

Lancashire County Council

Student Support Appeals Committee

Minutes of the Meeting held on Monday, 2nd December, 2019 at 10.00 am in CH1:01 - County Hall, Preston

Present:

County Councillors

A Cheetham

Y Motala

1. Apologies

CC C Wakeford

CC J Cooney

2. Disclosure of Pecuniary and Non-Pecuniary Interests

Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.

3. Minutes of the meeting held on 4th Novemebr

Resolved: That; the Minutes of the meeting held on the 4th November 2019 were confirmed as an accurate record and were signed by the Chair.

4. Urgent Business

4764

5. Date of the Next Meeting

The next scheduled meeting of the Committee will be held at 10.00am on the 20th January 2020 at County Hall, Preston.

6. 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.

7. 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 8 appeals and 3 urgent business 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 2018/19, and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

Appeal 4684

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 1.49 miles from the home address, and within the statutory walking distance of under 3 miles. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The appellant stated, as noted by the Committee, that their partner lived in the family home but had no parental responsibility towards the pupil. The partner was unable to walk the pupil to school due to their own medical conditions. The appellant was the pupil's carer.

It was noted by the Committee, the appellant had completed the Financial Section of the Appeal Form, stating they worked part time but was currently claiming sickness benefit at the moment. The appellant also explained that their partner did not work. The family had a joint Universal Credit account and full financial details were recorded on supplementary evidence provided. With the amount left once their outgoings were paid, the family were unable to pay for a taxi themselves.

The Committee noted the main focus of the appeal surrounded the family's medical situation:-

The pupil suffered with severe mental health issues and was currently on the waiting list for CAMHS which was confirmed in the supplementary evidence provided by the appellant. The report from ACCESS outlined the difficulties faced by the pupil and the family. Important factors were raised on the supplementary evidence.

Fuller, more personal information was included on the supplementary evidence. The appellant explained the lengths they had gone to, to take the pupil to school themselves.

The pupil struggles with sleeping and waking and the appellant outlined the logistical difficulties of getting ready for school on a daily basis.

The appellant has had an operation and was currently awaiting a further one.

The family has a CAF and TAF of which copies were attached.

The family were supported by Health and Education Professionals.

Diagnosis of ASD which was confirmed on the report of 30 May 2019 was included in the case. The SSAC was requested to refer to the summary towards the end of the report.

The appellant was a supportive parent and was doing their best to assist the pupil's transition to school. They were concerned that the lack of transport would affect their chances in school.

Local MP had been in touch with the Local Authority, and added their support to the case, stating the appellant struck as an incredibly positive parent, dealing with a complex and challenging set of circumstances. The copy of email attached in the case.

Copy of the pupil's In School SEN Support copy from previous school attached.

CAF report identified the need for transport support.

TAF report identified the need for transport assistance.

The family's key worker explained that it was in the best interest of the pupil and other people for the pupil NOT to access public transport without an appropriate adult.

The appellant explained that the pupil was unable to walk on their own, they were a high risk child and there were safe-guarding issues for the pupil and other children if this occurred. Hospital appointment scheduled for August evidenced this.

The family were concerned that if the taxi was not provided, the pupil might become a school refuser. The appellant explained that family member was unable to accompany the pupil to school as they couldn't drive and was awaiting an operation.

The family's request for home to school transport was supported by health professional.

The letter from the school attended by the pupil confirmed that it was imperative that home to school transport was in place during the first year to enable a

successful transition to school and to safeguard all children who were travelling at those times.

The appellant would like transport to start on 3 September and would like it to be provided for as long as possible.

Local MP supported the appellant's account suggesting the appellant was unhesitatingly clear that they wanted the pupil to have the best chance at a positive and successful transition to school, support with home to school transport, even if only during the initial phase, would go some way in addressing that.

The appellant said that the pupil had a Statement of SEN/EHP. When checking the pupil had not got it. The pupil's needs were met within school, additional support was offered. The pupil was not 'statemented'.

The Committee noted the Officer's comments which stated the pupil would be attending their nearest suitable school, however, transport had not been approved because the distance from home to school was less than the statutory walking distance.

It was noted by the Committee, the pupil did not have an Education, Health and Care Plan. The appellant did originally apply for transport assistance to the Inclusion Service who had their own transport policy. However, this was declined because the pupil was not known to their service and the walking distance was 1.49 miles from home to school. The appellant was informed of their right of appeal and advised that a Special Educational Needs Information and Support Officer would contact them if they required any assistance with the appeal process.

The Committee were informed County Council's Home to School Transport policy contained a discretionary award for pupils with long term medical needs. 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. When transport is agreed on these grounds it is usually in the form of a school bus, however, the appellant would like taxi transport provided.

The Officer's noted stated, as noted by the Committee, the pupil did have a diagnosis of health issue. However, none of the medical evidence stated that the pupil would not be able to physically walk to school either by themselves or accompanied by an appropriate adult.

The SEN Plan provided by the pupil's school stated that the pupil was quite independent with regards to getting to and from school. The pupil was completely independent in school.

The Committee noted the letter from the Child and Family Wellbeing Service noted that until the pupil had received CAMHS therapy it would be in the best interest of the pupil and other people for the pupil not to access public buses or

areas without an appropriate adult. Additionally, in the TAF it stated that the appellant wanted the pupil's health issues to be properly supported before they could access transport independently. They would suggest that the pupil could travel to school if appropriate support was in place.

The Committee were informed parents have the primary responsibility for ensuring their child's safe arrival at school. The responsibility for the child to be accompanied as necessary rests with the parent.

In exceptional circumstances where it is not possible due to the medical condition of one or both of the parents or carers to accompany a child to school and it is not possible to make suitable arrangements for a family member or friend to accompany a child to school transport assistance will be considered.

If transport is approved on these grounds it is only for a maximum of 12 weeks. Should transport be required for longer than this then parents will usually have to appeal.

The letter provide by the appellant's GP stated that the appellant's health did not permit them to walk the pupil to school at the present moment. There was no indication of how long the appellant was unable to accompany the pupil and the letter did not state that the appellant would not be able to walk with the appellant after their operation. Also, there was no information to suggest that the appellant would not be able to accompany the pupil on public transport, if required. It might, therefore, be helpful for more detailed information about the appellant's medical condition to be provided.

The appellant had outlined why their partner could not take the pupil to school, however no medical evidence had been provide to substantiate this.

The Committee noted that the TAF stated that the pupil was transported to their school transition sessions. It was unclear who provided this transport and the reason why this could not continue when the pupil started school.

It was noted by the Committee that there was a dedicated school service to the school attended by the pupil with the nearest stop less than 100 metres from the family home. If there was capacity on the bus the appellant would be able to purchase a season ticket if they contacted School Traveline.

The Committee noted the Pupil Access Team had attempted to contact the transport co-ordinators to determine whether there was already a taxi service transporting children to school in the area but had not been provided with any information at the time. If there was a service with capacity then the appellant would enquire about purchasing a season ticket for this.

The Committee were informed that if they agreed that transport assistance other than a bus pass should be provided then the pupil would only travel by themselves if there was no space on an existing service, which would mean travelling with other children in a taxi, or if decreed by the Panel.

The Committee note the pupil was in receipt of Free School Meals

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."

The Committee after taking into account the appellant's and officer's notes have agreed to provide temporary travel assistance in the form of a taxi on the proviso the appellant can provide further proof on the following information, should the appellant want to apply for transport assistance again:

- Information about CAMHS for pupil
- Detailed information about appellant's medical condition
- Medical evidence supporting why the appellant's partner was not able to take pupil to school.
- Reasons why TAF stopped providing transport for the pupil

Resolved: Therefore, having considered all of the family's circumstances and the officer responses as set out in the Appeal Schedule 4684, 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 December 2019 to support the family in the interim.**

The appellant has provided further proof that was required of them from the Committee.

The Committee have noted all the further proof that had been provided by the appellant.

Resolved: Therefore, having considered all of the family's circumstances and the officer responses as set out in the Appeal Schedule 4684, 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 July 2020 to support the family in the interim.**

Appeal 4757

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 5.66 miles from the home address, and instead would attend a school which was 5.82 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The Committee noted the appellants were not appealing on financial, medical or educational continuity grounds. The appellants both work full time and definitely needed help with getting the pupil to and from school. They were presently relying on grandparents who lived next door and were approaching old age, friends or themselves.

The appellants were advised, as noted by the Committee, that transport was not allowed because the pupil was not attending their nearest school at 5.66 miles. The Committee noted that appellant had produced evidence from AA Auto route which clearly showed that the school attended by the pupil was closer to their home than the school that was considered nearest to home by 0.3 of a mile. It was noted by the Committee that the appellant did enquire about a pay as you go as a temporary measure but there was only one seat available and no guarantee that the pupil would get a seat.

The appellant was requesting transport as soon as possible until the pupil left school or the family's circumstances changed.

It was explained to the Committee, assessing a pupil's eligibility to receive transport assistance was a two part process. Firstly, a pupil's nearest school, for transport assessment purposes, is determined. This is the school that is closest to the pupil's home, measured by the shortest walking or road routes, as accepted by the County Council. The safety of the route between home and school is only considered if a pupil is attending their nearest establishment.

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 provided to give parents a guide regarding distances but is not as accurate a measuring tool.

The Committee were informed that as the school attended by the pupil was one of the three nearest schools to the home address, and the distance is between two and six miles, the pupil would have an entitlement to transport assistance if the parents are eligible to claim free school meals, or are receiving the maximum amount of Working Tax Credit. There was no evidence to indicate that either of these circumstances apply to the pupil.

The Committee have noted all the supplementary evidence supplied by the appellant:

- Letter from the appellant re appeal for transport assistance to the school attended by the pupil.
- AA Route Planner re: home to the school attended by the pupil at 5.9 miles.
- AA Route Planner re: home to the nearest suitable school at 6.2 miles.
- Bing Map showing where the pupil would be picked up and dropped off.
- School Bus Service time table to the nearest suitable school
- School Bus Service time table to the school attended by the pupil.

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 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 4757 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 2019/20.

Appeal 4760

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 1.98 miles from the home address, and within the statutory walking distance of under 3 miles and instead would attend a school which was 3.39 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The Committee noted the appellant was not appealing on financial grounds but was, however, appealing on:

Medical grounds.

The pupil suffered from health issues and was a vulnerable child with learning issues. The appellant had attached a letter from CAMHS. The pupil did not like crowds or travelling on public transport.

Educational continuity grounds:

The school the pupil attended had given them a lot of support and for them to move schools and start again with a new set of teachers and pupils would not be a consideration.

The appellant stated, as noted by the Committee, in the past the pupil had experienced bullying at school and on the school bus home and in view of this, the appellant would like the local authority to supply a taxi to transport the pupil to and from school. The appellant had been taking the pupil to school, but due to a change in their job, they were now finding it difficult to drop them off. The appellant stated they arrived 30 minutes late at work every morning, thus putting their job at risk. They had already received a written warning from their employers due to always being late. They had no way of getting the pupil home from school. It was felt that the pupil would have a breakdown due to their anxiety if they had to catch 2 buses home. When the appellant collected the pupil, they

were a different child and easier to deal with. A set routine would make it one less thing for them to worry about.

The appellant had requested transport to start as soon as possible until the pupil completed their education at the school attended or the family's circumstances changed.

The Committee noted under additional comments that the appellant was waiting for results from the pupil's ASD appointment which only went in front of the board in November.

The Officer's comments and review stated as noted by the Committee, the pupil was awarded transport assistance by the Student Support Appeal Committee in October 2018. This was to transport the pupil home from school only up to the end of the 2018/19 academic year (July 2019). This transport assistance was in the form of a taxi. The reason for the initial refusal of transport assistance (that the pupil was not attending his nearest suitable school) still stands.

It was addressed by the Committee there is an additional entitlement to transport assistance for low income families. If parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit.

Free travel is provided if a pupil is attending one of their three nearest school and the school is situated between 2 and 6 miles from home. There was no evidence to indicate that the pupil satisfied either of these criteria.

The Committee noted that as at of November 2019 the pupil did not have an Education Health Care Plan and there was no evidence currently that one had been requested.

The Committee had noted the letter from health professional dated in September 2018 and August 2019.

The Committee noted the appellant had been awarded temporary school transport assistance in October 2018 for pupil to be collected from school only, up to the end of 2018/19 academic year (July 2019).

It was noted by the Committee that no up to date information was provided by the Health authorities nor was there any information from CAMHS, EHCP or SEN.

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 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 4760 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 2019/20.

Appeal 4765

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 10.06 miles from the home address, and instead would attend their second nearest school which was 11.19 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The Committee noted the appellant was not appealing on financial, medical or educational continuity grounds.

The appellants stated, as noted by the Committee, in 2017, the nearest school to the family home was the nearest suitable school at 10.06 miles which was undersubscribed at that point in time and therefore the family would have received free home to school transport for the pupil if they had gone there. The family chose to send the pupil to the one attended by the pupil presently at 11.19 miles. In 2019, when a neighbour's child applied to the nearest suitable school it was oversubscribed so their child went to the same school as the pupil and was automatically issued with a free bus pass. The appellant felt that the current system was very unfair. Making some families pay based on a technicality of whether their child may or may not have been able to get a place at their nearest school whether it was wanted or not, was fundamentally wrong.

The Committee noted, the appellant stated the same distance was travelled to the same school by both the pupil and the neighbour's child, but one received a free bus pass and the other didn't.

The appellant stated in light of all the information on the appellant's supplementary sheet, they would be grateful if the SSAC would examine the fairness of their situation and reconsider the fact that they would have to continue paying for the pupil's transport. The Committee have noted the comment.

It was noted by the Committee, the appellant had requested a free bus pass from September 2019 until the pupil left school.

The Officer's comments and review information stated as noted by the Committee, transport assistance had been refused as the pupil was not attending their nearest qualifying school.

The Committee noted the County Council's Home to School Transport Policy is based on statutory guidance issued by the Department for Education in July 2014. The guidance requires that transport eligibility is assessed by considering whether a pupil could have secured a place at a school, when places are allocated, during the secondary school admissions round.

It was brought to the Committee's attention that each year, the Pupil Access Team assess approximately 14,000 pupils who are transferring to high school. As Pupil Access also co-ordinate school admissions, a ranking list is held for every school and officers can determine whether a place would have been

offered at a school if it had been included as a preference on the school application form.

The Officer's comment stated, as noted by the Committee, it was appreciated that the appellant considered this to be unfair but it is a statutory requirement of DfE guidance.

Similarly, the DfE requires eligibility for transport assistance to be based on a measure of the distance between home and school rather than the length of the journey to school or how this might be undertaken. The availability and capacity of bus services can change depending on demand and revenue from bus fares.

The Committee have taken note of all the supplementary evidence supplied by the appellant.

The Committee also noted that the appellant had acknowledged receipt of their appeal notes and would like to proceed with the hearing and had nothing else to add. The email was dated 13 November 2019.

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 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 4765 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 2019/20.

Appeal 4766

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 4.23 miles from the home address, and instead would attend a school which was 8.86 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The Committee noted the appellant was not appealing on financial, medical or educational continuity grounds.

It was noted by the Committee the appellant and the pupil were due to move to a house in a different area, but due to the renovation works and presence of asbestos, the building work was taking longer than anticipated, so they were still living in the present area until the new house was fit to move into. The road

where the appellant and the pupil lived was a country lane with no bus route or street lighting.

The appellant stated, as noted by the Committee, they worked full-time and were a single parent. They have had to change their working hours temporarily to take the pupil to the bus stop in the mornings and have had to rely upon a friend to take the pupil to their house after school. This situation was temporary and the appellant would have to revert to their normal working hours shortly and their friend also had other family commitments to attend to.

The Committee noted, the appellant stated that the pupil would have to catch the bus from school which arrives at 3.50pm. The appellant finishes work at 5.00pm and was unable to collect the pupil. The local library for homework purposes was only open till 7.00pm on Mondays and 5.00pm on Fridays so on the other three days the pupil would have to wait at the bus stop from 3.50pm till after 5.00pm. It would be going dark soon and the appellant would be most grateful if transport could be provided to enable the pupil to return home safely and they could then stay with the lady next door till the appellant returned home. Transport would be required as soon as possible until the appellant's house was ready to move into in the new area.

The Officer's comments and review information stated as noted by the Committee, that the information provided by the appellant suggested that the pupil had never resided at the address near the chosen school so the transport assessment had been made from the address where the appellant and the pupil currently resided.

It was explained to the Committee, assessing a pupil's eligibility to receive transport assistance was a two part process. Firstly, a pupil's nearest school, for transport assessment purposes, is determined. This is the school that is closest to the pupil's home, measured by the shortest walking or road routes, as accepted by the County Council. The safety of the route between home and school is only considered if a pupil is attending their nearest establishment.

When assessing home to school transport entitlement, it is not possible for there to be a consideration of how the pupil might undertake the journey to school. The availability and capacity of bus services can change depending on demand and revenue from bus fares.

The Committee were informed the Department for Education statutory guidance requires the County Council to assess transport eligibility by considering whether a place could have been allocated in the normal admission round if the parent had included the school as a preference.

The Committee were reminded that 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 to transport policy. The Council has no statutory duty to provide transport

assistance in circumstances where pupils do not attend their nearest school or academy.

It was brought to the Committee's attention that from the present home address other nearer schools at which a place could have been allocated to the pupil were two schools at 4.3005 miles and 4.7772 miles respectively.

The Committee noted all the supplementary evidence supplied by the appellant which consisted of two official letters showing both the home addresses.

The Committee also noted that the appellant had acknowledged and accepted information on the appeal schedule.

The Committee have stated the appellant can make an application for transport appeal once they have moved to their new address, if they still required transport from the new address, and it will be assessed again.

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 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 4766 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 2019/20.

Appeal 4773

It was reported that a request for transport assistance had initially been refused as the pupils were not be attending their nearest suitable school, which was 3.44miles from the home address, and instead would attend a school which was 4.43 miles away.

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

The Committee noted the appellant lived alone with the pupils and was not appealing on financial grounds but was appealing on:

Medical grounds:

Older pupil suffered from health issues which was debilitating. Letter from CAMHS was attached.

Educational continuity grounds:

Both pupils had health issues, with the eldest needing treatment from CAMHS. Changing school at this point in time would have a massive impact on their mental health, especially the oldest pupil's

The appellant stated, as noted by the Committee, the younger pupil helped the older pupil with their health issues and most of their close friends lived within the area the family was moving to. The older pupil's health issue was very debilitating and sometimes they were bed bound with it. The school attended by the pupils was extremely supportive and worked very closely with the oldest pupil and CAMHS.

It was noted by the Committee, the appellants stated the house move was from rented accommodation to their own home to help with the pupils' health improvements etc. It would also assist in providing a stable strong environment. Moving schools at this stage was not a choice the appellant had. It was vitally important that the pupils remained at the school they attended.

The appellant was requesting transport from the date the family moved in to their new home in November, as noted by the Committee.

The Officer's comments and review information stated as noted by the Committee, the transport assessment was based on the new home address.

The Officer's comments and review information stated, as noted by the Committee, assessing a pupil's eligibility to receive transport assistance was a two part process. Firstly, a pupil's nearest school, for transport assessment purposes, is determined. This is the school that is closest to the pupil's home, measured by the shortest walking or road routes, as accepted by the County Council. The safety of the route between home and school is only considered if a pupil is attending their nearest establishment.

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 1:1 support to enable a pupil to fully access the curriculum.

The Committee were made aware that both pupils would have an entitlement to transport assistance under the 'low income' criteria of the transport policy if the appellant was eligible to claim free school meals, or was in receipt of the

maximum amount of Working Tax Credit. No information was supplied to indicate the pupils satisfied either of these criteria.

The Committee have taken note of all the supplementary evidence supplied by the appellant.

The Committee have noted that no up to date medical evidence was provided by the appellant to confirm both pupils' health issues.

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 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 4773 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 2019/20.

Appeal 4774

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 2.83miles from the home address, and instead would attend a 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 appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted, the appellant was not appealing on financial, medical or educational continuity ground but were appealing as they felt it was unsafe for the pupil to walk to school due to an unlit and unpaved country lane of over 1.3 miles. The appellant and their partner disagreed with the original refusal of transport

due to there being a closer school at the time of choosing schools. (document enclosed).

The appellant stated, as noted by the Committee, local public bus services have been removed. Transport would be required immediately until the pupil left school or the family's circumstances changed.

The Officer's comments and review information stated, as noted by the Committee, assessing a pupil's eligibility to receive transport assistance was a two part process. Firstly, a pupil's nearest school, for transport assessment purposes, is determined. This is the school that is closest to the pupil's home, measured by the shortest walking or road routes, as accepted by the County Council. The safety of the route between home and school is only considered if a pupil is attending their nearest establishment.

The Committee were informed the Department for Education statutory guidance requires the County Council to assess transport eligibility by considering whether a place could have been allocated in the normal admission round if the parent had included the school as a preference.

The Committee were reminded that 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 to 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 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 provided to give parents a guide regarding distances but is not as accurate a measuring tool.

When assessing home to school transport entitlement, it is not possible for there to be a consideration of how the pupil might undertake the journey to school. Had the pupil attended the nearest suitable school the Council would have a statutory obligation to provide free transportation. If school buses aren't in operation, the Council would select a suitable option to fulfil its legal obligation.

The Committee acknowledged the pupil would have had an entitlement to transport assistance under the 'low income' criteria of the transport policy if the parents were eligible to claim free school meals, or were in receipt of the maximum amount of Working Tax Credit. The Officers had no information to indicate that the pupil currently satisfied either of these criteria.

The Committee have noted the supplementary evidence supplied by the appellant.

The Committee also noted that the appellant had acknowledged and accepted information on the appeal schedule.

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 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 4774 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 2019/20.

Appeal 4775

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 8.59 miles from the home address, and instead would attend a school which was 15.66 miles away.

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

The Committee noted the appellant was not appealing on financial or medical grounds but was appealing on educational continuity grounds. The pupil had completed one year at the school attended and had since moved to live with the appellants and this had made a huge change to their life. The pupil had many friends at the school attended, was familiar with all the teachers and the appellant didn't wish the pupil's education to suffer as a consequence of the move.

It was noted by the Committee the decision for the pupil to move in with the appellants was voluntary and the appellant's address was a permanent one. From the appellant's address, all of the schools available were outside of 3 miles. A Pupil Access Area North Officer had advised the appellant that 3 nearest schools were all full. The next nearest school was 9 miles away and the pupil would have to catch 2 buses to get there.

The appellant advised, as noted by the Committee, that the cost of travel to the school at 9 miles away was the same as the school attended by the pupil presently and the appellant felt that there was no reason for the pupil to leave that school to travel to school at 9 miles away. If they appealed to any of the full schools, they were still outside of 3 miles, making them all eligible for transport assistance.

The appellant had also commented to say they did not understand the wording of Section E: Additional Information.

The appellant had requested transport from September 2019 until the pupil left the school or the family's circumstances changed.

The Officer's comments and review information, as noted by the Committee, stated transport had not been approved because the pupil was not attending their nearest suitable school with a place available at 8.59 miles.

The Committee were made aware that no details had been provided as to the reason why the pupil was now living with the appellant, nor the date of the pupil's change in circumstances.

It was noted by the Committee that when the appellant contacted the Pupil Access Team a full assessment was not undertaken to determine the nearest suitable school with room. The nearest school at 9 miles does have a room in Year 8, however, it was confirmed that the school at 8.59 miles was closer to the home address and also had places.

It was brought to the Committee's attention that 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 the supplementary evidence supplied by the appellant.

The Committee also noted that the appellant had acknowledged and accepted information on the appeal schedule.

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 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 4775 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 2019/20.

Appeal 4776

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 1.63 miles from the home and within statutory walking distance, and instead would attend a school which was 3.49 miles away and was not 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 appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted, the appellant was not appealing on medical or educational continuity grounds but were appealing on financial grounds. They didn't work, didn't have a partner and stated their total household monthly income.

It was noted by the Committee, the appellant would be very grateful if the Committee would grant free home to school transport for the pupil. The family did not want the pupil to attend the nearest suitable school because the pupil's stepfamily attended the school and the pupil's family member was in a bad relationship with them. The pupil's family member was threatened by the stepfamily. There was a court case and the stepfamily member was ordered to keep away from the pupil's family members. The appellant presumed that when they put down 3 school preferences, you always got your first choice and the other two were something you had to put down.

The appellant stated transport would be required immediately until the pupil left the school attended or the family's circumstances change.

The Committee were informed the Department for Education statutory guidance requires the County Council to assess transport eligibility by considering whether a place could have been allocated in the normal admission round if the parent had included the school as a preference.

The Committee were reminded that 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 to transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

It was noted by the Committee there is an additional entitlement to transport assistance for low income families. If parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit.

The pupil was not attending one of their 3 nearest schools so the low income policy did not apply even though the pupil was eligible for Free School Meals.

It was explained to the Committee, assessing a pupil's eligibility to receive transport assistance was a two part process. Firstly, a pupil's nearest school, for transport assessment purposes, is determined. This is the school that is closest to the pupil's home, measured by the shortest walking or road routes, as accepted by the County Council. The safety of the route between home and school is only considered if a pupil is attending their nearest establishment.

It was noted by the Committee, a summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in the 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 school open evenings to give advice about admissions and transport entitlement.

The Committee noted there was an active claim for Free School Meals.

The Committee have taken note of all the supplementary evidence supplied by the appellant.

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 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 4776 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 2019/20.

Appeal 4778

It was reported that a request for transport assistance had initially been refused as the older pupil would not be attending their nearest suitable school, which was 1.70 miles from the home address, and within the statutory walking distance of under 3 miles and instead would attend a school which was 1.98 miles away which was also located within the statutory walking distance. The younger pupil

was refused travel assistance on the grounds that the school attended by the pupils was located within the statutory walking distance of the home address. This reason also applied to the older pupil. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law.

It was noted by the Committee, the appellant was appealing on financial grounds. They didn't work, didn't have a partner, had 3 children and stated their total monthly income. The appellant had attached financial evidence and letter describing their case.

The Committee noted, the appellant was not appealing on medical grounds on the form, but in their letter they advised that the older pupil had a health issues and made their condition difficult to manage. The pupil has needed urgent hospital treatment in the past and, therefore, the appellant felt that it was unsafe for the pupil to walk to school, as they might have an episode which required urgent treatment. The appellant had not provided any medical evidence to support this.

The appellant also advised, as noted by the Committee, that the younger pupil suffered from health issues and had impacted on their school attendance. The pupil would, therefore, be at risk if they had to walk to school. No medical evidence had been provided on the pupil's medical conditions.

It was also noted by the Committee the appellant advised that they too had health issues and the present transport situation was causing them a great deal of stress. She would be grateful for the SSAC's assistance with their current appeal.

The Committee noted transport was required from the appellant from September 2019 until both pupils left school or the family's circumstances changed.

The Committee were informed the Department for Education statutory guidance requires the County Council to assess transport eligibility by considering whether a place could have been allocated in the normal admission round if the parent had included the school as a preference.

The Committee were reminded that 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 to transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy or reside within the statutory walking distance.

It was noted by the Committee the County Council's Home to School Transport policy contains a discretionary award for pupils with long term medical needs. 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. No medical evidence relating to either pupils was received to consider award of transport assistance under this category.

The Committee noted that although both pupils were eligible to receive free school meals they did not qualify for assistance with transport under the 'low income' criteria of the policy as the distance from the home address to the school was less than two miles.

The Committee have noted all supplementary evidence supplied by the appellant which consisted of:

- Letter from the appellant dated October 2019.
- Letter from Job Centre plus to the appellant dated September 2019 relating to Income support.
- Letter from HM Revenue and Customs to the appellant relating to Child Benefit
- Letter from HM Revenue and Customs to the appellant dated April relating to Tax Credits – Annual Review for year ended April 2019.
- Bank Statement from the appellant
- Letters from the hospital relating to one of the pupils.
- Health Care Plan for one of the pupils

The Committee also noted that the appellant had acknowledged and accepted information on the appeal schedule.

The Committee have acknowledged that the pupil has an appointment booked for 12 December and they are happy for the appellant to apply for school transport appeal if they have further evidence following appointment from hospital.

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 4778 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 2019/20.

Appeal 4783

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 0.53miles from the home address, and within the statutory walking distance of under 2 miles for and instead would attend a school which was 2.7miles away from home. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The Committee noted the appeal case was completed on behalf of the family by the teacher who was assigned to GRT Team. The family were previously

resident at a site. However, the site was being 'sold', by the Council and the appellant did not want to make their family 'homeless'. The only house the family could find, which was within budget, was 3 miles away from the pupil's school.

It was noted by the Committee, the pupil was currently being taken to school by taxi, which was costing the family. This couldn't be maintained, but the pupil was settled in school and the family did not wish the pupil to move schools as they were settled there. The family moved in October 2019.

The Committee noted the family did not claim benefits but wished to appeal on financial grounds as they couldn't continue to pay the tax fair, indefinitely. The family income was stated monthly, the appellant's partner was self-employed.

The appellant was not appealing on medical grounds as noted by the Committee.

The pupil was settled at the school attended, as noted by the Committee, where they enjoyed the company of their cousins, friends and family. Forcing the pupil to change schools, because of a decision made by the council was unfair and damaging to their education.

Transport would be needed immediately, until the pupil left school as the family did not have access to personal transport of their own, as noted by the Committee.

The Committee were reminded that 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 to transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

It was acknowledged by the Committee that there was additional transport assistance available to low income families but only if parents are in receipt of one of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Unfortunately this was not the case for the family. There was no active claim for Free School Meals.

The Committee were briefed the County Council's Transport Policy only allowed for discretion for families under the Traveller Education Service who lived within the statutory walking distance of their nearest suitable school. Transport provision can be provided to ease transition to school. This was unfortunately not the case for this family.

The County Council was sympathetic to the family. The letter from the GRT outlined the importance of the pupil's place at the school attended and there was some sympathy with this as experience suggested that if the pupil were not to go to the school attended there could be a risk of them not attending any school.

The Committee were made aware that County Council's Home to School Transport Policy does have a discretionary element for families that relocate but only when a child is in the last year of the school, has attended their nearest school and meets the low income criteria. The pupil was in the first year of school.

It was acknowledged by the Committee the decision to close Traveller's site was clearly out of the family's control and it was unacceptable that the family chose to relocate to a property of their choice rather than be allocated a property at short notice which may or may not be suitable.

It was brought to the Committee's attention that after the appeal application and officer's notes were received, the Pupil Access Team notified the school that was considered closest to home at 0.53 miles were not willing to accept the pupil at the school even though there was space and the appellant was willing for the pupil to be sent there since it was closer to home.

Based on all the information the Committee have decided to offer temporary transport to the family until Easter term (5th April 2020) to enable further information from Pupil Access Team on the reasons why the nearest suitable school were not accepting the pupil in the school

Resolved: Therefore, having considered all of the family's circumstances and the officer responses as set out in the Appeal Schedule 4783, 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 Easter Term April 2020 to support the family in the interim.**

Appeal 4764

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 0.22 miles from the home address, and within the statutory walking distance of under 3 miles for a pupil over the age of 8 and instead would attend a school which was 2.73 miles away and also within the statutory walking distance from home. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The Committee noted the appellant not appealing on educational continuity grounds but was appealing on:

Financial grounds but had not provided any evidence to support this.

Medical grounds:

The pupil was presently being assessed (ADOS). The pupil was under CAMHS at the request of their school to help them with their behaviour and their complex social communication needs. The pupil was also on the school's SEN register.

It was noted by the Committee, under Section D, the appellant advised that the pupil struggled to mix with other children and had behavioural problems. The appellant sent the pupil to a school out of the way because they thought it would be good for them and they could have a fresh start. The pupil's peers from previous school had transitioned to nearby secondary schools.

The appellant had requested transport from September 2019 until the pupil left school or the family's circumstances changed.

The Committee noted the Officer's comments and review information which stated the pupil did not have an EHCP.

The Committee were informed the Department for Education statutory guidance requires the County Council to assess transport eligibility by considering whether a place could have been allocated in the normal admission round if the parent had included the school as a preference.

The Committee were reminded that 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 to transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

It was noted by the Committee other nearer schools at which a place could have been allocated to the pupil were at 1.04 miles and 2.52 miles respectively. 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 1:1 support to enable a pupil to fully access the curriculum.

The Committee noted the pupil did not have an Education, Health and Care Plan. No evidence had been provided to suggest that the school attended by the pupil was the only school that would be able to meet the pupil's needs.

The Committee were reminded that it is parental responsibility for ensuring their child's safe arrival at school. 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 clad.

It was noted by the Committee that although the pupil was eligible to receive free school meals, the 'low income' criteria of the transport policy did not apply.

because the school attended by the pupil was not one of the three nearest schools to the home address.

The Committee noted the appellant had not supplied any supplementary evidence to support their appeal.

The Committee also noted that the appellant had acknowledged and accepted information on the appeal schedule.

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 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 4764 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 2019/20.

L Sales
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