

## **Lancashire County Council**

### **Student Support Appeals Committee**

**Minutes of the Meeting held on Monday, 5th September, 2016 at 10.00 am in Room B56, County Hall - County Hall, Preston**

#### **Present:**

County Councillor Sue Prynn (Chair)

#### **County Councillors**

A Cheetham  
C Dereli

D Stansfield

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 18th July 2016**

**Resolved:** That; the Minutes of the meeting held on the 18th July 2016 be confirmed as an accurate record and be signed by the Chair.

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

It was noted that the paperwork for appeals 4028, 4034, 4055, 4070, 4074, 4089 and 4106 had only been finalised after the agenda had been circulated. As a result, the Chair had been consulted and had agreed that these appeals could be presented to the meeting under urgent business in order to avoid any delay in determining them.

**Resolved:** That, appeals 4028, 4034, 4055, 4070, 4074, 4089 and 4106 as circulated to the Members of the Committee, be considered alongside other appeals at the meeting.

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

It was noted that the next meeting of the Committee would be held at 10.00am on Monday the 3rd October 2016 in Room B15b (unless notified otherwise), County Hall, Preston.

## **5. Exclusion of the Press and Public**

**Resolved:** That the press and public be excluded from the meeting under Section 100A (4) of the Local Government Act, 1972, during consideration of the following item of business as there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated against the heading of the item.

## **6. Student Support Appeals**

(Note: Reason for exclusion – exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information).

A report was presented in respect of 30 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 2016/17, and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

### **Appeal 4076 ('a' and 'b')**

The Committee was informed that a request for transport assistance had initially been refused as the pupils ('a' and 'b' who were siblings in year 8 and year 10 respectively) concerned would attend a school 12.78 miles from the home address as opposed to the nearest suitable school with places available which was 1.72 miles away and was within statutory walking distance. The Committee noted that there would be many nearer schools closer to the family home than the one attended. 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 the family were forced to move out of their property by the Local Council with no say over which or where their next house would be given the current situation over the availability of housing. The Committee noted that the new address was more distant. However, the Committee also noted that the elder sibling was due to commence their GCSE studies from September 2016. In noting that the younger sibling was due to start year 8, the Committee felt that as the family were on a low income as defined in law, that it should make a temporary award for both siblings. The Committee felt that for the elder sibling it should make an award for the

remainder of their secondary education. However, for the younger sibling the Committee felt that it could only make a temporary award for one year with a view to it being reviewed should the mother reapply for transport.

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 2017/18 academic year for the elder sibling to support them for the remainder of their secondary education and up to the end of the 2016/17 academic year for the younger sibling to support them 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 4076a 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 2016/17;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2016/17 academic year (Year 8) only; and
- iii. Having considered all of the circumstances and the information as set out in the report presented, appeal 4076b 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 2016/17; and
- iv. The transport assistance awarded in accordance with i. above be up to the end of the 2017/18 academic year (Year 11) only.

### **Appeal 4053**

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 2.821 miles from their home address and was within the statutory walking distance, and instead would attend their 2nd nearest school which was 3.267 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted that an alternative school had been identified as the nearest school to the family home using the bus route as the shortest suitable walking route being 3.8 miles. However, the mother reported that when using the bus route as the shortest suitable walking route to the school attended she claimed that the distance was 3.4 miles. Furthermore, the mother also claimed that there was an even shorter route to the school attended via a

particular road in the next town that would take a mile off the school bus route resulting in a shorter distance than the distance to the nearest school as identified by the Council. In addition the mother expressed concern that the shortest suitable walking route to the nearest school as identified by the Council was not safe and claimed that after speaking with a Transport Officer at the Council they had advised that they would not expect children to walk to school along a particular road as part of the route identified as the shortest.

In considering all these points the Committee noted that the maps provided in the appeal documentation had come from the mother. However, the Committee felt that the Council as part of their case had not responded to the mother's points in full when she had challenged the distance measurements, routes used to both schools and the suitability of the routes identified to the nearest school. Whilst the Committee recognised that the suitability of a route would take in to account that the pupil would be accompanied by an adult, there was no information to confirm that the route identified to the nearest school as identified by the Council was a suitable one when assessed against the Council's Suitable Routes Policy as the Committee had reservations about this route also. In addition there was no information or copies of maps to demonstrate which route the Council had used to measure the distance to the school attended or indeed whether it included the use of a specific road as mentioned by the mother. The Committee could therefore not determine this point, nor determine whether the school attended was the nearest or not. The Committee therefore felt that the appeal should be deferred in order for officers at the Council to respond to the mother's points accordingly and for it to be presented to the Committee at the earliest opportunity to avoid any delay. Therefore;

**Resolved:** That Appeal 4053 be deferred so that officers can respond to the following points in full to confirm:

- i. Whether the route to the nearest school as currently identified by the Council is a suitable one when assessed against the Council's Suitable Routes Policy;
- ii. Whether the route used to calculate the distance to the school attended used the specific road as referred to in the mother's appeal;
- iii. If the specific road as referred to by the mother would meet the criteria as a suitable one in accordance with the Council's Suitable Routes Policy
- iv. Final distance measurements and provide necessary maps to demonstrate the route identified by the Council; and
- v. For officers to present the appeal to the Committee at the earliest opportunity.

## **Appeal 4072**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 2.98 miles from their home address and was within the statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its

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

In considering the father's appeal the Committee was informed that he was denied free travel on the grounds that the family home was not three miles away from the school. Having undertaken the journey himself, the father advised in his appeal that the distance was just over the three mile limit. In addition, the father was aware of a family who lived on a different road which he advised was significantly closer to the school than his own address who were in receipt of free travel and that the situation had been replicated for another family who lived on the same street as the father, just 50 yards away, whose children were also in receipt of free travel. Whilst the father appreciated that there had to be rules and boundaries, he questioned the consistency of the policy and how it had been applied when families living closer to the school attended qualified for free transport whilst his child did not.

It was reported that the Council had undertaken two measurements using two separate pieces of mapping software and that the outcome of both was that the distance measurement remained the same. Additionally, the Council had in the past sent officers out to physically walk and measure the distance from home to school for a number of addresses in the immediate vicinity using a measuring wheel. The Committee was advised that even when using this historical data the father's address was again determined to be under the three mile limit from the school attended. The Committee noted the father had not produced any evidence to corroborate his claims regarding the distance measurements.

The Committee was also advised that in accordance with the law the Council was required to provide additional assistance for families who were on a low income as defined in law. Such pupils would receive transport assistance provided that they were attending one of their nearest schools and that the distance to the school attended was between two and six miles. The Committee was advised that it was therefore likely that there would be pupils who lived closer to the school attended than the father but qualified for transport assistance. In considering the appeal further the Committee noted that the family were not on a low income as defined in law. Furthermore, no financial evidence had been provided to suggest that the family were unable to fund the cost of home to school travel.

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 4072 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 2016/17.

## Appeal 4062

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 0.5711 miles from their home address and was within the statutory walking distance, and instead would attend their 13th nearest school which was 5.0908 miles away. The Committee noted that there were two nearer schools of the same faith as the school attended being 2.52 and 4.13 miles away from the family home. 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 appeal it was reported that the mother after submitting her 2014/15 working tax credits award had been refused assistance with school transport. The Committee noted that the mother had spoken to HMRC who advised that due to the fact the mother's salary was higher in March and April, having moved jobs in March 2015, her working tax credits had been affected for that financial year. The Committee also noted that in addition to the mother's 2014/15 tax credit report, the mother had also provided evidence of her awards for the 2015/16 and 2016/17 years, with the 2015/16 report indicating that she would receive no working tax credit – a position which the mother advised would be replicated in 2017/18. The mother advised in her appeal that she was unaware that changing her employment would have such an effect on assistance with school transport. Furthermore, from September 2016, the mother would have four children attending the same school and that she would not be able to afford for them to travel to school by public transport and did not know what she would do.

It was reported that the triplets were entering year 9 at the school attended in September 2016, and had previously received transport assistance on low income grounds. At the time the triplets commenced their secondary education in September 2014, the siblings were attending their nearest suitable denominational school under the then Home to School Transport Policy that was in place for the 2014/15 academic year as the mother was in receipt of the maximum amount of working tax credits. The Committee was advised that when the triplets transferred in to secondary education the Council's transport policy also gave consideration to the parishes served by particular high schools. It was reported that the family lived in a specific parish which was a contributory parish for the school attended. However, the Committee was informed that this aspect of the policy had been removed for successive transport policies and as the mother was no longer in receipt of qualifying benefits (maximum amount of working tax credits) she would now be required to pay the parental contribution for each of the triplets for the 2016/17 academic year being £540p.a.

Furthermore, since the triplets had started school, the Council's transport policy had changed whereupon assistance was now only awarded if a pupil attended their nearest faith school. The Committee was advised that changes to the transport policy were 'phased in' in accordance with government guidelines, however, this now meant that the younger sibling who would join the elder triplets

at the same school from September 2016, would not be entitled to receive help with travel costs in accordance with the policy and the law as there were two nearer schools of the same faith as the one to be attended. The mother would therefore be expected to pay for a season ticket for the younger sibling at a cost of £562p.a.

In considering all the tax credit award notices, the Committee noted that the mother would still be receipt of a considerable amount of working tax credit for the 2016/17 financial year contrary to the mother's claims. No other financial evidence had been supplied to suggest that the mother was unable to fund the cost of transport. The Committee noted that the mother was no longer on a low income as defined in law. Furthermore, there was no information to suggest whether the mother had a partner or other family members who could assist with the school run. There was no information to suggest that the mother was unable to do the school run herself or to demonstrate what difficulties she would have with regard to work commitments and the school run. The Committee felt that as there were two nearer schools of the same faith the school attended was parental preference.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4062 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 2016/17.

## **Appeal 4052**

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 1.9 miles from their home address and was within the statutory walking distance, and instead would attend their 2nd nearest school which was 3.7 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee recalled that it had made a temporary award for transport assistance until the end of the 2015/16 academic year only for this pupil and their younger sibling. The Clerk reported to the Committee that he had asked the Council's Pupil Access Team to investigate whether this new appeal was also for the younger sibling. The Clerk reported that it had been confirmed by the mother

that she wished for the pupil's younger sibling who would start year 7 in September 2016 at the same school to be included in her appeal.

In considering the appeal the Committee noted that the mother's circumstances had not changed since she was awarded temporary transport assistance for the pupils for the previous academic year. The mother reiterated her point regarding their father.

It was reported that despite the mother's awareness that transport assistance awarded on appeal was temporary an application for the younger sibling was made for them to join their elder sibling at the school attended. The Committee was informed that neither pupil had an entitlement to free travel assistance as there were places available for both of them at the nearest school. However, the Committee specifically recalled that when it made a temporary award it did so on the basis that should the mother reapply for assistance she would need to provide the necessary financial evidence to demonstrate that she was unable to fund the cost of school travel. The Committee noted that no information or evidence had been provided by the mother to support her appeal despite further attempts to ask for it during the appeal process and since the agenda papers were circulated to members. The Committee noted that the family was not on a low income as defined in law.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and previous appeal paperwork 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 4052 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 2016/17.

### **Appeal 4049**

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 1.72 miles from their home address, and instead would attend their 2nd nearest school which was 2.83 miles away. Both schools were within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted the pupil's health problems and that the mother had difficulty in finding an appropriate school that could meet the pupil's needs. The mother recognised that the school attended was not the



closest to the family home. However, she felt that the school attended was deemed to be the best equipped given the level of pastoral care and SEN support. The mother advised that the school attended did not have a dedicated bus service and that the pupil would need to use public transport for which the mother had grave concerns (for reasons as set out in the appeal) about given the pupil's health problems.

The Committee recalled that it had previously considered an appeal for this pupil and that it had awarded temporary transport assistance up to the end of the Spring Term (Easter) 2016 only in the hope that the family would have obtained the necessary/appropriate medical assessments to determine the pupil's health problems. The Clerk to the Committee reported that the Pupil Access Team then extended the award until the end of the 2015/16 academic year. The original appeal was heard in November 2015. The Committee was informed that prior to transport assistance being provided the transfer in to year 7 had been a real challenge for the pupil in settling in at the school and that this had impacted on their attendance at school. It was reported that the school attended recognised the difficulties and had devised a timetable to accommodate the pupil's needs – a measure which had had a positive impact on the pupil's attendance. Furthermore, since the temporary transport assistance was granted, the mother had reported that this had helped to reduce the problems the mother had faced on school mornings and also improved the pupil's readiness to learn.

Whilst the Committee recognised that the pupil was not entitled to transport assistance and that the family would also not qualify for transport assistance under the low income criteria, and in noting the contents of the letter from the family's GP, the Committee felt that it could make a further temporary award until the end of the Spring Term (Easter) 2017 in the hope that all the relevant medical evidence would be completed by that time. The Committee noted in an email from the mother sent on 1st September 2016, that due to a lack of specific medical professionals in the area it was difficult to access them but had an appointment with one on 19th September 2016, to discuss further how to manage the pupil's health problems.

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 Spring Term (Easter) 2017 to support the pupil in the interim.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4049 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 2016/17;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the Spring Term (Easter) 2017 only.

## **Appeal 4059**

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 1.054 miles from their home address and was within the statutory walking distance, and instead would attend their 7th nearest school which was 12.7383 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted the circumstances she faced in securing a diagnosis of a specific health problem for her elder children whilst in education and that her youngest child was currently in the process of receiving a diagnosis. The Committee noted that there was a family history of the health problem which also affected other functioning aspects of their lives. In particular the mother reported that she had removed her youngest child out of education to be home educated due to a requirement for a different learning style for those with such a high functioning condition. The Committee noted the mother's own achievements. However, with regard to the pupil concerned in this appeal the mother reported that she had chosen the school to be attended for the reasons as set out in the appeal. In addition the mother felt that the school to be attended was the most appropriate school for the pupil due to its environment and procedures. Furthermore, the mother felt that the pupil would not be able to cope with travelling to school on public transport given the pupil's health problems.

The Committee in considering the mother's points noted that she had also claimed that the pupil would be in the process of receiving an Education, Health and Care Plan in September on starting school. However, there was no information from any professional or the Council to state or suggest that this was happening. In addition it had been reported by the SEN Team at the Council that the pupil used to receive ESAP funding but this ceased in 2012 and that they hadn't received anything since then. The Committee noted that nowhere within all the additional evidence did it state that the school to be attended was the most suitable for the pupil to attend. The Committee also noted that none of the additional information provided with the appeal confirmed that a taxi would be required for the pupil to attend the school. The Committee also noted that the mother was in receipt of free school meals for the pupil. However, the Committee noted that the pupil would not be entitled to transport assistance as the school attended was not one of their three nearest or within the two to six mile distance restriction. The Committee noted that there was no evidence to suggest that all the nearer schools were unsuitable for the pupil to attend. The Committee therefore felt that the school attended was in accordance with parental preference.

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 4059 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 2016/17.

### **Appeal 4061**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 1.037 miles from their home address and was within the statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted that the pupil had attended the school since the beginning of year 1 and that none of the five schools in close proximity to the family home had any places available. The mother reported that the pupil's current school was difficult to get to on a bus and that it was a fifteen minute walk to the bus stop. The Committee noted the mother's health problems, how these affected her daily life and that she had no family support with both her parents being elderly. The mother confirmed that she received Employment Support Allowance (ESA) and a Personal Independent Payment (PIP).

Since the Committee had awarded temporary transport in the form of a taxi, the mother reported that the pupil's attendance at school had improved and that the provision had proved very valuable to her and stated that she would struggle to get the pupil to school without it.

The Committee recalled it had made a temporary award of transport assistance to support the family in the interim for the remainder of the 2015/16 academic year only. However, the Committee noted that no professional medical evidence had been provided in support of the mother's appeal. The Committee also noted that the mother was on a low income as defined in law. However, no evidence had been provided to demonstrate that she was unable to fund the cost of school transport. The Committee therefore felt that it should defer the appeal in order for the mother to provide recent professional medical evidence in respect of her health problems, evidence relating to all her benefits including PIP payments along with any information from the school about the family's circumstances. However, in the meantime the Committee agreed that the taxi provided should continue until the next scheduled meeting of the Committee on 3rd October 2016 so that both the mother and the officers could finalise the Committee's request and present the appeal at that meeting. The Committee specifically requested

that if the mother failed to provide any evidence the taxi would cease to operate. Therefore, it was;

**Resolved:** That;

- i. Appeal 4061 be deferred in order for both the mother and officers to gather the following pieces of information and evidence:
  - a. recent professional medical evidence in respect of the mother's health problems,
  - b. evidence relating to all the mother's benefits including PIP payments she was in receipt of,
  - c. along with any information from the school about the family's circumstances;
  - d. Map showing the home, the bus stops and the school
- ii. The temporary taxi continue until the next scheduled meeting of the Committee being 3rd October 2016;
- iii. The deferred appeal be presented to the Committee for their consideration at the next scheduled meeting of the Committee being 3rd October 2016.

### **Appeal 4046**

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 3.64 miles from their home address, and instead would attend their 2nd nearest school which was 3.79 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted that the pupil had attended the school since they started in year reception. Having previously lived in the village where the school was situated, the mother advised that following the circumstances as outlined the appeal she moved to the nearest affordable and available property where the family now resided. The mother reported that there was no public transport service available from the village where they now resided, something which had caused significant problems during the winter when the mother's car broke down in getting the pupil to school and back. The mother stated that she was constantly concerned that about her car and her ability to keep it on the road.

The Committee was informed that the mother was currently in her third year of a specific degree but was on a low income and was in receipt of housing benefit. The Committee also noted that the pupil qualified for free school meals. The mother reported that she anticipated her financial position would improve once she took up her post once she had secured qualification in March 2017. The Committee in considering this point felt that the mother was only requesting temporary assistance. Whereupon, they felt that they could make a temporary award for one year in the hope that her financial circumstances would change by the end of the 2016/17 academic year.

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 2016/17 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 4046 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 2016/17;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2016/17 academic year (Year 5) only.

### **Appeal 4056**

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 2.11 miles from their home address and was within the statutory walking distance, and instead would attend their 14th nearest school which was 7.34 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Clerk reported that since the agenda was circulated to members the mother had submitted late additional evidence detailing the mother's income. Copies of these were handed out to members at the meeting.

In considering the appeal the Committee noted that the pupil had been entitled to a free bus pass for the last four years of their secondary education. However, since the family moved house they were then informed by the Council that the Council's transport policy had changed and that the change of family address had to be treated as a new application for transport assistance whereupon it had been determined that the family would be required to pay for a travel pass for the pupil. The mother reported that there was a younger sibling who was also due to start at the same school in September 2016 and that the mother would also be required to pay for a second pass. The mother stated that this would cause financial hardship and was considering removing the pupil from the school attended. The Committee was informed that there would also be logistical difficulties as the mother had a third child who attended a primary school and required dropping off whilst the elder siblings caught the bus to school. The mother therefore felt that to expect a fee for the eldest sibling who was due to commence their final year of secondary education was simply unfair and something that she could not afford to do. The mother requested that the elder's pupil's detail change be not considered as a new application. The Committee

noted that the Head of Year at the school attended also felt that the elder pupil should remain at the school until they finished their education.

However, in considering the mother's appeal the Committee felt that from mother's statement she was happy to pay for the younger sibling's travel, but not for the elder sibling. In addition, the appeal had been submitted and processed from the start in only the elder sibling's name. In considering the mother's financial evidence, the Committee felt it did not have full details to corroborate the mother's claims. The Committee felt that the mother might be in receipt of certain benefits such as working tax credits. It was not clear whether there was a partner in the household. Furthermore, there was no evidence to demonstrate that the family were unable to fund the cost of the season ticket for the pupil. In addition the Committee noted that the mother owned a car. There was no information to suggest that the mother's work commitments interrupted her ability to assist with the school run. In addition there was no information to suggest whether there were any other family members who could assist with the school run.

The Committee was advised that the Council's Transport Policy stated that if a pupil moved house their entitlement to assistance would be re-assessed. However, the Committee was also advised that although the Transport Policy recognised that there could be difficulties in moving schools once a pupil had commenced their GCSE studies, there was only assistance available if a family met the low income criteria as set in law. The Committee was informed that the family did not meet criteria as a low income family as defined in law. The Committee was also informed that the pupil was previously awarded transport assistance as the village where the family resided was in the geographical priority area (GPA) for the school attended. The Committee was advised that this aspect formed part of a previous more generous policy and that the current policy now only provides pupils in such circumstances with greater priority for admission to a GPA school and no longer brought with it an award of free transport.

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. However, the Committee felt that if the mother could provide evidence such as bank statements, benefits received, wage slips (complete and not partial) and child benefits 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 4056 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 2016/17.

## **Appeal 4079**

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 4.7 miles from their home address, and instead would attend their 5th nearest school which was 7.7513 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law. The Committee noted that the appeal had been submitted on behalf of the foster carer by a social worker from a neighbouring borough.

In considering the appeal, the Committee noted the pupil's circumstances and how they came to live with the foster carer. The Committee also noted that the foster carer whilst a resident in Lancashire was registered as a foster carer with a neighbouring Authority. However, whilst the Committee was advised that the pupil was under the guardianship of a neighbouring Authority and that the request for transport assistance had been correctly made to Lancashire County Council it was reported that the foster carer would be in receipt of a fostering allowance which should be used to assist in the cost of matters such as school transport. There was no evidence to suggest that the foster carer was unable to fund the cost of travel nor any evidence to suggest that they were unable to commit to the school run.

Therefore, having considered all of the social worker's and foster carer'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 4079 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 Council's Home to Mainstream School Transport Policy for 2016/17.

## **Appeal 4020**

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 was within the statutory walking distance, and instead would attend their 7th nearest school which was 6.62 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Clerk reported to the Committee that since the agenda papers had been circulated to members of the Committee, the mother had supplied additional evidence in support of her appeal

In considering the appeal the Committee noted the effects the bullying allegations had had on the pupil whilst attending their previous secondary school and that a managed move had taken place on the grounds of the pupil's wellbeing to the school now attended. The Committee was informed that the school now attended was identified due to the Ofsted results and that many of the pupil's friends from the local scout group attended there too. The Committee was also informed of the pupil's health problems and how the school now attended had provided both emotional and pastoral support at this difficult time. It was reported that both parents were self-employed and in receipt of working tax credits due to low income. In addition the pupil had a younger sibling who was due to start at the same school in September 2016. It was reported that the family would not be able to afford the annual fares of £1280.

The Committee felt that given the managed move, it should make a temporary award in order to assist the pupil in settling in at their new school until the end of the current academic year. However, the Committee did not feel that it could make the same award for the younger sibling as they would be transferring to year 7 in September 2016. The Committee felt that this action was parental preference especially as there still remained four nearer schools when discounting the school that the elder sibling transferred from.

In making the award for the pupil concerned in this appeal, the Committee stated that if the mother was to reapply for transport assistance she should provide financial evidence of all their incomings and outgoings, including those related to both parents' self employment.

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 2016/17 academic year only to support the elder pupil in settling in at the school.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4020 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 2016/17;
- ii. The transport assistance awarded in accordance with i. above be for the elder pupil only and up to the end of the 2016/17 academic year (Year 9) only.



## **Appeal 4064**

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 2.623 miles from their home address and was within the statutory walking distance, and instead would attend their 4th nearest school which was 5.479 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted that the pupil previously attended what was deemed to be their nearest suitable school. However, due to allegations of bullying incidents the mother removed the pupil and transferred them to the school now attended. The Committee was informed that despite numerous opportunities to help, the mother felt that the school had failed the pupil in terms of their education, wellbeing and safety. The mother reported that she took the pupil to the family Doctor who referred the pupil to see a counsellor and issued a sick note advising that the pupil should not return to school until a new one had been found. The pupil was removed from the nearest school in April 2016.

The Committee was informed that, after nine weeks of absence, the mother then had a successful admission appeal for the pupil to attend the school now attended whereupon the pupil commenced there on 27th June 2016. The mother reported that she was paying £15 per week for dinners and a bus ticket for the pupil and that she was also paying transport and lunch costs for her elder child who attended college. The mother stated that she could not afford these costs and that she was on a low income and did not claim any benefits.

The Committee in considering the bullying allegations noted that the only sick note provided covered just a three week period during the month of June 2016. In addition no evidence had been provided to substantiate the allegations from both the mother and the school. Furthermore, there was no evidence to substantiate the lack of support or requests from the mother for support at the school previously attended. The Committee was advised that bullying did not make a school unsuitable in legal terms. Furthermore, no evidence had been provided to substantiate the reasons why an admission appeal to the school now attended was successful. The Committee therefore felt that it could not determine the bullying allegations.

The Committee in considering the financial circumstances of the family noted that they were not on a low income as defined in law. Neither had any evidence or information been provided to demonstrate that the family were unable to fund the cost of bus fares to the school now attended.

In considering the appeal further the Committee was informed that the mother felt the distance from home to the school now attended was too far for the pupil to walk. The Committee noted that the distance measurement was purely carried out to determine that point against other schools that might be closer and was not

an instruction by the Council that the pupil must walk (that distance) 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 not persuaded that there was sufficient reason to uphold the appeal. However, the Committee felt that if the mother could provide evidence of the bullying allegations and financial evidence 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 4064 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 2016/17.

### **Appeal 4065**

The Committee was informed that a request for transport assistance had initially been refused as the pupils concerned would attend a school 2.577 miles from the home address as opposed to the nearest suitable school which was 1.104 miles away. Both schools were within statutory walking distance. 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 appeal the Committee was informed that the application for transport assistance had been refused on the grounds that the family lived too close to the school attended. The father stated that three years ago, his eldest child commenced their secondary education at the same school which the father felt was the nearest school of a particular faith to the family home and that the nearest school as identified by the Council had a different catchment area, which the family did not reside in - a fact that the father stated was verified when he attended the open evening at that school prior to deciding upon the school now attended as the school for the eldest pupil. The father reported that in seeking transport assistance at that time he was advised that no assistance would be forthcoming on the grounds that the family home was less than three miles away from the school. The father stated that he accepted the decision without checking its accuracy and when the younger pupil commenced their secondary education (at the start of the 2015/16 academic year) at the same school the father reported that no application for transport support was submitted. However, since then the father had determined that the actual distance to the school attended was 3.2 miles away and had provided copies of maps demonstrating his point.

However, the Committee was informed that the geographical priority area (GPA) for the nearest school was agreed by the governors of the school in 2008 and had not changed since. The Committee was also informed that the family home

was located well within the GPA for the nearest school and always has been. It was reported that members of the Pupil Access Team at the Council regularly attended the open evenings at the nearest school to give advice on transport assistance and admissions and that copies of the map showing the GPA was available for all parents to scrutinize in respect of their child having priority for a place at the school. The Council confirmed that if father had put the nearest school down as their first preference then both of his children would have been offered a place there.

With regard to the route to the school attended, the Council had confirmed that it had determined the route using its bespoke software for the purpose. The Committee was advised that the Council must use walking routes in order to determine distances to schools and that these would often bring about a shorter route than by road route alone. The Committee noted that the map provided by the father stating that the distance was 3.2 miles utilised the main road routes in the neighbouring town where the school was situated. However, the route provided by the Council as used to determine the distance followed a more direct route to the school. The Committee concurred with the Council on this point.

In considering the family's financial situation, the Committee was informed that the pupils were admitted to the school attended on denominational grounds and that they therefore qualified for assistance with travel costs on these grounds and that the parents would therefore be required to pay the denominational contribution/parental contribution of £540p.a. for each pupil. The Committee was also informed that the contribution could be paid in instalments over 10 months. However, the Committee noted that the family was not on a low income as defined in law. No evidence had been provided to suggest that the family was unable to fund the cost of transport. In addition it was noted that in an email from the parents received on 31st August 2016, it was confirmed that the pupils always used the school bus which was paid for by direct debit and that they did not consider themselves as a family 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 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 4065 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 2016/17.

### **Appeal 4013**

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 2.68 miles from their home address and was within the statutory walking distance, and

instead would attend their 3rd nearest school which was 5.07 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted that the family moved from a distant city back in January 2016, to be near relatives who lived in the area where they now resided and that upon the advice of one relative enrolled the pupil at the school attended. The mother reported that when she approached the school they advised her that there was a free school bus to the school for which the mother felt was helpful as she had to transport a younger child to primary school which was within walking distance from the family home. The mother stated that she did not have use of a car. However, the family owned a car but this was primarily used by her partner who was still living and working in the distant city.

In addition the mother advised that she contacted the Council's Pupil Access Team in the summer, and was advised that the school now attended was the nearest school with places available in the area. Furthermore, the mother advised that it would not be possible for the pupil to attend the nearest school as there was no bus service to that school.

In considering the appeal further, the Committee noted that the pupil had made allegations of bullying incidents at their previous school and that this was the reason for the house move. The Committee noted that no evidence had been supplied by the mother in support of this point. However, the Clerk reported to the Committee that the mother had submitted further evidence since the agenda papers were circulated to members. Copies of the evidence were handed out at the meeting. The Committee noted that there was a letter of support from the Principal at the pupil's last school which stated that the reason behind the pupil's departure was the involvement of the police in a serious incident of which the pupil was the victim. No further evidence had been provided to corroborate the incident. However, the Committee felt that the family had taken the appropriate steps to safeguard the pupil given that they resided hundreds of miles away from the previous school.

The Council in its case reported that whoever advised the mother that the school attended was the nearest school in Lancashire to the new address had advised the mother correctly. However, whether any advice was requested or sought about transport could not be proven. It was reported that the mother only applied for free transport after the family moved to the area and when the pupil started at school in January 2016.

With regard to the free bus provided by the school it was reported that it was the Council who determined entitlement to free transport and not the school. The Committee was advised that the Council could not be held responsible for any incorrect information provided by the school, if that was the case. However, the Committee acknowledged that if the pupil attended their nearest school they would not have qualified for free transport and that the responsibility to ensure the pupil attended school every day would have rested with the parents.

In considering the family's circumstances and financial situation, the Committee noted that no actual evidence of their financial situation had been provided. The Committee felt that from what information was provided, the income was not low and perhaps did not include both the mother's income and the father's income. From the late additional evidence, the Committee noted that the father was now living permanently with the family but at a cost of approximately £3-400 reduction in wages per month. No information had been provided to suggest where the father had been placed to work from and how this would affect their ability to assist with the school run.

However, the Committee noted that whilst the family were not on a low income as defined in law, the family moved to the area to be near relatives. It was not clear whether those relatives could assist with the school run. The Committee felt that as the father was also living in the household with the family that he might now be able to assist in some form given that he was the main user of the family car. The Committee noted that the mother had made the statement that she starts "work at 8am some mornings (if I have use of a car)" – it was not clear who catered for the school run on these mornings or whether the family took advantage of before and after school clubs. No evidence had been provided to suggest that the pupil was unable to get to school since starting in January 2016. No further detail had been provided about the mother's hours of work. In addition, the mother confirmed that she also received payments from the biological father, albeit that these payments were described by the mother as not being made on a regular basis. Having considered all the information and evidence in respect of the family's circumstances and their financial situation the Committee felt that it could not determine the full extent of the family's issues with the school run or their financial plight. No evidence had been provided to suggest that the family was unable to fund the cost of school transport.

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 4013 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 2016/17.

### **Appeal 4069**

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 2.9045 miles from their home address and was within the statutory walking distance, and instead would attend their 8th nearest school which was 10.54 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the

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

In considering the appeal the Committee was informed that the family lived in the catchment area for the school attended, a school which the mother's elder child received a travel pass to attend. The mother stated that as the elder sibling already attended there she applied for this pupil to go there as well. However, the mother reported that following a parents meeting at the school on 13th June, she confirmed that she had spoken to the Council's Transport Department and was advised that the pupil would qualify for a free travel pass given the distance from the family home to the school. Having received no paperwork concerning the pupil's travel pass the mother contacted the Council and was told that all requests would be processed at the beginning of August. On 22nd July, the mother received a letter from the Council advising her that the pupil did not qualify for a free travel pass given the availability of places at a school nearer to the family home.

The mother advised in her appeal that she was unaware and had not been informed that pupils should attend their nearest school even if it was situated in another county. Having queried this with the Council, the mother was advised that this information was on the website, which she felt was not helpful. The mother stated that she felt it was unfair that the pupil could not receive a free travel pass when other children in the same village did. The mother also questioned whether other children living in the same area were also refused free travel passes.

The Committee was informed that her partner was currently unemployed and that the family were not in receipt of benefits and that they could not afford to pay for the pupil's travel costs. Furthermore, the mother advised that there was no bus route that would take the pupil to the school she had been advised they should attend. The mother also stated that living in a small rural village there were infrequent buses that ran from one city to the nearby town.

The Clerk reported that the mother had issued an email on 3rd September 2016, a copy of which was handed out to members at the meeting. In it, the mother stated that she was not prepared to have people scrutinise their finances and would not disclose details to either the Council or the school. Whilst the Committee acknowledged the mother's subsequent statement, the Committee felt that it could not determine the full extent of the family's financial plight as no evidence had been provided to suggest that the family were unable to fund the cost of a travel pass by direct debit. No evidence had been provided to confirm that the father was unemployed. In addition, there was no evidence or information to suggest the family was on a low income as defined in law. It was not clear whether the mother worked full time. There was no information to suggest that the family did not have use of a car. Neither was there any information to suggest that they could not commit to the school run or whether they had family/relatives who lived nearby who could assist.

With regard to the elder sibling, it was reported that they along with other pupils from the village qualified for transport assistance under the Council's previous more generous Transport Policy. The Committee noted that the mother had

provided a copy of a letter from the school attended which outlined the Council's change in the Transport Policy commencing from September 2015 which was dated 24th October 2014. The Committee was advised that the Council had no statutory duty to provide transport assistance in circumstances where pupils did not attend their nearest school or academy. The Department for Education advised that it was good practice to phase-in the introduction of any changes in the Transport Policy so that pupils who qualified for transport would continue to do so until they either conclude their education at that school or choose to move to another school. The Committee was advised that the Council had chosen to adopt this practice and that this was the reason why the elder sibling still received free travel to the school attended.

The Committee noted that from the three preferences stated at the time of application for school places for transfer in to year 7, the parents had chosen the school attended as their first preference with the remaining two choices being schools situated in the neighbouring borough. The Committee noted that transport assistance would not have been provided to any of the family's preferences.

With regard to the mother's claims with her dealings through the Council on entitlement for transport assistance, the Committee was advised that all applications were required to be assessed before being informed of their eligibility. It was reported that officers in the Pupil Access Team determined eligibility and not those based in the Transport Team/Department. The Committee was informed that admissions information was available for all parents from each September both on the Council's website and in hard copy format where requested which also provided a summary of the transport policy along with details relating to transport assistance for each school. Whilst the Committee recognised that the mother had taken steps to check eligibility, the Council would normally write out to the individual confirming in writing what the decision was in respect of their enquiry. No evidence had been provided to suggest that the Council had made an error when the mother enquired about eligibility.

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 on the information provided.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4069 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 2016/17.

## **Appeal 4050**

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 0.42 miles from their home address and was within the statutory walking distance, and instead would attend their 2nd nearest school which was 5.64 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee was informed that having recently moved to the area and following a successful admission appeal had been granted a place in year 8 at the school now attended in May 2016. The mother advised that the decision to grant the pupil a place at the school, which did not routinely accept children from a specific borough, had been taken due to exceptional circumstances that had been upheld by the Independent Admissions Appeal Panel. It was reported that the exceptional circumstances related to the fact that the mother worked in child protection and had a significant level of contact with both children (with many of them being of secondary school age) and adults in a specific borough which the school attended did not routinely accept children to attend there. The mother had reported that increasingly, while the pupil was in attendance at their previous school, the mother noticed that a number of children she was working with were known to the pupil through their school associations. Additionally, the mother advised that it had been widely known she was the pupil's mother and was therefore concerned that elements of her work could have potentially crossed over into the pupil's life. The mother reported that these concerns led to situations in which she had declined the pupil's requests for school friends to visit the family home with the mother anxious to avoid any conflict of interest in respect of ongoing cases in which she was involved professionally. The mother felt that by refusing such requests it would have a detrimental effect on the pupil's social relationships and could have left them in a vulnerable position.

The Committee was informed that in order to secure a professional distance between the mother's work and the pupil's education, she took the decision to move home to Lancashire and to move the pupil into a school that did not accept children from a specific borough. The Committee was also informed that as a single parent working full time in a specific city – a role that frequently required her to work overtime at short notice the mother was reliant on friends and family to assist her with childcare when she was going to be late home from work and had identified a specific friend who could look after the pupil when required. The specific friend lived within walking distance of the school attended.

The mother reported that the Independent Admission Appeal Panel had determined that the nearest school was inappropriate for the pupil to attend given that a specific borough fell within its catchment area and that the pupil's place at the school now attended was granted by an appeal process. The mother therefore requested that with the place at the school now attended being granted for the exceptional reasons following a successful admission appeal, the same



consideration be given in respect of the request for transport assistance. The mother stated that working in a specific city she was unable to commit to the school run each day and that she had estimated the family home to be approximately 5.6 miles away from school, which she felt was not a feasible distance for the pupil to walk twice daily.

The mother reported that she was in receipt of some working tax credit for her other child to attend nursery but was not in receipt of the maximum amount which would entitle free travel.

The Clerk reported that since the agenda had been despatched to members, the mother had supplied some additional late evidence in support her appeal which contained an email dated 2nd September 2016 and a copy of the Independent Admission Appeal Panel decision letter. Copies of the evidence were handed out to the members present for their consideration.

In considering the mother's request for the Committee to concur with the Independent Admission Appeal Panel's decision, the Committee was advised that whilst mum was of the opinion that she felt she had won her admission appeal for the reasons she had set out in her admission appeal, successful appellants on admission appeals were not informed of the precise reasons why their appeal was allowed. Whilst the copy of the decision letter the mother had received in respect of the Panel's decision made reference to special factors that the pupil should be granted a place, the Committee felt that the reasons the mother had put forward in relation to the nearest school did not make that school unsuitable for the pupil to attend. No evidence had been supplied by the mother's employer to substantiate the mother's claims. The Committee acknowledged that pupils from the specific borough the mother referred to were admitted to the nearest school. However, the Committee felt that irrespective of which school the pupil attended, they couldn't guarantee anonymity from potential incidents as pupils could potentially move from the borough to the area where the school attended was situated. The Committee also felt that a number of serving officers lived locally to and sent their children to local schools. Furthermore, no detail/information had been provided about a specific example of whereby the pupil's safety would be in jeopardy had they attended the nearest school. The Committee noted that the nearest school was situated in the same town as where the family lived.

In considering the mother's ability to commit to the school run, the Committee felt that it could not properly determine the situation the mother faced given that she made reference to being reliant upon friends and family to assist her with childcare and that one particular friend could look after the pupil when required. In addition the Committee noted that there was a younger sibling who attended nursery. It was not clear whether this was for every school day, morning and afternoon, where this educational establishment was or how and what time they were dropped off. No evidence or information had been provided to suggest that other family members could not assist. No information had been provided to confirm how the pupil had been getting to and from school since May 2016. Neither was there any information relating to school attendance.

The Committee acknowledged that a place at the school now attended had been awarded on appeal, however, it was reported that had the pupil been admitted to the school on denominational grounds the pupil would have been entitled to transport assistance whereupon the parent would have been required to pay the parental contribution. However, the Committee noted that the mother had stated in her appeal that the pupil would not have met the faith criteria.

In considering the mother's financial situation, no evidence had been provided to suggest that the mother was unable to fund the cost of the bus fares. In addition, there was no evidence or information to suggest that the mother was on a low income as defined in law.

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 4050 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 2016/17.

### **Appeal 4057**

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 0.8 miles from their home address and was within the statutory walking distance, and instead would attend their 2nd nearest school which was 5.4 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee was informed that the pupil had suffered from severe bullying for a number of years and was undergoing four sets of counselling courses. The pupil also attended a nationally arranged assertiveness workshop arranged by a charity for bullied children. The mother reported that the effects of the bullying had led to the pupil being diagnosed with a number of health problems for which the mother advised were resultant from the bullying the pupil had been subject to. The Committee noted the evidence provided in respect of each of the pupil's health problems. The mother also reported that such was the dramatic impact upon the pupil's emotional state had been affected the pupil was receiving treatment through CAMHS. In addition, in an attempt to improve matters for the pupil, the mother stated that she transferred the pupil to a different primary school during year 5. However, when it came to choosing a secondary school the mother reported that the pupil received threats from the perpetrator if

they were to apply for a place at the nearest school. The Committee noted the impact this had on the pupil at the time. The mother then reported that the pupil suffered as a consequence and was then referred back to CAMHS.

The Committee was informed that when the family came to choose their options for year 7 transfer, they chose three specific schools with the school now attended being the first choice. The pupil was then accepted at the school during the normal transfer admissions round. The Committee was then informed that under the circumstances the mother felt the school now attended was the only choice for the pupil especially given the measures they were putting in place for which the mother felt would be beneficial to the pupil's mental health and wellbeing. The Committee noted the measures that had been put in place.

The mother reported that had the nearest school not been unsuitable for the circumstances as outlined in her appeal the pupil would have been able to walk to school and back. In addition the mother reported that she had her own health problems based around the strain the pupil's issues had had upon the family and that the mother had been unable to work since February 2012 – a position which made finances tight. The mother stated that because of this she felt it was unrealistic for the family to meet the monthly transport costs of the pupil's travel to school and back. However, the mother suggested that the family could contribute £20 a month towards the transport costs.

The Clerk reported to the Committee that since the agenda papers had been distributed to all members in advance of the meeting, the mother had submitted a further statement along with evidence relating to the sale of her car, pension scheme (confirmation of unemployment) and a letter from the grandparents who resided at the family home.

In considering the bullying allegations, the Committee noted that there was no evidence from the primary school previously attended nor the primary school to which the pupil transferred to. The Committee felt that given the severity the mother had claimed throughout her appeal documentation and the additional evidence she had provided both schools should have been in a position to substantiate the bullying allegations. The Committee noted the correspondence between the mother and the local police officer. However, there was no evidence to demonstrate what action the police had taken in response to the mother's concerns. The Committee was advised that bullying in itself did not make a school unsuitable in legal terms. The Committee could therefore not determine whether the pupil would be at risk if they were to attend the nearest school.

In considering the CAF report, the Committee noted that the pupil's grandparents had moved in to the family home to assist both the mother with her health problems and the pupil's behaviour.

The Committee noted that the Council had written to the parents and offered to provide assistance with transport costs to the school attended as the pupil was admitted to the school under the faith criteria and that the school attended was their nearest school of a particular faith. It was reported that the explanatory letter sent with the bus pass application explained that the parental contribution for the current academic year was £540. The Committee was advised that this could be

paid by direct debit in ten monthly instalments should they choose to take up that method of travel. In addition the Committee was informed that the pupil was not admitted to the school on medical, social, welfare criteria in the ranking list for places.

In considering the family's financial circumstances, the Committee noted that the bank statements provided related to the father. Whilst the Committee acknowledged the father's account appeared to be regularly in the minus, there was no other evidence provided to suggest what the combined incomings and outgoings were for the family or whether the grandparents were contributing to the household bills. In addition practically all of the incomings on the father's statement were redacted. The Committee could therefore not determine whether the family were unable to fund the cost of school transport by direct debit given that the mother had already stated she could contribute £20 a month. The Committee also noted that the family were not on a low income as defined in law.

In considering the issues faced with the school run, the Committee noted that the grandparents who lived with the family had their own car. The Committee acknowledged that the mother might only be able to access this transport or her partner's on the odd occasion as the father used the family car for work. However, there was no information to suggest that the grandparents or any other family/relative/friend could not assist with the school run. The Committee was advised that parents are provided with information relating to transport eligibility and the Council's transport policy when applying for year 7 transfer and that parents are urged to contact the Council for advice on transport eligibility before making their preferences. The Committee could not determine whether the pupil would have received transport assistance to the remaining two preferences.

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 4057 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 2016/17.

### **Appeal 4051**

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 1.9 miles from their home address and was within the statutory walking distance, and instead would attend their 4th nearest school which was 8.47 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising

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

In considering the appeal the Committee was informed that the decision to remove the pupil from the nearest school had not been taken lightly. The mother had made reference to her eldest child in her appeal confirming their health problems and the lack of support they received when they attended the nearest school which led to their exclusion after which they attended two different schools – one of which being the school now attended by the pupil concerned in this appeal. The mother reported that during her eldest child's time at the same school their self-confidence and attitude to learning improved significantly. However, the mother also reported that as they were seeking legal advice against the school, she felt it best to transfer the pupil concerned in this appeal to the school now attended. The Committee noted that the pupil would commence their education at that school at the start of year 8 in September 2016.

The Committee was informed that whilst the mother acknowledged she might not qualify for free home to school travel for the pupil, she requested that consideration be given by the Committee to a reduction in the cost of a season ticket to travel on the school bus. The mother had estimated that the cost would be approximately £71 per month, an amount that she advised would not be able to meet on her income. However, the mother had also looked into the possibility of using the public bus service instead and discovered that this was feasible and would cost £2 daily for a 'Day Rider' ticket. The Committee was also informed that the mother was mindful of the Council's policy and guidelines and was prepared to ensure that the pupil was at the bus stop each morning and then make individual arrangements for the journey home if this could reduce the cost of the season ticket. However, the mother reported that for safety reasons she would prefer the pupil to travel on the school bus, if the cost proved to be prohibitive enough and confirmed that the pupil would have to use public bus services, which she felt was not an ideal situation.

Whilst the Committee acknowledged the eldest pupil's situation and that it would be difficult to maintain a positive relationship with the nearest school if the pupil remained there, no evidence had been provided to substantiate the mother's claims surrounding events relating to her eldest child. The Committee was informed that the pupil did not qualify for transport assistance as they would be attending their fourth nearest school.

In considering the family's financial situation, it was reported that Council could not provide a discount for a season ticket if they were to only use the service one way. The Committee was informed that the cost of travel for the 2016/17 academic year would be £380p.a. No evidence had been provided to suggest that the family were unable to fund this cost even if paid by direct debit. The family were not on a low income as defined in law.

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 4051 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 2016/17.

### **Appeal 991961**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 6.086 miles from the home address as opposed to the nearest suitable school which was 0.958 miles away and was within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Clerk reported to the Committee that since the agenda papers had been circulated to members of the Committee some additional evidence had been submitted by the mother in support of her appeal. Copies of this were handed out to the Committee at the meeting.

In considering the mother's appeal the Committee noted the pupil's health problems including those that were diagnosed and those that had not been officially diagnosed and how they affected their daily life and their sense of danger. The mother stated that she could not allow the pupil to walk to the school that had been identified as the nearest suitable school. In addition, the parents stated that they would be unable to manage the school run for their children as they would both attend different schools which were far away from each other. Furthermore, the parents felt that it would be unfair to look at changing schools for the pupil's sibling. Parents also stated that before and after school clubs would cost them money that they did not have.

The Committee in considering all the evidence in front of them noted that since the Amended Final EHC Plan was distributed on the 10th May 2016, the Council had received further medical advice confirming further diagnosis. However, it was reported that the transport application from the mother had indicated that the pupil walked to their primary school and that this was a distance of 0.57 miles. It was not clear whether the parent or parents assisted the pupil with the school run at that time. In considering that the nearest suitable school for transfer in to secondary education was only 0.958 miles away the Committee could not determine the relevance of the mother's point that she could not allow the pupil to walk to that school especially as there was no information or evidence to corroborate the statement. It was reported that the pupil's sibling attended a primary school that was 0.39 miles from the family home and that that school ran both a before and after school club but at a cost. The school to be attended by the pupil had an after school club but again at a cost. The Committee noted that initially no evidence had been provided to demonstrate the family's financial circumstances. However, in the late additional evidence supplied by the mother

the Committee noted that she had provided copies of recent bank statements. In considering the bank statements and additional evidence the Committee noted that the family had use of a car which was used to transport the pupil to their many appointments.

The Committee noted that the pupil was not allowed contact with their biological father and that the step-father who resided in the family home worked flex-time already but could not adjust their hours in order to assist with the pupil and the school run. The mother also stated that the step-father had a disability himself. However, there was no evidence to corroborate this statement. The Committee noted that the evidence supplied in the form of a bank statement was for a joint account between the mother and step-father. However, they felt that this did not represent the entire situation the family faced with their financial circumstances as there were no details of income from paid employment going in. The Committee felt it was not clear from the evidence provided whether the mother was in employment. Neither was there any information to suggest why she could not assist with the school run. It was not clear how the pupil's younger sibling got to school and back.

Parents stated in their appeal that they would like the pupil to access education at the school to be attended until they were 21 years of age which meant that they would not have to change schools so early on as they struggled with change. In addition the parents felt that the school to be attended was better suited to meet the pupil's needs. The parents did not feel that the nearest school was confident in managing the pupil's behaviours and that the school to be attended was better equipped to deal with such behaviours because of the activities offered by the school to be attended.

It was reported that whilst the pupil's needs and appropriate provision would be reviewed each year in line with the annual review process, it was not possible at this stage for the Council to determine what provision the pupil would require for post 16 education. The Committee therefore felt that this point was parental preference. The Committee noted that a letter from the nearest suitable school had been supplied in the appeal documentation and that in it, the school had confirmed that after careful consideration they felt that they were confident they could meet the pupil's needs and formally offered the pupil a place there. The Committee also noted that parents in December 2015, had requested that the Council consult with the school to be attended. However, they were initially unable to offer a place. The Committee was informed that after this process the pupil's Amended EHC Plan named the nearest suitable school but the parents chose to appeal against this decision following which the Council requested the school to be attended to review the information detailed in the EHC Plan with a view to considering offering a place. The school to be attended then had the view that a place could be offered to start in September 2016. However, it was reported that during this process, the mother was informed of the Transport Policy and the transport appeal process and was advised that in accordance with the Transport Policy the parents would be responsible for transporting the pupil to and from the school to be attended (6.086 miles away) as in the opinion of the Council they had deemed the school which was 0.958 miles to be the nearest suitable school that could meet the needs of the pupil. The Committee felt that the choice of school to be attended was parental preference and that no evidence

had been supplied to suggest that the nearest suitable school was not suitable or could not meet the pupil's needs.

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 on the information provided.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 991961 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 2016/17 and the policy on the provision of transport for pupils with special educational needs.

### **Appeal 1038501**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 7.3 miles from the home address as opposed to the nearest suitable school which was 3 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the father's appeal the Committee noted the pupil's health problems as detailed in the appeal documentation and how they affected their daily life. The parents felt that the school to be attended was the most appropriate/suitable school for the pupil as they were already familiar with the surroundings and teachers, having attended their playgroup on Monday afternoons. In particular the parents felt that the school to be attended was the most suitable as the school offered programmes and therapy programmes such as 'Talk Tools', the 'Move' programme along with a specialist PMLD (Profound and Multiple Learning Difficulties) class for which the parents felt the nearest school either did not provide or had yet to be accredited.

It was reported that the pupil had a Statement of Special Educational Needs for which the Council was in the process of transferring to an EHCP (Education, Health and Care Plan). The Committee was informed that the EHCP had not been finalised in time for the Transport Appeal to be considered by the Committee at this meeting. However, it had been reported that the EHCP would contain much the same as the Statement of SEN and that the pupil was making very small steps of progress. Nevertheless, the Committee felt that despite the officer comments, the Committee should have sight of the EHCP as it was yet to be finalised.



In considering the appeal further the Committee noted that the Council had identified two nearer special schools that could have met the pupil's needs. The Committee was informed that the SEND Officer who attended the pupil's review meeting on 25th May 2016, had advised parents of the Council's Transport Policy and that transport would only be provided to the nearest suitable school. The Committee was also informed that the school to be attended could meet the pupil's needs and that a place was available. However, whilst the Council agreed this placement on 15th June 2016, the Council wrote to parents confirming that the pupil would not be eligible for transport as this was not the nearest school. The Committee acknowledged the parents desire for the school to be attended given that there were other/additional forms of therapy provided by the school versus the nearest school. However, there was no evidence to suggest that the nearest school was unsuitable for the pupil or that they would be unable to provide or commission the therapies if they were provided for in the EHC plan.

In noting that the pupil already attended the playgroup at the school on Monday afternoons, the Committee felt that it could only assume parents had their own form of transport. There was no information to suggest how the pupil travelled to the school on those Monday afternoons. The Committee noted that the pupil was only due to commence year Reception. The Committee felt that it could not determine the situation the parents faced with the school run when they had chosen a school that was not the nearest and in the knowledge that they would not be eligible for transport. The Committee acknowledged that the pupil had been assessed for transport in accordance with Band T6 in the Home to School Transport Policy for Children and Young People with SEN and Disabilities.

The Committee noted that there was no information to suggest that the family was on a low income as defined in law. Neither had any information been provided to suggest that the family were unable to fund the cost of travel to school and back, whatever the chosen method would be. Furthermore, there was no information to suggest that they were unable to commit to the school run nor anything in relation to support from other family members.

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 on the information provided. However, the Committee felt that the family should be allowed a re-appeal provided that the pupil's EHCP was submitted along with details relating to the family's financial circumstances, any benefits they were in receipt of and details of how the parents currently transported the pupil both for school purposes and outside of school.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 1038501 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 2016/17 and the policy on the provision of transport for pupils with special educational needs.

## **Appeal 1109561**

It was reported that a request to amend transport assistance so that the morning journey was from a breakfast club to school and vice-versa after school had initially been refused in accordance with the Council's policy on the grounds that the statutory duty applied to home to school travel arrangements at the start of the day and school to home travel arrangements at the end of the day. 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 appeal the Committee noted that the mother had recently decided to send the pupil to a special school in what had been a stressful and emotional period, a situation that had been added to by issues relating to transport. The Committee noted the pupil would transfer and commence year 4 in September 2016 at the school to be attended. The Committee also noted that the mother worked full time in a specific city, her partner worked away and that her family were also employed on a full time basis and was therefore reliant upon the use of before and after school clubs provided by the pupil's former (primary) school as the school to be attended did not have such provision, in order to facilitate full time working commitments.

The Committee was informed that the school to be attended had been supportive in arranging the pupil's attendance at the before and after school club at the pupil's former school. However, the mother had stated that the one problem she had experienced related to travel to and from the club to the school to be attended. Whilst the mother acknowledged the difficulty the Council faced where numerous addresses were previously involved, she stated that the transport requirements she was requesting were simple in terms of being one return journey from the club to the school and back. The mother felt that the current rules in place in respect of the Council's Transport Policy [for Children and Young People with SEN and Disabilities] made it extremely difficult for parents who worked.

It was reported that parental choice was for the school to be attended and that the Council had agreed that this was nearest appropriate school which could meet the pupil's needs. However, the transport application was turned down on the basis that the Council's transport policy stated that transport was from home to school and vice-versa and not to before or after school clubs or indeed any other destination. The Committee was also advised that the Council had no statutory duty to provide such provision either. It was also reported that the school to be attended did not have their own before or after school club. The Committee in noting that the request was for transport from the club to school and back, was informed that the distance between the two establishments was only 0.4 miles. It was also reported that the home address was in close proximity to both establishments. However, no distance measurements had been provided. Given the short distance between the two establishments and that the pupil was able to walk, the Committee suggested that the two establishments perhaps come to some arrangement whereby the pupil is picked up and dropped off by

appropriate staff. However, there was no information to suggest that this option had been considered.

The Committee also noted that there was a sibling. However, there was no information to confirm how they travelled to their respective educational establishments including the before and after school club they attended or indeed any information as to where these establishments were. As no information had been provided to suggest that the mother, at the very least, had not enquired with her employer about the option of working flexible hours, as entitled to do so, the Committee felt that it could not determine the full extent of the family's circumstances with the combined school/club run for the pupil and their sibling.

The Committee also noted that the pupil was in year 4 and that the school to be attended catered for key stages 1 through to 4. It was not clear whether the before and after school club at the pupil's former (primary) school would accept the pupil once they reached year 7.

In considering the appeal further the mother stated that without support she would need to pay daily for taxis which would add further cost to the £1000 per month she already paid in childcare for the pupil and their sibling and appealed for the rules to be looked at in order to help working families. However, no information had been provided in support of this point in order for the Committee to determine the full extent of the family's financial situation. Neither was there any information to suggest that the family was on a low income as defined in law.

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 on the information provided.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 1109561 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 2016/17 and the policy on the provision of transport for pupils with special educational needs.

## **Appeal 1162202**

It was reported that a request to amend transport assistance so that the return journey was to an after school club had initially been refused in accordance with the Council's policy on the grounds that the statutory duty applied to home to school travel arrangements at the start of the day and school to home travel arrangements at the end of the day. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law. The Committee noted that the pupil had transferred from their previous mainstream primary school to the school now attended.

In considering the mother's appeal the Committee noted that the pupil had attended the after school club since starting at the local village school in reception. The mother reported that there had not been any staff changes at the club and that the pupil had always wanted to go there, whereas they sometimes refused to attend their previous mainstream school. The Committee also noted that the staff at the club had been able to calm and encourage the pupil to go in to school, they were also involved with the local village/community and had taken an interest in the pupil's interests and involved other children. The mother felt that all these aspects had helped to put the pupil at ease when attending local parties and also demonstrated that they cared for the pupil, so much so that the family considered the staff as their friends. In addition, the club's term dates were the same as the school now attended and staff at the club were happy to do the handover. Furthermore, the club was Ofsted approved.

The Committee in considering the appeal further noted that the mother was a single parent who worked in the nearby town and was currently studying at her local College. The Committee acknowledged the mother's comment that she needed to work and study in order to better their lives in the long term and she was trying to better herself by chasing her dream. With the pupil attending the after school club in the afternoons, this enabled the mother to continue to work and study but more importantly gave the pupil a chance to remain happy within the community whilst continuing to build friendships. The Committee noted that the after school club was 0.2 miles (as stated by the mother) from the mother's home. It was reported that the mother had moved to their current location due to the close-knit community and school which benefited both the mother and the pupil, especially due to the pupil's health problems.

In considering the transfer of schools, the Committee noted that the mother felt it was a big decision to remove the pupil from mainstream education as she knew this would have a negative impact on the pupil's involvement with the local community. The mother whilst recognising that changing schools would be difficult for the pupil felt that this situation would be exacerbated if they were unable to attend the after school club as well. The mother reported that not being able to attend the club was something that would upset the pupil over a long period of time and as the pupil's mother she did not wish for the pupil to be unnecessarily stressed. The Committee noted that the pupil struggled to build friendships due to their health problems and had only just this year built a friendship with another child who attended the club also. The Committee acknowledged that the mother had put a lot of effort into building the pupil's involvement within the village and that the mother felt the pupil would thrive and prosper with the right support and that the after school club was the right environment for the pupil.

The Committee noted that the mother worked Tuesdays, Thursday and Fridays and studied at College on Mondays between the hours of 9am and 4pm. The Committee noted that the school now attended was in the same area as where the father and grandparent lived. The mother had stated that on occasion both the father and the grandparent assisted with the collection of the pupil from the after school club back in the village where the mother resided. However, despite there being limited information regarding their ability to assist with the situation

the mother faced with the drop off at the after school club, the Committee felt that there were still two adults who could potentially assist on those days the mother was unavailable due to work commitments. The Committee noted that the grandparent was the father's mother. However, there was no information to suggest that the mother's parents could assist with perhaps being available at the mother's home to receive the pupil and then take them to the after school club given that it was only 0.2 miles (as stated by the mother) from the mother's home. It was also not clear whether the pupil attended after school club every school day given that the mother did not work Wednesdays. The Committee acknowledged the pupil's health problems and how this affected their daily life. However, the Committee felt that there was no evidence to suggest that the pupil's attendance at the after school club would be jeopardised because of the Council's statutory duty and the Transport Policy that was currently in place for children with SEN and disabilities.

The Committee noted that the pupil was due to commence year 3 in September 2016 and that the school now attended catered for pupils between key stages 1 and 4 (reception to year 11). It was also noted that the pupil finished at mainstream school in July 2016. Whilst the mother had stated that the pupil would attend until key stage 4, there was no information to suggest that the pupil could continue to attend the after school club once they entered the secondary phase of their education. In addition it was not clear how long the amended transport request would be for. The Committee felt that if the mother was studying for a particular vocation to better both her and the pupil's prospects that there might be a change of job for the mother which could potentially affect the family's circumstances with the school run/after school club attendance even further. Neither was there any information to state how long the mother had left to study at College.

The Committee acknowledged the mother's point that she was of the opinion that the home to school transport policy [for Children and Young People with Special Educational Needs and Disabilities 2013/14] should be reviewed to allow parents to work and give their children the opportunity to attend after school for their social development. The Committee was advised that the Transport Policy for Children and Young People with Special Educational Needs and Disabilities should be in line with the mainstream Transport Policy. Officers stated that they would make the Head of SEN aware of the mother's position.

The Committee noted that the school now attended was named in the Pupil's EHC Plan and that they were entitled to free transport to the school attended. However, the request by mother for the pupil to be dropped off at the after school club was not a statutory duty that the Council must provide. In such instances transport arrangements would be the sole responsibility of the parent. The Committee was again advised that the Council's statutory duty was to provide home to school travel arrangements at the start of the day and school to home travel arrangements at the end of the day. 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 1162202 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 2016/17 and the policy on the provision of transport for pupils with special educational needs.

## **Urgent Business Appeals**

### **Appeal 4028**

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

"That Appeal 4028 be deferred until the next scheduled meeting of the Committee in September 2016, in order to;

- i. Obtain financial evidence including details of any benefits received;
- ii. Obtain information on the father and what support he could provide or provided; and
- iii. Ascertain what's changed with the mother's family's circumstances."

In considering the appeal further the Committee noted the evidence supplied in relation to what benefits the mother was in receipt of. However, no information or evidence had been supplied regarding the family's incomings and outgoings. The Committee also noted the circumstances surrounding the father and the mother's parent whom she heavily relied upon for support. The Committee in noting the circumstances surrounding the mother's parent and that there would be limited support from extended family felt that they could make a temporary award to support the family in the interim given the circumstances.

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 2016/17 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 4028 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 2016/17;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2016/17 academic year (Year 1) only.

## **Appeal 4034**

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

"That Appeal 4034 be deferred until the next scheduled meeting of the Committee in September 2016, in order for the mother to provide;

- i. Current evidence from CAMHS; and
- ii. Financial evidence including details of benefits received."

In considering the appeal further the Committee noted that whilst a letter of support had been received from a children's centre, the letter only confirmed that the pupil had been referred to CAMHS but didn't go in to detail about the level of support currently offered to the pupil. The Committee felt that they were no further forward than when it considered the appeal at their last meeting. The Committee also felt that the mother would have copies of reports produced by CAMHS, to hand, given what she was claiming. Neither was there any evidence from the school to corroborate the bullying allegations.

Whilst the Committee acknowledged the mother was on a low income as defined in law, no evidence was provided to demonstrate that the mother was unable to fund the cost of school transport.

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 4034 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 2016/17.

## **Appeal 4055**

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 1.16 miles from their home address and was within the statutory walking distance, and instead would attend their 5th nearest school which was 3.001 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted the reasons for how the pupil came to reside with the foster carer and why they wished for the pupil to remain

at the school attended. The Committee also noted the pupil's circumstances. However, whilst the Committee was advised that the pupil was under the guardianship of a neighbouring Authority and that the request for transport assistance had been correctly made to Lancashire County Council, it was reported that the foster carer would be in receipt of a fostering allowance which should be used to assist in the cost of matters such as school transport. There was no evidence to suggest that the foster carer was unable to fund the cost of travel/season ticket/parental contribution nor any evidence to suggest that they were unable to commit to the school run.

Therefore, having considered all of the foster carer'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 4055 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 Council's Home to Mainstream School Transport Policy for 2016/17.

### **Appeal 4070**

It was reported that a request for a long term discretionary taxi to continue for the remainder of the pupil's secondary education (for the final academic year) had initially been refused in accordance with the Council's policy. 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 appeal the Committee was informed that the mother would feel much safer and less anxious if the pupil was able to travel to and from school in a taxi as this would reduce the risk as identified in the appeal documentation. The mother reported that if the pupil had to travel by bus to school it would increase the risk as identified in the appeal. The mother had also offered to share a report from social services confirming recent events.

It was reported that the pupil was currently in receipt of a bus pass on denominational grounds. However, the Committee could not understand why this pupil was in receipt of such transport assistance when the school attended was so far away and that there would be many nearer schools to the family's current address. The Committee also noted that there would also be many nearer schools of the same faith as the school currently attended.

The Committee was informed that for the last few weeks of the Summer Term, the pupil had a taxi for which the mother was requesting continuance of. However, the Council's Home to School Transport Policy did not allow for the provision of taxis on a long term basis. The Committee noted that the Council had confirmed the pupil would have to travel through a bus station to make the



journey to school if they travelled by bus. However, the Committee was informed that the Council had not received the social services report referred to in the appeal and that it was understood the case was no longer open to a social worker. No evidence had been provided about the safeguarding issues as referred to by the mother. It was not clear whether the pupil would still be in receipt of a bus pass on denominational grounds for the commencement of the current academic year.

In view of the lack of information and evidence relating to this case, the Committee felt that the appeal should be deferred until the next scheduled meeting of the Committee on 3rd October 2016 and that the taxi should remain in place until that date and for officers to ascertain:

- Reasons why a taxi had been agreed;
- What the safeguarding issues were;
- Whether a criminal case was instigated or still ongoing; and
- To obtain a copy of the social services report.

Therefore; it was;

**Resolved:** That Appeal 4070 be deferred in order for officers to ascertain:

- The reasons why a taxi had been agreed;
- What the safeguarding issues were;
- Whether a criminal case was instigated or still ongoing; and
- To obtain a copy of the social services report

## **Appeal 4074**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 1.6198 miles from the home address as opposed to the nearest suitable school which was 0.9 miles away. Both schools were within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted the circumstances surrounding the family's change of addresses and the reasons why temporary short term transport assistance had initially been provided. The Committee also noted the pupil's complex health needs and how these affected their ability to walk and that they required the use of both a wheelchair and walking frame. The Committee also noted the family now lived in a rented bungalow property and that this had been adapted to accommodate the pupil's needs. The Committee could not determine how permanent this accommodation would be as no further detail had been provided about any potential agency involvement with the house move to the current property.

It was reported that the school attended had funded the installation of specialist medical equipment to assist the pupil whilst at school. It was also reported that the teaching assistant provided a high level of support for the pupil whilst in class and school.

In considering the appeal further the Committee noted that there were two other siblings who attended the school also. It was reported that the mother had to cease learning to drive due to financial constraints and the current situation she faced. The Committee noted that when the pupil attended their hospital appointments, the NHS provided the necessary adapted transport.

In view of all the circumstances, the Committee felt that it should make a temporary award until the end of the Spring Term (Easter) to support both the pupil and the family in the interim.

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 and their two siblings up to the end of the Spring Term (Easter) 2017 only to support both the pupil and 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 4074 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 2016/17;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the Spring Term (Easter) 2017 only for the pupil and their two siblings.

### **Appeal 4089**

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 0.7398 miles from their home address, and instead would attend their 5th nearest school which was 1.213 miles away. Both schools were within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal it was reported that the pupil had a number of health problems which affected their ability walk. The Committee noted that the pupil required support as well as the use of a wheelchair for longer periods. The Committee also noted the letter of support from a consultant.

However, in considering the appeal further the Committee noted the mother's statement that she had been informed that she would get free transport for the pupil. It was not clear who advised the mother of this, but the Committee was advised that this was not advice that had been given by the Council. The Committee was informed that the Council did provide transport assistance on some occasions when a pupil lived within statutory walking distance and a pupil was physically unable to walk to school. However, the provision of such transport assistance was not offered to pupils who did not attend their nearest school.

The Committee noted that the pupil had been offered a place at their first preference of school. It was not clear why this school was chosen over and above those in the area. In addition the Committee noted that the family's second preference was also the nearest school to the family's home. No evidence or information had been provided to suggest that the family was unable to commit to the school run or to fund the cost of transport. The Committee noted that the family was not on a low income as defined in law. The Committee felt that if the pupil attended their nearest school then the pupil might have received 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 4089 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 2016/17.

## **Appeal 4106**

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 1.2699 miles from their home address and was within the statutory walking distance, and instead would attend their 3rd nearest school which was 3.15 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal it was reported that her eldest child who would assist the pupil with the transition to secondary school already received transport assistance to the school. However, upon enquiring with the Council about assistance for the pupil concerned in this appeal, the mother had been informed that the pupil might not be placed on the same bus as the elder sibling. The

mother felt that the cost of the season ticket was prohibitive whereby she was likely to transport the younger pupil by car. The mother felt this would negate the purpose of the elder sibling going by bus.

The Committee was advised that the Council had confirmed that there would be capacity on the bus service to which the elder sibling had been allocated a seat for the mother to purchase a season ticket for the pupil concerned in this appeal. The Committee in noting this point considered the mother's financial situation. The Committee was informed that the mother was not on a low income as defined in law. No evidence had been provided to demonstrate that she was unable to fund the cost of transport.

In considering the mother's appeal further it was reported that the mother did not deem the nearest school to be a suitable school for the pupil as it was a single sex school and church aided. The mother reported that she wished for her children to be educated in a mixed sex school environment where there was not such a focus religious study or worship. It was reported that the Council only had a statutory duty to provide transport assistance when a pupil attended their nearest suitable school and that the school was three miles or more from the home address. In determining the suitability of the nearest school, the Committee was advised that the Department for Education's definition of suitable was "nearest school with places available that provides education appropriate to the age, ability and aptitude of the child". The Committee concurred with the Council that the nearest school met this definition and that it was a suitable school. The Committee also noted that the family had expressed their third preference for the nearest school for transfer in to year 7.

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 4106 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 2016/17.

I Young  
Director of Governance, Finance  
and Public Services

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