

## **Lancashire County Council**

### **Student Support Appeals Committee**

#### **Minutes of the Meeting held on Monday, 25th April, 2016 at 10.00 am in Room B15b, County Hall**

#### **Present:**

County Councillor Sue Prynn (Chair)

#### **County Councillors**

A Cheetham

B Yates

C Dereli

\*County Councillor B Yates replaced County Councillor D Stansfield for this meeting only.

Also in attendance:

Ms L Brewer, Solicitor, Legal and Democratic Services; and  
Mr G Halsall, Business Support Officer, Legal and Democratic Services

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

None were disclosed.

#### **2. Minutes of the meeting held on 29th February 2016**

The Chair reported to the Committee that the final sentence at paragraph four on page 7 of the minutes should be removed, as this evidence confirming foster carers claims for transport costs was received after the meeting had taken place. The Committee agreed that it should be removed from the minutes.

**Resolved:** That; subject to the above amendment, the Minutes of the meeting held on the 29th February 2016 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 Monday the 6th June 2016 in the John of Gaunt Room (Former County Mess Room), 2nd Floor 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 9 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 2015/16, and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

### **Appeal 3943**

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 3.75 miles from their home address, and instead would attend their 4th nearest school which was 5.05 miles away. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Clerk reported that since the agenda had been posted to members of the Committee, the mother had submitted an additional statement in support of the appeal. Copies of the statement were handed out to all members at the meeting.

In considering the appeal the Committee noted that due to circumstances surrounding the father's health problems the family were forced to move out of their previous accommodation and seek rented accommodation. The Committee also noted that both pupils had commenced their GCSEs and that from their previous address they were entitled to free travel.

Whilst the Committee noted the reasons for not attending what was now considered their nearest school since the house move, no evidence had been provided to substantiate the bullying allegations. However, the Committee felt that it should make an award for both pupils for the remainder of their secondary education in order to support the family given the circumstances surrounding the house move and the pupils' education.

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 persuaded that there was sufficient reason to uphold the appeal and provide travel assistance for both pupils up to the end of 2016/17 academic year for the elder sibling and up to the end of the 2017/18 academic year for the younger sibling in order to support the family.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3943 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2016/17 academic year (Year 11) for the elder sibling and up to the end of the 2017/18 academic year for the younger sibling (Year 11) only.

### **Appeal 3987 and 3991**

At its meeting held on 18th January 2016, the Committee resolved:

"That Appeals 3987 and 3991 be deferred until the next scheduled meeting of the Committee on the 29th February 2016 in order to obtain the Special Guardianship Order from 2009, the CAF assessment for the younger sibling (3991) and financial evidence."

The Clerk reported that whilst there was only an appeal schedule supplied in relation to appeal 3987, the schedule had been amended to incorporate developments since appeal 3987 and 3991 had been deferred by the Committee and that the amendments actually applied to both appeal 3987 and 3991 as evidence had been supplied in relation to appeal 3991 along with evidence of the Special Guardianship Order and a statement about the family's finances as requested by the Committee. The Clerk informed the Committee that officer's comments no.5 on the appeal schedule was the amended part of the schedule and that all previous documentation relating to appeal 3987 and 3991 as considered by the Committee at its meeting on 18th January 2016 had also been supplied.

In considering the appeal further the Committee noted that whilst a statement had been provided in relation to the family's financial circumstances no actual evidence had been provided to substantiate their claims. Furthermore, no evidence had been provided in relation to the benefits the grandmother was in receipt of. The Committee also noted that the copy of the Special Guardianship Order was incomplete and that only the first page had been provided and that the CAF assessment for the younger sibling (3991) had not been provided but instead the latest TAF report from 3rd March 2016 had been provided.

However, in considering the appeal the Committee felt that the eldest sibling (3987) was more vulnerable given the circumstances surrounding the father. The Committee also noted that the younger sibling (3991) would be commencing their SATs tests in a few weeks time and would therefore be completing their final year at primary school. The Committee was informed that both pupils were currently on discretionary transport until the outcome of this appeal was known. The Committee also noted from the TAF report from the 3rd March 2016 in relation to the younger sibling (3991) that measures were being put in place with the secondary school they would be transferring to which the elder sibling (3987) also attended.

The Committee therefore felt that it should make a temporary award in order to support the younger sibling (3991) during the final months of their primary education and to support the elder sibling (3987) in the interim. However, the Committee suggested that if the family was to appeal for transport in readiness for the 2016/17 academic year, then the family should provide evidence in relation to the benefits they were in receipt of along with supporting evidence from the school.

Therefore, having considered all of the grandmother's and the uncle's comments and the officer responses as set out in the Appeal Schedules, application forms and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for both pupils up to the end of 2015/16 academic year to support the pupils in the interim.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3987 and Appeal 3991 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 for both siblings in accordance with i. above be up to the end of the 2015/16 academic year only.

### **Appeal 4000**

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 within statutory walking distance, and instead would attend their 15th nearest school which was 4.1 miles away. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising

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

In considering the mother's appeal the Committee noted the circumstances surrounding how the pupils came to live with the mother and that the school attended had provided every possible opportunity to help and support the pupils during this difficult time and that a change of schools would be detrimental to their educational and emotional wellbeing. The Committee also noted that the school's Senior Intervention Officer supported the mother's view.

The Committee in considering these points noted that the mother's appeal mainly referred to the support provided by the school in relation to the elder sibling and their mental wellbeing. In addition the letter from the GP also gave their opinion that the elder sibling would benefit from remaining at the same school for continuity and for their mental wellbeing. The Committee felt that there was no evidence about the younger sibling. However, the Committee noted that the elder sibling was due to commence studying for their GCSEs and therefore felt that it should support the elder sibling in order to provide stability for them.

The Committee noted the mother's statement that she regained full custody of the children. However, there was no supporting information or evidence in relation to whether there was any children's social care involvement with the pupils going to live with their mother or whether this was by default after the father had passed away. In addition the Committee felt that there was no information about the mother's current circumstances for them to assess any potential vulnerability.

In considering the appeal further the Committee noted that the mother was on a low income as defined in law and that she had to pay £30 per week on bus fares for the pupils. It was not clear from the information provided whether the pupils were in receipt of free travel to the school attended from their previous address. However, no information had been provided in relation to the mother's financial situation to substantiate that she was unable to fund the cost of the bus fares.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide travel assistance for the elder sibling up to the end of 2017/18 academic year to provide stability and support for their education. However, in relation to the younger sibling the Committee was not persuaded that there was sufficient reason to uphold the appeal. It was therefore;

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4000 be allowed for the elder sibling on the grounds that the reasons put forward in support of the appeal for the elder sibling were considered worthy of the Committee exercising its discretion to grant an exception and award travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16;

- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2017/18 academic year (Year 11) for the elder sibling only;
- iii. Having considered all of the circumstances and the information as set out in the report presented, appeal 4000 be refused for the younger sibling on the grounds that the reasons put forward in support of the appeal for the younger sibling 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 4003**

It was reported that a request to extend the discretionary transport in the form of a taxi had initially been refused. The Committee noted the location of the family and that the Council had assumed and calculated the distance based on this location to the school attended to be approximately two miles away. However, the Committee also noted that the nearest school was within the statutory walking distance for a pupil from a low income family.

In considering the appeal the Committee noted the circumstances surrounding the upheaval of the mother and her two children. It was reported that discretionary transport in the form of a taxi had been commissioned as from the information provided to the Council at the time indicated that the alleged perpetrator lived in close proximity to the school attended by the younger sibling and therefore the pupil concerned in this appeal and that there was a significant risk to the mother if she had to transport the pupil to and from school either on foot or by public transport. In addition the mother did not have access to a car. The taxi had been provided for a period of twelve weeks and the mother was now requesting an extension of this support. A copy of a map showing where the alleged perpetrator resided in relation to the school was handed to members which confirmed that the property was across the road from the school attended.

However, the Committee was informed that during the time the taxi had been in operation the Council understood that the mother had chosen to visit the marital home to collect the elder sibling who attended a secondary school using the taxi provided by the Council. Furthermore, the elder sibling had now chosen to go back and live with the alleged perpetrator. It was reported that the Council had since ceased the transport arrangement for the elder sibling since the pupil had no entitlement to discretionary transport now that they were living back with the alleged perpetrator.

In considering these points, the Committee could not ascertain the level of risk to the mum or the pupil concerned given recent events and a lack of evidence to support the appeal. The Committee was informed that the Children's Support Worker involved in the case had been contacted by email on 16th February and 4th March 2016 to provide any supporting evidence in respect of risks to the pupil and the mother if the transport was ceased. It was reported that the Children's Support Worker had repeatedly re-submitted the mother's signed appeal form with the last response being received on 30th March 2016. The Clerk explained

to the Committee that this was the reason why there was so much duplication in the paperwork for the appeal in order to substantiate the officer's attempts to obtain supporting evidence.

The Committee in considering these points further noted that there was a reference to the pupils being on a CIN plan. However, this was not supplied in support of the appeal for the pupil concerned. Furthermore, references were made to the mother scoring as high risk from a CAADA risk identification checklist and that the case had been referred to MARAC. No report or evidence from MARAC had been provided in support of the case either. The Committee therefore felt that it could not determine the level of risk in this matter in order for the taxi provision to continue and after considering all of the comments in support of the appeal 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 on the information provided.

However, the Committee suggested that if the mother could provide supporting evidence such as the CIN plan for the pupil concerned, a report from MARAC and a revised risk assessment then she should be allowed a re-appeal.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4003 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 4010**

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 2.57 miles from their home address, and instead would attend their 23rd nearest school which was 9.76 miles away. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted that she could not afford to pay the bus fares to school as she was now a single parent on a low income and was finding it difficult to fund two sets of bus fares which amounted to £138.40 per month. The mother had advised that she earned £863.63 per month from her job.

It was reported that following a request for more detailed information, the mother had provided a breakdown of her incomings and outgoings. However, the Committee noted that no actual evidence of the mother's financial situation had been provided. The Committee noted that the mother was not on a low income as defined in law. No evidence had been provided to substantiate the working tax

credits and child benefit the mother was in receipt of. In addition the Committee felt that the mother in her statement had alluded to the father having provided some financial support despite her comment that the father was also on a low income and was struggling to pay off his debts. However, no evidence was provided to corroborate whether the father was contributing to the family's financial situation or not.

The Committee noted the mother's statement that her address was in a specific borough and that she paid her council tax to a specific borough council and felt that she was worthy of a place at a school within the borough for her children. The Committee was advised that parents are free to express a preference for any school regardless of local authority boundary and that just because a parent paid their council tax to a specific borough it did not entitle them to a place at the school over and above any other school.

In considering the appeal further the Committee noted that the elder sibling was not offered a place at their first preference school being the one now attended, but was offered a place at the next nearest school. The Committee was informed that the family appealed against this decision as the next nearest school no longer offered a specific subject at GCSE level. The Committee also noted that the family expressed a preference for the younger sibling at the same school and was awarded a place on the sibling criteria. The Committee was also informed that the mother was concerned about the impact a change of school would have on the elder sibling as they were part way through their GCSEs. In addition the younger sibling had additional needs which meant that the pupil would struggle in a larger school. A letter of support in relation to the younger sibling had been provided from the school's SENDCO.

Whilst the Committee acknowledged the letter from the school's SENDCO, they felt that this did not represent a professional medical view that suggested the school attended could better meet the younger sibling's needs than any other mainstream school.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4010 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 4022**



It was reported that a request for transport assistance in the form of a discretionary taxi had initially been refused as the pupil did not appear to have short term medical incapacity and that from the evidence provided it was suggested that the taxi would be required for more than twelve weeks. The Committee was informed that the pupil concerned would attend a secondary school 6.97 miles from the home address as opposed to the nearest suitable school which was 0.4 miles away and was within statutory walking distance.

In considering the mother's appeal the Committee noted the pupil's health problem and that they could only attend school on a part time basis. In addition both the pupil's Consultant Paediatrician and Clinical Psychologist agreed that the pupil needed to access transport in order to reintegrate to school. It was also confirmed by a medical professional that the pupil was not physically able to catch a bus. Furthermore, the mother was a single parent on a low income and could not afford the cost of a taxi to school.

In considering the appeal further it was not clear from the information provided as to whether the family had paid the parental contribution for school transport for the current academic year. The Committee agreed to adjourn the meeting so that the Clerk could ask the Pupil Access Team to confirm this point.

Upon returning to the meeting room the Clerk informed the Committee that the County Council owed the family money and that the contribution for the current academic year had therefore been paid. The Committee was advised that following this new information, the Council would have to make necessary transport arrangements for the pupil.

However, the Committee noted the details of the specific request as set out in the email from the Clinical Psychologist which stated that in order to help the pupil take the next steps to recovery they needed a daily taxi where the pickup time from home can be adjusted on a weekly and sometimes daily basis according to how they were coping with the physical demands and that it was their goal to increase the length of the day steadily but slowly. The details also stated that it was probably advisable that the pupil is picked up by the mother so that the fine tuning could be worked out between the mother and the school. The Committee felt that as there was no specified timetable/arrangements to reintegrate the pupil back in to full time education, the Transport Team at the Council should assess what provision was appropriate given the circumstances surrounding the pupil's progression. The Committee was advised that the pupil could not have a bus pass so the remaining options would be to consider paying a mileage allowance to the mother or the provision of a taxi.

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 on the basis that the mother had paid the contribution for this current academic year and provide temporary travel assistance for the pupil up to the end of 2015/16 academic year to support the pupil, but for the Council's Transport Team to discuss appropriate provision with the family given their circumstances.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4022 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 9) only; and
- iii. For the County Council's Transport Team to assess what form the transport award is considered appropriate for the circumstances of the pupil and the family.

**Appeal 532090**

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 0.83 miles from their home address and was within statutory walking distance, and instead would attend a school at a far greater distance than all secondary schools in the area which was 27.4 miles away. The Committee noted that officers in the SEN Team had used online measuring tools to determine the distance to the school attended rather than the Council's bespoke measuring software. The Committee also recalled that it had previously considered an appeal for this pupil back in July 2015 and further noted that the distance had been calculated at 27.58 miles from the home address.

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

The Clerk reported to the Committee that since the agenda had been posted out to members of the Committee, the mother had provided additional information and evidence in support of her case. Copies of which were handed out to all members present.

In considering the mother's appeal the Committee noted that the second request for transport was due to changes in the pupil's circumstances and the family's circumstances. The Committee also noted the circumstances leading up to the pupil now living with their grandparents since 1st January 2016 and that these circumstances had a considerable impact on all areas of family life. It was reported that the family were voluntarily following guidelines in order to deal with the situation, which had been made worse by long delays in all areas during the process. It was also reported that the school attended were made aware of the situation immediately by the family and subsequently by Children's Services. The Committee was informed that staff at the school had been extremely supportive

of the pupil and their family and had prepared a risk assessment plan which had allowed the pupil to continue attending school and was now supervised 100% of their time in school.

Amongst the additional evidence provided by the mother, the Committee noted the email correspondence dated 6th February 2016, between school and the SEN team at the County Council along with a copy of the pupil's risk assessment. The Committee also noted the additional comments box on the Appeal Schedule and the reference to the pupil's current circumstances and risk management plan were likely to present a significant barrier should local headteachers be asked to consider a transfer into their school. The Committee was advised that full supervision arrangements were nothing new to schools and that a number of pupils at a number of schools across the County were currently on full supervision arrangements and that schools would not have a choice in the matter and would have to look to make adjustments accordingly if a parent chose to transfer such a pupil provided a place was available. However, the Committee noted that there was a reference in the email to a MAAM meeting where "there was a recommendation that school approach the County [Council] to see if a taxi could be funded to bring the student to and from school. The professionals at the meeting thought this might be accessible as there is no other school within [their] local area that would take the student concerned". The Committee noted that no evidence had been provided in respect of the MAAM meeting, neither was there any information as to which professionals were involved in that meeting. The Committee acknowledged the mother's assertiveness in dealing with the circumstances. However, the Committee felt that there was no evidence to substantiate that the school attended was the only suitable school for the pupil and also felt that the new circumstances could be dealt with in nearer schools.

The Committee noted the officer's comments in relation to the pupil's emotional difficulties and how the Educational Psychologist had noted the possibility that an unsettled early life had impacted on their learning, social, emotional and behavioural development which had most probably contributed to a delay in their cognitive development and exhibiting challenging behaviour. The Committee also noted the officer's comments in relation to the Educational Psychologist's view regarding the high level of support the pupil would need in order to "translate and interpret the world" for them and that staff at the school attended were able to provide a small supportive environment teaching environment and were experienced in working with pupils with complex social and emotional needs.

In conjunction with the above the Committee also noted the Educational Psychologist's advice suggesting that the pupil would benefit from a small nurturing environment. The Committee noted in the Appeal Schedule that current numbers on roll had been given for the school attended versus three other local schools to where the family resided. However, there was no other evidence in relation to the very many nearer schools. The Committee was informed that even discounting special schools, there were very many nearer schools than the one attended. The Committee therefore felt that they could not determine the suitability of the school for the pupil in comparison to all the other nearer schools.

The Committee noted that the mother had also stated that she was "not "after" money, I am "after" support". In considering the appeal further the Committee noted that transporting the pupil to school had been a challenge for the family prior to the incident, with siblings attending different schools. It was reported that since the pupil had been living with their grandparents, great planning had to be undertaken each week and day to get the pupil to/from school safely. Travel was currently being shared between the mother, grandparents and one of the mother's aunts and uncles. However, the pupil's father was often away with work and was rarely able to assist with getting the pupil to school or collect them. The family felt that help with transport would give the pupil the security they needed in order to start to make sense of the world around them. School was willing and able to give the pupil the chance they needed to deal with the situation. Furthermore, the parents felt that the school attended remained the most appropriate and supportive school for the pupil, particularly during this period.

It was reported that the pupil was living with their grandparents at an address that was 26.58 miles away from the school attended. No information had been given to demonstrate the planning that had to be undertaken with the school run for the pupil concerned. However, further information had been sought in relation to the pupil's siblings in order to determine the issues the family faced with the combined school run each school day. It was reported that the younger sibling who attended primary school was dropped off either by the mother or the father. The Committee noted that the primary school attended was not their nearest school. In addition it was reported that the elder sibling attended a school in a different county and either boarded at the school or caught the school bus. The Committee noted that this was not the nearest school either. It was not clear what the school bus arrangements were for the elder sibling, whether the family paid in full, contributed towards the total cost or whether it was provided by the school attended or commissioned by the local authority. There was no information to suggest that the family had not considered use of before and after school club provision for the younger sibling at primary school. Furthermore, the Committee was informed that the Council's Transport Policies did not allow for sporadic support or to and from multiple addresses and that if transport was awarded it would be to and from one address for every school day.

The Committee noted that when choosing schools for transfer into secondary school parents considered the special school option for the pupil, but after careful consideration had confirmed that their preference for the pupil was for a mainstream secondary school. However, the Council whilst accepting parental preference had reminded the parents of the Council's Transport Policy which was that a transport request would only be considered to the nearest most appropriate school. The Committee also noted that parents had understood this policy, but decided that in their view the school attended was the most appropriate for the pupil and the Council was able to name the school to be attended at that time as the school for the pupil from September 2015, in line with parental preference but with the specific wording indicating that this was not the nearest most appropriate school and that parents would be responsible for transporting the pupil to school. Parents were sent the Final EHC Plan confirming the above details.

The Committee in considering the Educational Psychologist's report against the length of the journey and the possible time taken to get to the school attended and back against the mother's request for transport felt that a near 60 mile round trip each day would be unfair and not a suitable environment for the pupil given their needs.

The Committee noted that no evidence had been provided to demonstrate that the parents were unable to fund the cost of transport. However, in the additional information sent by the mother, the Committee noted that the application was not made because they could not pay the petrol, or indeed her parents. The Committee felt that this was an admission on the part of the mother that they could fund the cost of transport. The Committee therefore felt that there was no issue for parents in funding the cost of transport themselves.

The Committee was informed that the mother could not express enough that they chose the school attended not out of stubbornness, but because the pupil had been out of mainstream school for nearly two years and this was the one place that the pupil could succeed, as recommended by the Council's Educational Psychologist. The Committee was advised that the pupil's most recent advice did not suggest a named school, as this was not within the remit of the Educational Psychologist.

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 532090 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 532354**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 1.4 miles from their home address and was within the statutory walking distance and that there was no evidence to suggest that it would be unreasonable for them to walk accompanied as necessary. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the father's appeal the Committee noted that he worked full time and that his contract meant that he was unavailable at school times at both ends of the school day for the reasons as set out in the appeal. The Committee also noted that the family had three other children - two elder siblings who attended a secondary school and the other, a younger sibling who attended a primary school. The Committee was informed that the mother could not drive and the family only had one car and that the mother walked with the child who attended the primary school. Furthermore, the father had stated that they were unable to fund the cost of a private taxi for the pupil.

It was reported that the two elder siblings were currently in year 10 and 9 and that according to the map the school attended appeared to be of a shorter distance from the family home than the school attended by the pupil concerned in this appeal. No information was provided in relation to how the elder siblings got to school and back each day. However, the Committee felt that they were of an age where it was reasonable to expect them to walk to school unaccompanied. The Committee noted that the primary school attended by the younger sibling was only 0.2 miles from the family home and that the school had a breakfast club at no cost to families available from 8:10am between Mondays and Thursdays and a range of after school club provision. The Committee noted the school attended by the pupil concerned in this appeal offered after school clubs but at a cost. However, in the officer's comments the Committee also noted that the family could continue the use of their extended family and/or friends to support taking children to school. There was no information to suggest that this was not an option or as to why they could not take up the use of free before and after school club provision which would leave just the Fridays to arrange support if needs be with the school run for the younger child.

The Committee felt there was a lack of evidence regarding mobility issues when their EHC Plan advised that the pupil participated in physical activities in many forms as well as attending after school sports club. The Committee also felt that from the information provided the pupil had led an active lifestyle. The Committee noted that the EHC Plan had been finalised on the 15th January 2015 and that there was no update in respect of any possible issues relating to the transfer to secondary school. However, there was no professional medical evidence in the appeal to suggest that the pupil was unable to walk the distance to school and back each day or the extra 0.4 miles in taking the younger sibling to school accompanied as necessary. Furthermore, no professional medical evidence had been provided to suggest that the mother was unable to walk the distance to school and back or the extra 0.4 miles in taking the younger sibling to school.

No evidence had been provided in relation to the family's financial circumstances. The Committee also noted that there was conflicting detail in the Appeal schedule that stated the parents had previously been entitled to free school meals and another comment which stated that the family were in receipt of free school meals. The Committee noted that the pupil's EHC Plan was for Moderate Learning Difficulties and their Speech, Language and Communication Needs.

In considering the appeal further the Committee noted that the family's GP had recommended that the pupil was unable to use public transport because of their

communication and learning difficulties. The Committee also noted the father's comment that the pupil had no sense of danger. Whilst the Committee recognised these concerns they felt that there was no evidence to demonstrate that the pupil could not walk or travel by bus accompanied as necessary.

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 532354 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.

I Young  
Director of Governance, Finance  
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