had specifically excluded the parish from the list of parishes where pupils would be eligible for transport assistance.

The Committee also noted the father's findings in that he had noted "the shortest suitable walking route... which include roads and bridleways" and that suitability was not determined by factors such as loneliness or other associated dangers. The father had suggested that by these criteria, the school to be attended was the nearest school, by a route which measured at 6.68 miles over the fells.

The father was of the opinion that the pupil qualified for free travel to the school and felt that the decision to refuse the pupil free transport contradicted the Council's own policies and guidelines.

It was reported that the Council had refused the application on the basis that the pupil would not be attending their nearest school. Prior to September 2015, the Council exercised discretion within its Home to School Transport Policy and allowed the payment of travelling expenses to other than the nearest school, if the pupil attended the nearest geographical priority area (GPA) school. The Committee was informed that the pupil lived in the GPA for the school to be attended, however, the Council had determined that there was a nearer school. The Committee was advised that the pupil's elder sibling received free transport to the school. However, this was awarded under the former more generous policy.

The Committee acknowledged the father's findings in respect of the walking route to the school to be attended and whilst they were advised that this route would not meet the criteria as an unsuitable walking route, the Committee concurred with the Council in that they felt this would not be a suitable route for a pupil to walk.

The Committee was informed that the Council had accepted the transport insertions for the two schools offered conflicting advice. However, it was reported that the Council did advise parents through the same literature that if the payment of home to school transport costs was an important factor in their preference of school, to check with the Council before making their preferences. The Committee noted that the school to be attended was the family's only preference at the time of application for a secondary school place.

No evidence had been provided to indicate that the family were unable to meet the home to school travel costs. Neither was there any information to suggest that the family was on a low income.

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 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 3828 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.

Appeal 3829

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 2.3 miles from their home address, and instead would attend their 12th nearest school which was 6.2 miles away.

In considering the appeal the Committee noted the mother's comments in that her family lived in the "catchment area" for the school to be attended and emphasised that they lived in a specific borough and that this was their nearest borough school whereas the nearest school identified was in a neighbouring borough. The mother quoted from the admissions literature as to "who is entitled" to transport assistance, and had interpreted that as being secondary aged pupils attending one of their three nearest schools between two and six miles away. Furthermore, the mother had stated in her appeal that the Council had not given the family any information about travel assistance.

It was reported that the Council had confirmed that the family lived in the GPA for the school to be attended. However, the Council's former Home to School Transport Policy was more generous and allowed free travel to their GPA school, even if other schools were closer to the home. This discretion had been removed for new pupils starting at school from September 2015. The Committee was advised that this change of policy was made clear to parents in the Council's admissions literature which it produces. Furthermore, the literature also urged families to contact the Council if they wished to know about transport assistance especially if this was an important factor in their preference of schools.

With regard to the mother's interpretation of the transport policy, the Committee was advised that the extract quoted by the mother only applied to those pupils of parents on low incomes. The Committee was informed that pupils who were eligible for free school meals or whose parents were in receipt of maximum working tax credits were defined in law to be on a low income. Pupils who are from low income families therefore receive extended rights to free travel to their three nearest schools, provided the distance criterion is met (two to six miles). The Committee was advised that even if the pupil met the low income criterion, they would still not be entitled to free travel to their 12th nearest school, which was more than six miles away.

It was reported that the Council disputed the charge that parents were not given any information about transport assistance. The Council's admissions literature to which the mother had quoted from includes detailed information about home to school transport for each school.

The Committee also noted that the pupil would attend their second preference of school and that had they been offered a place at their first preference of school, which was even further away from the home, they would not have been entitled to free travel to that school.

No evidence had been provided to indicate that the family were unable to meet the home to school travel costs. 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 3829 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.

Appeal 527847

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a secondary school 6.83 miles

from the home address as opposed to the nearest suitable school which was 0.69 miles away.

In considering the appeal the Committee noted the pupil's health problems and how this affected them in their daily life. The Committee was informed the pupil found change very difficult to cope with and parents were concerned about sending the pupil to the wrong school with the wrong environment as this would be detrimental to their wellbeing and education. The parents felt that the school to be attended offered a more disciplined environment due to its caring and faith ethos promoting values and morals which the pupil felt comfortable with. Parents therefore felt that the pupil's needs would be best met at the school to be attended. The Committee also noted the level of support that was required of the school each week.

The Committee was informed that one of the main reasons the family believed that the school to be attended was the right school for the pupil and their needs was that it offered children who were more academically disadvantaged the opportunity to attend a particular college on a day release basis and the pupil had expressed a keen interest in this as they felt it would help them in becoming more independent.

The Committee was informed that the transition from primary to secondary school would be a daunting prospect for the pupil and that the mother felt the pupil must attend a school that would best serve their needs and to be in an environment where they felt happy, secure and understood. Furthermore the pupil had always wanted to attend the school to be attended. Parents stressed in the appeal that this was the pupil's preference and not theirs.

It was reported that when the family visited their nearest school, both the parents and the pupil felt it was not suitable for them for a number of reasons. Even though the school was the other smaller high school in the area the family felt the day to day atmosphere was much noisier and more crowded than the school to be attended. The parents stated in their appeal that the nearest school was a drama and performing arts school and both the parents and the pupil expressed concern in being able to participate in such activities.

The Committee noted that the pupil wanted to become more independent but was not at the stage where they could travel with confidence. In addition the Statement Review clearly stated that they were not ready to make their own way to school. Parents felt that if the pupil was forced into attending the nearest school due to transport funding restraints they would not be able to cope mentally with the reasons why they were unable to travel independently unlike their peers. Parents also felt that this could lead to the pupil being more prone to bullying.

The Committee was informed that the parents believed that if the pupil could travel on the school bus to the school to be attended then this would give them the independence and security they required. In addition there was a monitor system in place providing discreet support. Parents felt that school transport either private or normal school bus was the safest way for the pupil to travel to any school. The Committee noted that if the bus provision was by a private firm,

the parents had assumed that the driver would look out for the pupil's safety. Parents also suggested that transport provided by a nearby town could not offer the care and support the pupil needed and was therefore not an option.

In considering the appeal further the Committee noted that the pupil had a Statement for which the education system receives funding. The parents had asked whether this could be extended to allow the pupil to attend the right school for their individual needs and happiness.

In considering the parents' appeal the Committee was informed that the Council was able to name the school to be attended as the school for the pupil from September 2015, in line with parental and the pupil's preference, but with specific wording indicating that this was not the nearest most appropriate school and therefore parents would be responsible for transporting the pupil to school. The Committee was informed that a Final copy of the Statement of SEN confirming these details were sent to the parents on 10th February 2015. However, parents disputed that they ever received this. The Committee felt that irrespective of this, parents should have been informed from the outset what the situation regarding transport was when they were making their preferences for secondary school admission. Furthermore, parents with children who have SEN receive support from the Council whilst in their final year at primary education to assist them in preparing for the transition into secondary school. Had parents expressed a preference at this time, the Committee felt that the Council should have informed the parents what the position was with respect to transport assistance.

The Committee acknowledged the parents' concerns with respect to the nearest school in comparison to the school to be attended. However, there was no evidence to demonstrate any of these points raised. The Committee also felt that with regard to the nearest school's specialism, had the pupil attended that school, then that school would have had to implement the necessary support for the pupil in line with their Statement of SEN and it was suggested that the pupil might not have participated in such specialist activities and that perhaps other support would have been put in place for them instead. The Committee noted that it was the view of the Council that both the nearest school and the school to be attended were able to meet the pupil's needs as outlined in their Statement of SEN. In addition, the level of funding agreed for the pupil's education would enable either schools to provide the required additional adult support in order to manage the demands of the curriculum. The Committee noted that schools were expected to make 'reasonable adjustments' to meet the needs of a child with a Statement of SEN.

In considering the appeal further, the Committee felt that whilst the Council had stated a particular school was the nearest suitable school over and above the one to be attended this did not mean that the Council had said that the pupil should be forced to attend that school, just that the Council could not award transport in accordance with its transport policies to attend a school that was their 11th school and was 6.83 miles away. The Committee in looking at whether the family would have qualified for denominational transport noted that the pupil was offered a place under category 'G' - 'other children' and therefore did not qualify for a reduced rate of transport costs under denominational grounds as defined in

the Council's transport policy. Also, no evidence had been provided to substantiate that the school was the preferred option on the grounds of religion or belief.

The Committee in considering the family's financial situation, had noted that they not in receipt of free school meals or maximum working tax credits which were the normal indicators of a family being on a low income as defined in law. Furthermore, no evidence had been provided to suggest that the family were unable to fund the cost of transport to the school to be attended. The Committee therefore felt that it was parental preference and indeed the pupil's preference to send the pupil to the school to be attended. The Committee was advised that in such instances the responsibility for making the transport arrangements rested with the parents, rather than 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 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 527847 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 and the policy on the provision of transport for pupils with special educational needs.

Appeal 574700

At its meeting held on 13th July 2015, the Committee resolved:

"That Appeal 574700 be deferred until the next scheduled meeting of the Committee in September 2015, in order for the Committee to receive:

- i. Advice on a discrepancy in the Appeal Schedule relating to the pupil's ability to walk when accompanied by an adult;
- ii. Information on the family's financial standing;
- iii. Information as to who currently resided at the family home; and
- iv. A map showing the routes the mother would have to take on the school run complete with distance measurements."

In considering the appeal further, the Committee was advised that the original appeal schedule had a typo which caused the discrepancy whereupon it had subsequently been confirmed that the pupil's Statement of SEN did not record any physical difficulties which would prevent the pupil from walking the distance to school. In addition there was no evidence to suggest that the pupil could not walk the distance when accompanied by an adult and therefore did not meet the criteria for transport assistance on SEN grounds.

In considering the financial information provided the Committee noted the mother's circumstances and the detail relating to her income and benefits. However, no evidence had been provided to substantiate the information provided and the Committee could therefore not determine the full extent of the family's financial situation.

The Committee noted that the household consisted of the mother, the pupil concerned and two younger siblings who attended a primary school (which was 0.86 miles from the home). The Committee was also provided with maps detailing routes to both schools. The Committee noted that the Council had stated that the school to be attended was 1.8 miles from home. However, the mother disputed this by stating that it was 1.2 miles from home. In considering the mother's situation regarding the combined school run, the Committee was informed that the start and finish times for both schools differed in that the school to be attended started 15 minutes later and finished 15 minutes earlier than the primary school. Furthermore, it was reported that the school to be attended would be happy to make reasonable adjustments in being flexible with start and finish times as long as it did not interfere or affect the pupil's learning and progress in anyway. The Committee noted there was a breakfast club at the primary school which could be utilised, but only some after school club provision at the school to be attended. The Committee also noted the situation regarding the father. However, the Committee noted that both schools were within statutory walking distance from the home. Furthermore, there was no professional medical evidence to suggest that the pupil was unable to walk the distance when accompanied by an adult.

The Committee was informed that in accordance with the Council's transport policy the decision to provide transport was based on the pupil's needs and meant that the Council was unable to take into account parents' work or other commitments, nor attendance by siblings at other schools when considering home to school transport entitlement.

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 574700 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 and the policy on the provision of transport for pupils with special educational needs.

Appeal 1250341

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 4.7 miles from the

home address as opposed to the nearest suitable school which was 2.6 miles away.

The Clerk to the Committee reported that an email dated 2nd September 2015 had been received from the uncle. Copies of the email were handed out to the Members of the Committee.

In considering the appeal the Committee noted that the appellants felt that the decision not to approve transport to the school to be attended was financially motivated. The Committee also noted that the parents believed the school could better meet the pupil's physical, emotional and educational needs better and 'in-house' in comparison to the nearest school.

The Committee was informed of the reasons why the appellants chose the school to be attended over and above the nearest school and that the appellants wished to avoid any upheaval throughout the pupil's education. The Committee noted that the school to be attended could provide a place until the age of 19 whereas the nearest school could only provide a place up to year 6. In addition the appellants felt that the pupil would greatly benefit from the 'move' programme that the school provided and the hydrotherapy pool that was on site.

The Committee noted that the appellants were aware that six other children/young people currently travelled to the school from a specific post code area and felt that the pupil could share transport. Parents also stated that it was their intention to move to a bigger property in two specific areas. The Committee also noted that the appellants had three other children who also needed transporting to school and were unable to transport the pupil as well. In addition it was reported that the uncle had recently started full time employment which would leave his partner to carry out the combined school run for all the children.

In considering the appeal further the Committee noted the pupil's health problems and how they came to live with their maternal aunt and uncle. The Committee also noted the level of professional support in place for the pupil and felt that they all supported the move to the school to be attended. The Committee in considering the needs of the pupil felt that they should make an award of transport assistance to support the pupil and to help maintain the family's circumstances and avoid any further upheaval for the pupil. In noting that the family were looking to move, the Committee felt that it should make a temporary award until the end of the pupil's key stage 1 and suggested that the appellants reapply for transport when the time approaches.

Therefore, having considered all of the auntie'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 2019/20 academic year (Year 2) to support the pupil until the end of their Key Stage 1 and for transport to be reviewed when the time approached.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 1250341 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 2019/20 academic year (Year 2) only to be reviewed.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston