

Lancashire County Council

Student Support Appeals Committee

Minutes of the Meeting held on Monday, 19th October, 2020 at 10.00 am in County Hall, Preston

Present:

County Councillors

J Cooney

D Stansfield

1. Apologies

None

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None.

3. Minutes of the meeting held on 1st September 2020

Resolved: That; the Minutes of the meeting held on the 1st September 2020 were confirmed as an accurate record and was signed by the Chair.

4. Urgent Business

4871

5. Date of the Next Meeting

The next scheduled meeting of the Committee will be held at 10.00am on Monday 9th November 2020 – By Virtual Remote Hearing (Conference Call).

6. Exclusion of the Press and Public

The Committee is asked to consider whether, under Section 100A(4) of the Local Government Act 1972, it considers that the public should be excluded from the meeting during consideration of the following item of business on the grounds that 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 and that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

7. Student Support Appeals

4847

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 0.90 miles and within the statutory walking distance to the home address, and instead would attend school which was 6.74 miles from the home address. 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 the appellant's summary which stated the family were appealing on:

Financial Grounds: The appellants don't work and are in receipt of Universal Credit, the committee note that the appellant has provided evidence of this.

Medical Grounds: The appellants are also appealing on Medical grounds and state that the pupil suffered from health issues and evidence had been provided to support this. The appellant have also provided Disability benefits received for the pupil. The family state that there was no help from extended family, friends or neighbours to support the pupil to get to and from school.

Education Continuity Grounds: The appellant advised that pupil had family and school friends that attended the school the pupil was attending starting September 2020 in year 7 and that this is a factor in attending the chosen school as the pupil finds it hard to make new friends.

Other Exceptional Reasons: The appellant advised that the mother had health issues which was why they were unable to work and that her husband was currently off work awaiting an operation after which they will be returning to work. The appellant stated they cannot afford the bus fare and they wanted the pupil to attend the school of their preference as other family members attended there. The appellant, as noted by the Committee, was requesting transport from the beginning of the new school year until the pupil left school.

The committee note that the pupil does not attend one of their 3 closest schools to the home address and although would qualify for transport assistance on low income grounds, schools should be within 2 to 6 miles of the home address. The school attended as noted by the committee was over 6 miles and not one of the 3 nearer schools to the home address. The committee note that the family are appealing on financial grounds and that the family have included evidence of their income to support this, however the committee note that although the family are in receipt of benefits that the pupil has had an award made for his disability in the way of a care component (middle Rate) and also a mobility component (lower Rate). The committee considered this and noted that an award had already been made by the DWP and that the Mobility award entitlement was for the pupil to help with any additional day to day costs that the family incur as a result to help the pupil get around including any costs relating to attendance at school.

The committee noted that the family are appealing on medical grounds of the pupil and note that all schools are provided with a significant amount of funding to allow any child to access an education appropriate to the age, ability and aptitude

of the child and any SEN that the child may have including any 1:1 support to enable the child to fully access the curriculum. The committee note that the pupil was offered their 1st preference of school when applying for a year 7 place. The committee were also reminded that a Summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a school application. Additionally, members of the Pupil Access Team are in attendance at nearly all of the secondary school open evenings to give advice about admissions and transport entitlement.

As noted by the committee the appellant states that there is no help from family or friends to assist the child getting to and from school, however it was noted that the appellant states that in the appeal form that the appellant has stated that they are appealing on educational continuity grounds because they have family and friends in attendance at the school of choice and that the family do have a car and that the pupil was travelling to and from school by car as of July 2020. The committee note that there is no reason stated as to why this arrangement cannot continue.

The committee also considered that the appellant was also claiming assistance with a travel pass as the appellant and her husband were not working. The appellant states that they suffer from depression and this is the reason why the appellant does not work, the committee note that no evidence was provided by the appellant to substantiate this claim. The appellant also states that currently her husband is off work awaiting an operation and then will return to work, again the committee note that no evidence to support this has been provided to substantiate this claim. The committee were reminded that transport appeals are evidence based.

The Committee were reminded that it is the parents' primary responsibility for ensuring their child's safe arrival at school and in all cases when assessing the suitability of routes, the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably dressed.

The committee were reminded and noted that the authority will not take into account the working arrangements of parents or other commitments like taking other children to and from school when assessing transport entitlement.

The Committee noted the Officer's comments which stated it is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

The Committee have noted and viewed the evidence submitted by the appellant in the way of:-

- Letter from the ADHD Nurse Specialist at Southport and Ormskirk Hospital dated 13 may 2020.
- Letter from the Disability Benefit Centre dated 28/02/20
- Universal Credit statement for the period 09/06/20 to 08/07/20

The committee also noted that the appellant had signed the application from for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4847 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 2020/21.

4857

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 4.29 miles and over the statutory walking distance to the home address, and instead would attend school which was 4.85 miles from the home address also over the statutory walking distance from home to school. 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 Financial grounds and other exceptional reasons, the committee note that the family are not appealing on Medical or educational continuity grounds 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 family state that the mother works part time and that the father works full time and that they are in receipt of child tax credits and working tax credits each month. Evidence has been submitted from the appellant to substantiate this claim.

The family also state that they are claiming under other exceptional reason, the appellant states that they reside within one of the Parishes close to the school, the appellant lives on the direct route of two of the school buses and that these buses have previously picked up children close to their home address. The appellant also states that they have another child in attendance at Primary school

who they need to drop off at school and that the appellant cannot conduct two separate school runs for drop off and pickups on time.

The committee note that the appellants are appealing on financial grounds and that they have submitted benefit forms as evidence, however it was noted that the pupil is not in receipt of free school meals or that the family qualify for the maximum amount of working tax credit which would entitle the pupil to extended rights under family being classed as on a low income. The information could not be determined by the authority as no clear evidence was available to the authority from the information submitted by the appellant. The committee noted that the appellant states that if they had to purchase a travel pass that this would put a strain on the family's finances. The committee also note that the appellant states that they have another child that is due to start secondary school in a couple of years and that child too will also require transport assistance.

The committee note that the pupil was offered their 1st preference of school when applying for a year 7 place. The committee were also reminded that a Summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a school application. Additionally, members of the Pupil Access Team are in attendance at nearly all of the secondary school open evenings to give advice about admissions and transport entitlement. The committee were reminded that The Department for Education guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

Considering the Officer's comments, the Committee noted that it was parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

The Committee reminded that it is the parents' primary responsibility for ensuring their child's safe arrival at school. The committee were reminded and noted that the authority will not take into account the working arrangements of parents or other commitments like taking other children to and from school when assessing transport entitlement.

The Committee noted that the appellant is appealing on the grounds of exceptional reasons. The committee noted that the family state is also the reason for the transport appeal and that it is because they reside within a parish area close to the school. The committee note that the family state that they are aware that previous families within their area have been awarded free transport to and from the school of choice. The committee also note that there is currently two

school service buses for the school of choice operating that are close to the home address.

The appellant states that previous students living near to the home address have been awarded a pass. The appellant state that they are unable to transport the pupil to and from school due to other child care commitments.

The committee were reminded that in 2015 the authority removed its discretionary element of entitlement to a bus pass from the Transport Policy. All students from 2015 now only receive transport assistance if they are attending their nearest school and live more than the statutory 3 mile walking distance. The committee were reminded that when assessing the closest school to the home address the policy included schools in other Local Authority's and no longer took into account any GPA's previously relating to schools. The committee note that the pupil is not attending their nearest school.

The Committee also noted that the appellant had signed the application form, for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4857 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 2020/21.

4859

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 0.80 miles and within the statutory walking distance to the home address, and instead would attend school which was 10.47 miles from the home address and over the statutory walking distance from home to school. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The committee note that the appeal had previously been deferred in order to allow the appellant to submit additional evidence to support the appeal. The committee asked for current and up to date benefit statements relating to the award made to the appellant's family and any other evidence that the appellant wished to submit to support their appeal.

The committee note that further evidence had been submitted by the appellant and that this included:-

- A letter from the school the pupil attended
- Council Tax Bill Credit notification
- Letter from Lancaster City Council in relation to Disabled Facility Grant for Home – undated
- Letter from Mobility dated 23/04/20
- Letter from Lancashire County Council re disabled parking dated 10/02/2020
- Jobcentre Letter dated 19/06/2020 relating to support Allowance
- DWP letter dated 24/01/2020 re PIP payments for the appellant
- DWP letter dated 24/01/20 re PIP payment for the Appellants Partner
- DWP Letter dated 06/03/2020 re award made to the pupil.
- Letter from the appellant dated 14/08/2020

The family were appealing to the Committee on Financial and Medical Grounds relating to the appellant, the appellants partner and the pupil.

The appellant stated that they and their partner had been discharged on medical grounds after serving in the armed forces and that due to the medical discharge the family moved to be close to the appellant's parents who would be able to offer care and support for the family.

The committee note that the family are classed as a low income family and that the pupil is in receipt of free school meals. The committee looked at all the evidence supplied by the appellant as stated above.

The committee note that the pupil was offered their 1st preference of school when applying for a year 7 place. The committee were also reminded that a Summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a school application. Additionally, members of the Pupil Access Team are in attendance at nearly all of the secondary school open evenings to give advice about admissions and transport entitlement.

It was also noted by the Committee the statutory guidance from the Department for Education states that schools can be considered when undertaking assessments to receive transport assistance if they have places available and "provide education appropriate to the age, ability and aptitude of the child, and any SEN that child may have". The County Council delegates a significant amount of funding to all mainstream high schools to provide the learning support for pupils with additional needs. All schools are expected to provide the necessary support to enable a pupil to fully access the curriculum.

The committee note that the pupil does not attend one of their 3 closest schools to the home address and although would qualify for transport assistance on low income grounds, schools should be within 2 to 6 miles of the home address. The school attended as noted by the committee was over 6 miles and not one of the 3

nearer schools to the home address. The committee note that the family are appealing on financial grounds and that the family have included evidence of their income to support this, however the committee note that although the family are in receipt of benefits that the pupil has had an award made for their disability in the way of a care component (middle Rate) and also a mobility component (lower Rate). The committee considered this and noted that an award had already been made by the DWP and that the Mobility award entitlement was for the pupil to help with any additional day to day costs that the family incur as a result to help the pupil get around including any costs relating to attendance at school. The committee also note that a mobility vehicle had been awarded also to the family to help with getting around, the appellant states that their partner has been advised not to drive, however the committee note that the appellant had applied for a blue badge holders parking bay to be located outside the home indicating that there was possibly transport provision available to the family. Considering the Officer's comments, the Committee noted that it was parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

The Committee also noted that the appellant had confirmed that the appellant wished for the appeal to be heard on the 12th October 2020 and additional evidence be presented to support their transport appeal and in doing so have agreed to "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4859 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 2020/21.

4860

It was reported that a request for transport assistance had initially been refused as the pupil would be attending their nearest suitable school, which was 1.86 miles and within the statutory walking distance to the home. 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 Financial grounds and other exceptional reasons and are not appealing on Medical or educational continuity grounds and are appealing to the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The committee note that the pupil was awarded their first choice of school on admission for a place at the school attended for a year 7 place starting in September 2020.

The appellant states that an older sibling was awarded a bus pass previously for their attendance from year 7 to 11 at a school opposite to the school attended by the younger sibling. The appellant cannot understand why this award was granted to the elder sibling who attended the school opposite and the current sibling has not been awarded a travel pass to the school of choice. The committee note that the school the elder sibling attended was just over 2 miles and over the walking distance measured for pupils who qualified for assistance under the previous policy on Low income grounds.

The committee were reminded that in 2015 the authority removed its discretionary element of entitlement to a bus pass from the Transport Policy. All students from 2015 now only receive transport assistance if they are attending their nearest school and live more than the statutory 3 mile walking distance or between 2 and 6 miles for those families classed on low income grounds. The committee were reminded that when assessing the closest school to the home address the policy included schools in other Local Authority's and no longer took into account any GPA's previously relating to schools.

The committee were also reminded that a Summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a school application. Additionally, members of the Pupil Access Team are in attendance at nearly all of the secondary school open evenings to give advice about admissions and transport entitlement.

The committee noted that the appellant regards the walking distance and route to be unsuitable. The committee noted that officer comments advise that when another local secondary school closed in the area 2016 the authority undertook an assessment of all the possible walking routes and that the routes identified as a safe walking route had been applied the route the authority would expect the pupil to take from the home address to the school of choice.

The Committee were reminded that it is the parents' primary responsibility for ensuring their child's safe arrival at school and in all cases when assessing the suitability of routes, the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably dressed.

The committee were reminded and noted that the authority will not take into account the working arrangements of parents or other commitments like taking other children to and from school when assessing transport entitlement. The committee also note that the form filled in by the appellant states that the pupil is currently walking to and from school. There was no evidence submitted as to why this cannot continue.

The committee note that the appellant is on a low income due to being in receipt of Benefits, however the committee note that the appellant is awarded income support allowance, child tax credits & universal credit. The committee note that not all pages of the claim have been submitted.

It was also noted that the appellant states that they do have suitable transport within the home but that due to medical reasons the appellant is unable to drive the pupil to and from school each day. The committee note that no Disability payment or medical condition is outlined by the appellant to make an assessment on this. The committee note that there is no reason stated as to why the appellant is unable to drive the pupil to school or if there is any medical reason why the appellant cannot accompany the pupil to and from school by foot.

The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4860 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 2020/21.

4861

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 3.71 miles from their home address and over the statutory walking distance and instead would attend a school which was 3.81 miles away and was also over the 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.

The Committee noted the appellant's was not appealing on financial grounds but was however appealing on Medical grounds for one of the pupils who were in attendance in year 9 of the school attended and the other pupil year 8. It was noted by the committee that the appeal does seem to focus on why travel assistance is required for the elder pupil but there is very little information or reasons stated for the younger sibling other than stating that both children have excelled at the school attended.

The appellant states that the family moved to accommodate an elderly dependent relative subject to building work being completed on the new home address. The committee note that the appellant has not expanded on this fact and no evidence has been submitted by the appellant as to what this means in relation to the transport appeal.

The appellant states that both parents are key workers and unable to take the pupils to and from school due to their working commitment / role and the requirement to be at their place of work by a specific time.

It is noted that the year 9 pupil has undergone extensive medical treatment and noted all the medical evidence to support this.

The committee note that the school of choice was a faith school and that faith was a deciding factor when choosing the school attended.

The committee also note that the appellant states that the school classed as nearer now to the new address is accepted by the appellant as nearer but note that the appellant states that the physical route would be longer and in their opinion an unsuitable route for the children if they had to travel to the closest school.

The committee noted that the officer's statement indicates that there is a nearer school to new home address, however the school has no places and as such has not been assessed as the closest school for transport assessment purposes in this instance.

The committee note that the appellant is not appealing on financial grounds. The Committee therefore were unable to determine the family's financial circumstances. No financial information was submitted to the Committee to state that the appellant is unable to afford the cost of travel for both pupils to the school of choice.

The Committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

The committee were reminded that The Department for Education guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

The Committee noted the Officer's comments which stated it is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

The committee noted the officer's comments and note that the policy does contain a discretionary element award for pupils with a long term medical need. Where this is apparent that a pupil is physically unable to walk to school, transport provision may be considered where a pupil attends their nearest suitable school. However this element of award cannot be offered to the pupil as they do not attend their nearest school for transport assessment purposes.

The committee also note that the pupil was previously in receipt of DLA personal care element but was now not entitled to any rate relating to assistance with mobility. The committee also note that that the medical letter dated 5th March 2018 from the doctor states that the pupil has no active symptoms and was extremely well, active and was participating in all activities. The committee also note that this is also confirmed with a follow up letter on the 30th March 2020 detailing the pupil's ex-ray results confirming that there are no concerns. It was also noted by the committee that no report was submitted by the school attended to state any adjustments to mobility were currently being made to assist the pupil in getting around school. This was also evidenced in the appellants submission to the school in an e-mail dated 17th May 2018, that stated that the pupil does not need significant levels of support currently and that the pupil has recovered a great deal of her mobility.

The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4861** 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 2020/21.

4865

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 2.76 miles from their home address and under the statutory walking distance and

instead would attend a school which was 3.01 miles away and was over 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.

It was noted by the Committee, the appellant was not appealing on Financial or medical ground but was appealing on:

Educational continuity grounds: The family had moved home voluntary earlier this year and the pupil is entering year 10 at the school attended. The appellant states that this is an important year for the pupil and that they have established Social groups within the school attended and that the school have provided excellent support to the pupil that have helped. The appellant states that the pupil has been vulnerable in the past and has accessed support from the school and CHAMHS. The appellant states that the pupil does not feel confident walking to school and that a sibling has been awarded transport assistance which will allow support to the pupil as the siblings can travel together.

The appellant states that there is no suitable transport within the home to assist with transporting the pupils to and from school.

It was noted by the committee that the officer's comments state that the sibling was offered transport assistance to the school attended because there is no places available for the sibling to attend the nearest school and that the school attended is then deemed the closest to the home address for transport purposes.

The committee note that within the policy it does have a discretionary element to the transport policy where assistance is given to pupils who have moved home once they have commenced their GCSE's normally in year 10 and 11. However this element of the policy only applies where the pupil has previously attended the nearest school to the previous home address and the family meet the low income criteria, the committee note that the family do not qualify for free school meals and in this instance do not qualify for the extra transport assistance offered.

The Committee were reminded that it is the parents' primary responsibility for ensuring their child's safe arrival at school and in all cases when assessing the suitability of routes, the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably dressed.

The committee were reminded and noted that the authority will not take into account the working arrangements of parents or other commitments like taking other children to and from school when assessing transport entitlement.

The Committee noted the Officer's comments which stated it is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

The committee note that no evidence was provided by the appellant relating to the medical issues highlighted by the appellant relating to the pupil to support this has been provided to substantiate this claim. The committee were reminded that transport appeals are evidence based.

The committee note that the appellant is not appealing on financial grounds. The Committee therefore were unable to determine the family's financial circumstances. No financial information was submitted to the Committee to state that the appellant is unable to afford the cost of travel for the pupil to the school of choice.

The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4865** 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 2020/21.

4866

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 8.11 miles from their home address and over the statutory walking distance and instead would attend a school which was 8.39 miles away and was also over 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.

It was noted by the Committee, the appellant was not appealing on Educational continuity, Financial or Medical ground but was appealing on:

Other Exceptional grounds: The appellant states that an elder sibling has been offered transport assistance to attend the same school and the appellant finds it difficult to understand why the younger pupil is not entitled to transport assistance.

The committee noted the officer's comments that had the appellant applied for a place at the nearer school last year on admission that a place would not have been offered to the elder sibling. The committee note that transport had been awarded to the elder sibling because at the time of allocation of places the school attended was deemed as the closest school to the home address with places available. It was also noted by the committee that at the time of allocation this year a place could have been available to the pupil if they had listed the choice as a higher preference.

It was noted by the committee that the appellant states that they were always lead to believe that transport assistance and admissions is always allocated by a straight line measure to the closest school to the home address. The officer states that the appellant has now been informed that transport is assessed by the nearest school by road route and that the appellant states that this is absurd in their opinion. The appellant goes onto state that they are sure that the authority recognises that it is important for siblings to attend the same school.

The appellant has submitted 3 maps to outline their point that the school attended is in fact in their opinion closer by road than that of the school the authority deems as the closest route. All three maps were considered by the committee.

The committee were reminded that the County Council has two bespoke packages of mapping software specifically purchased for the accuracy of measurements undertaken for both admissions and transport purposes. Both have a proven history of accuracy.

Measurements undertaken using AA Route Planner/Google Maps etc., assess the distance of the route a car would take between two points rather than the walking route. MARIO is also utilised to give parents a guide regarding distances but is not deemed as accurate by the authority.

The committee were also reminded that a Summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a school application. Additionally, members of the Pupil Access Team are in attendance at nearly all of the secondary school open evenings to give advice about admissions and transport entitlement.

The committee also noted in the officer's comments that a member of the pupil access team assessed the bridleway and footpath highlighted by the appellant on the 8th September 2020. The route was deemed as unsuitable in accordance with the authority's policy and as such was not considered as a shorter route for the purposes of this transport assessment.

The committee note that the appellant is not appealing on financial grounds. The Committee therefore were unable to determine the family's financial circumstances. No financial information was submitted to the Committee to state

that that the appellant is unable to afford the cost of travel for the pupil to the school of choice.

The committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4866** 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 2020/21.

4867

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 0.91 miles from their home address and under the statutory walking distance and instead would attend a school which was 5.53 miles away and was over 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 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.

It was noted by the Committee, the appellant was appealing on financial grounds.

The appellant states that they work part time and that her partner works full time and that the family are also in receipt of Universal Credit.

The appellant states that they chose the school attended due to faith reasons and that the school of choice had a higher record of achievement than the school identified as the nearer school, the committee noted that this was the first preference of the appellant for a place in year 7 starting in September 2020 and that the pupil had been awarded their 1st preference.

The committee were also reminded that a Summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a school application. Additionally, members of the Pupil Access

Team are in attendance at nearly all of the secondary school open evenings to give advice about admissions and transport entitlement.

The committee were reminded that The Department for Education guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

Considering the Officer's comments, the Committee noted that it was parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

The Committee reminded that it is the parents' primary responsibility for ensuring their child's safe arrival at. The committee were reminded and noted that the authority will not take into account the working arrangements of parents or other commitments like taking other children to and from school when assessing transport entitlement.

In considering the family's financial circumstances the Committee noted that the family are not on a low income as defined in law. No evidence had been provided to suggest that the family were unable to fund the cost of transport to school. It was also noted that the family were not eligible for Free School Meals or in receipt of the Maximum amount of working tax credits.

The Committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case"

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4867** 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 2020/21.

4882

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 0.08 miles from their home address and under the statutory walking distance and instead would attend a school which was 5.75 miles away and was over 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 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.

It was noted by the Committee, the appellant was appealing on Educational continuity grounds.

The appellant states that they have temporarily moved address to assist with the care of the appellants parent and that both parents and children now reside with the appellant's parent. The family hope that the family can return to the area previously resided in order for the pupil to maintain educational continuity of the pupil, it is noted that the pupil is now in year 8.

The appellants state that the family wish the pupil to be educated at a faith school and had previously attended a primary school of faith. The appellant states that previously they had took the children to school by car but the year 8 pupil has now had their start time altered and that the appellant will now find it difficult to get the pupils to school on time.

The committee were reminded that The Department for Education guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

Considering the Officer's comments, the Committee noted that it was parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

The Committee reminded that it is the parents' primary responsibility for ensuring their child's safe arrival at. The committee were reminded and noted that the authority will not take into account the working arrangements of parents or other commitments like taking other children to and from school when assessing transport entitlement.

The committee note that the appellant is not appealing on financial grounds. The Committee therefore were unable to determine the family's financial circumstances. No financial information was submitted to the Committee to state that that the appellant is unable to afford the cost of travel for the pupil to the school of choice.

The Committee also noted that the appellant had signed the application form, for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application from 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 4882 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 2020/21.

4887

It was reported that a request for clothing assistance had initially been refused as the appellant did not qualify under any of the categories outlines in the policy. The policy only usually applies to pupils who are eligible for free school means and where the below grounds can be satisfied.

These are:-

- Where a pupil is the victim of sever family dislocation, especially where there is a need for the pupil to be moved and have to change school.
- Where a pupil's household has been affected by fire or flood and there is school clothing damage or it's been lost.
- Where a pupil is the subject of an educational, health care plan and where the terms require a change of school during the academic year
- Where a pupil's medical condition warrants additional support.

The pupil was therefore not entitled to a clothing grant in accordance with the Council's policy or the law.

The family were appealing to the Committee that they had extenuating circumstances to warrant the Committee in exercising its discretion and award clothing assistance that was not in accordance with the Council's policy or the law.

The appellant states that the uniform at the school attended keeps changing and that the PE kit has recently changed. It was noted by the committee that the family state that they have had to use a food bank on several occasions and that the effect of corona virus has affected them badly. It was also noted that the appellant states that there is an elder sibling within the family who is disabled and that the family survive on universal credit.

The appellant is seeking assistance in the purchase of a new blazer, school skirt, trousers and the new PE kit.

It was noted by the committee that within the officer's statement that the school have reviewed the uniform policy in June 2020 and that the school will not be reviewing it again until 2023.

The schools website also states the following

Uniform Vouchers

Students in Years 7-10 have been given uniform vouchers today. This will give you, free of charge, 1 blazer and 1 tie for your child. Please visit the Uniform and Leisure shop ASAP to order your child's size, ready for collection in early July.

The committee also note that in the officer's comments that the schools uniform policy states that any family experiencing genuine hardship and require support to purchase the uniform should contact the school. The committee note that the appellant has not stated if they have approached the school to access this offer of assistance.

The committee note that the appellant has not supplied any financial or other evidence in this instance to support the appeal. The committee were reminded that all appeal are evidence based.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule and application form the Committee was not persuaded that there was sufficient reason to uphold the appeal.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4887 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 assistance that is not in accordance with the additional Clothing support.

4892

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 1.001 miles from their home address and under the statutory walking distance and instead would attend a school which was 3.456 miles away and was over 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 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.

It was noted by the Committee, the appellant was appealing on Medical Grounds and other exceptional grounds. The appellant states in their appeal that the pupil is not able due to his disabilities able to access public transport.

The committee note that the appellant reports that the pupil has autism and dyspraxia and is unable to use pupil transport independently, the committee note that the pupil is now in year 9 at the school attended. The appellant states that the pupil has had a number of near misses with traffic and has no sense of danger or road safety and had he not been accompanied by an adult the pupil would have walked straight into the path of oncoming traffic.

The appellant then goes on to outline that the pupil would become extremely distressed and not know what to do or who to ask if anything out of the ordinary occurred. The pupil has no stranger danger awareness, is socially, emotionally very immature and potentially a very vulnerable young person. The committee note that the pupil is currently accompanied to school by the appellant's partner who accompanies the pupil to and from school on their way to and from work. The appellant states this is having a detrimental effect on the partner's employment and putting their employment at risk and is not sustainable long term.

The committee noted all the evidence submitted by the appellant which included:-

- Independent educational psychologist report from David Wasilewski Ltd – dated 10/12/2018
- DED Assessment by Dyspraxia UK
- Letter from Dr K Keens Supporting the application for assistance with home to school transport.

The committee note that the appellant states that whilst the pupil was in attendance at primary school they suffered bullying and that the appellant decided to move the pupil to another school. It was also noted that the appellant had visited a number of schools within the local area that had to be discounted due to the distress of the pupil who had seen these bully's also in attendance at open evenings for secondary school places and that one school had even discouraged the appellant from applying for a place as they stated that they would not be able to accommodate the pupils needs.

The Committee noted the Officer's comments which stated it is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

The committee note from the officers comments that there was another school closer to the home within the statutory walking distance of the home address which could have been offered at the time of application.

The Committee were reminded that there is a statutory requirement for all schools to have an anti-bullying policy. Schools are very experienced in separating peers who may cause each other anxiety both in form groups and during less structured times. The committee note that the appellant had not supplied any supporting evidence to substantiate the claim of previous bullying

nor was there any confirmation that any of the children who had subjected the pupil to this attended any of the nearer schools.

The committee noted that the county council's home to school transport policy contains a discretionally award for pupils with long term medical needs. This states that where it is apparent that a pupil is physically unable to walk to school, transport provision may be considered where a pupil attends their nearest suitable school, it is noted by the committee that the pupil is not attending their nearest suitable school.

The committee also note that there is no EDHC plan at the time of appealing for transport assistance for the pupil and that the appellant was in the process of applying for an assessment to be made.

Resolved: That;

Appeal 4892 be **deferred** in order for the appellant to gather the following information and evidence to support the appeal to be presented at the next transport committee meeting to be held on the 9th November 2020, to be submitted to the appeals team **no later than the 30th October 2020** via e-mail to:- appeals@lancashire.gov.uk.

Deferred - In order for

- The appellant to advise if an EHC Plan has taken place for the pupil and that the plan is submitted as part of the appeal.
- Details of Income of the family i.e. up to date bank statements and DWP assessment – which are full and up to date.

4897

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 2.91 miles from their home address and under the statutory walking distance and instead would attend a school which was 4.37 miles away and was over 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 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.

It was noted by the Committee, the appellant was appealing on Financial Grounds and Other Exceptional Grounds.

The committee note that the appellant is a single parent currently living with grandparents, the pupil's father died when the pupil was aged 3 years old and that the appellant has remained single and had no other financial assistance. The appellant states that they work full time and is also studying and therefore unable to provide transport for the pupil to attend school. The committee note that the appellant states that they are on a low wage and in receipt of child tax credit and working tax credit and cannot afford the bus fare needed for the pupil to attend school.

The committee note that the appellant states that the head at the primary school attended recommended that the pupil attend the school attended due to the need of an SEN assessment and that the school attended was a SEN focused school. It was also noted that the appellant states that the pupil is displaying clear signs of a learning disability and that the primary school attended failed to assess the pupil, thus delayed their development. It is noted that the pupil currently does not have a statement or and EHCP but is currently being assessed at the time of application for transport assistance.

The committee note that the appellant did not want to send the pupil to the nearest school as in their opinion the pupil would be at high risk of bullying and victimisation due to the learning disability of the pupil.

The appellant states as noted by the committee that the use of public/school transport would be valuable to develop the pupil's social skills and confidence. It is reported by the appellant that there is no suitable transport in the home as the appellant works shifts and no other support being available.

Resolved: That;

Appeal 4897 be **deferred** in order for the appellant to gather the following information and evidence to support the appeal to be presented at the next transport committee meeting to be held on the 9th November 2020, to be submitted to the appeals team **no later than the 30th October 2020** via e-mail to:- appeals@lancashire.gov.uk.

Deferred - In order for

- The appellant to advise if an EHC Plan has taken place for the pupil and that the plan is submitted as part of the appeal.
- Details of Income of the family i.e. up to date bank statements and DWP assessment – which are full and up to date.

Appeal 1145548

It was reported that a request for transport assistance had initially been refused as the pupil was now over the age limit where students are offered assistance under the SEN policy for Travel assistance dated 2013/14.

The committee note that the appellant is appealing on the grounds that the pupil struggles on public transport and that the crowds and the loud noises make the pupil anxious and very stressed.

The Committee noted the Officer's comments which stated the Policy states that:

- No assistance will be provided under this policy for the following students:
A student who is aged 19 or above when he or she starts a further education course. Therefore the pupil did not meet the policy criteria.

It was noted by the Committee the Council had offered the Independent Travel Training for young people with Education, Health and Care Plans and that training was scheduled to take place over the summer of 2018. This team could support the pupil, if appropriate, to gain the skills needed to access Public Transport for their future, whether this be university or employment. At this point it was noted that transport assistance was granted as an interim measure in case the transport ITT took longer to complete.

The committee noted the officer's comments that the pupil had refused to engage on the 28/01/2019 with this training and that at this time parental concerns were raised, however no concerns were raised by the College attended by the pupil.

The committee note that as a result transport was again agreed as a temporary measure for the autumn term 2019 only in order to support the pupil and to allow for the ITT to take place, it is noted again that the pupil did not engage with the training offered. The committee also noted that the ITT trainer is of the opinion that with training the pupil will be able to independently access and use public transport safely.

The committee note that the appellant states that the pupil is in receipt of PIP, however no evidence of this has been submitted as part of the appeal.

The Committee noted the Education, Health and Care Plan of the pupil – dated 28/03/2019.

Resolved: That;

Appeal **1145548** be **temporarily awarded up to the end of the summer term 2020/21 (July 2021) only.**

In order for

- To allow the pupil to access the training on independent travel training prior to the award ceasing in July 2021.
- If the appellant wishes to submit an appeal once training has been accessed by the pupil then a full report and updated EHC Plan is required to be submitted to the SSA Committee.

4871 - AOB

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 0.29 miles from their home address and under the statutory walking distance and instead would attend a school which was 13.23 miles away and was over the statutory walking distance. The committee noted that the pupil was offered their 2nd preference for admission to the school attended in year 7 starting in September 2020.

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 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.

It was noted by the Committee, the appellant was not appealing on Financial Grounds, educational continuity grounds or Other Exceptional Grounds. The appellant is appealing on Medial Grounds of the pupil only.

The committee noted that the appellant states that the pupil suffers from reduced field of vision, difficulties with hand eye co-ordination and lack of 3D vision and hinders her perception of distance, depth and speed. The appellant states that visual ability fluctuates with lighting conditions. The appellant states that the pupil currently travels to and from school by the school bus service and that the appellant is unable to take the pupil to and from school due to taking another sibling to another school. The committee note that the appellant states that the pupil is in receipt of a DLA award.

It is noted by the committee that Evidence of the visual impairment has been submitted by the appellant and that this includes:-

- Letter from LCC confirming medical condition dated 26th June 2015
- Certificate of visual impairment (five pages of the document)
- Planning record for the pupil dated November 2019
- Letter from the Hospital dated April 2016.

The committee note from the officer's comments that there was another school closer to the home within the statutory walking distance of the home address which could have been offered at the time of application had the appellant included the nearer school as a preference at admission, the committee noted that the appellant had not listed this as a preference.

The committee noted that the family are appealing on medical grounds of the pupil and note that all schools are provided with a significant amount of funding to allow any child to access an education appropriate to the age, ability and aptitude of the child and any SEN that the child may have including any 1:1 support to enable the child to fully access the curriculum. The committee note that the pupil was offered their 2nd preference of school when applying for a year 7 place. The committee also note that the pupil is not subject to an EHC Plan and that this was checked and confirmed with the SEN team that no plan was in place.

Resolved: That;

Appeal 4871 be **deferred** in order for the appellant to gather the following information and evidence to support the appeal to be presented at the next transport committee meeting to be held on the 9th November 2020, to be submitted to the appeals team **no later than the 30th October 2020** via e-mail to:- appeals@lancashire.gov.uk.

Deferred - In order for

- Details DWP awarded to the family – which is full and up to date.

L Sales
Director of Corporate Services

County Hall
Preston