

## **Lancashire County Council**

### **Student Support Appeals Committee**

**Minutes of the Meeting held on Monday, 4th November, 2019 at 10.00 am in County Hall, Preston**

**Present:**

#### **County Councillors**

A Cheetham

Y Motala

#### **1. Apologies**

CC J Cooney  
CC C Wakeford

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

#### **3. Minutes of the meeting held on 8th October 2019**

**Resolved:** That; the Minutes of the meeting held on the 8<sup>th</sup> October 2019 were confirmed as an accurate record and were signed by the Chair.

#### **4. Urgent Business**

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

The next scheduled meeting of the Student Support Appeals Committee will be held at 10.00am on the 2<sup>nd</sup> December 2019 at County Hall, Preston (meeting room to be confirmed).

#### **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**

**Appeal 4728**

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 0.82 miles from the home address, and within the statutory walking distance of under 3 miles and instead would attend a school which was 2.95 miles away. The pupil was 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 not appealing on medical ground but was appealing on:

Financial grounds: The appellant was in receipt of Job Seekers Allowance, Child Tax Credit and Maintenance for their eldest child but had not provided any evidence to support this. The appellant couldn't afford to purchase a bus pass for the pupil or pay bus fares to catch 4 buses.

Educational continuity grounds: The pupil was of a faith and had been baptised, therefore the nearest suitable school was deemed unsuitable by the appellant. The pupil had been visiting the school attended and would receive extra help from the SEN staff when they went there in September 2019.

The appellant stated the pupil did not have the confidence to catch 4 buses a day on their own and had been run over twice. The school bus stop was at the end of their street so they wouldn't have to cross any roads. The pupil's elder sibling and their cousin who lived on the same street attended the same school and they had free bus passes. The appellant couldn't accompany the pupil, as they had to take their youngest child to a different school.

According to the appellant, there are not 3 closer school and the pupil would still need a bus pass for whichever school they attended.

It was noted by the Committee that the pupil was on the school SEN Register but didn't have a statement of SEN or an EHCP.

The appellant was requesting transport from September 2019 until 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 from September 2015, the County Council removed discretionary elements of the Home to School Transport Policy and all new pupils starting school now only receive transport assistance if they attend their nearest school and live more than the statutory walking distance. The previous policy was much more generous and previous awards were granted to pupils who attended one of their nearest 3 schools, these pupils will continue to receive the award until they complete their secondary education.

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 Committee were explained that assessing a pupil's eligibility to receive transport assistance was a two part process. Firstly, a pupil's nearest school, for transport assessment purposes, was determined. This is the school that is closest to the pupil's home, measured by the shortest walking or road route, as accepted by the County Council.

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". This includes faith schools and academies.

The Committee noted the officer's comments stated the family were on a low income however, the policy only allows for transport to one of the 3 nearest suitable schools. The school attended was not one of them.

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 4728 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 4734**

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 2.47 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 5.26 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The Committee were informed that there were further two schools closer to home which a place would have been offered to the pupil and places still existed if stated as a higher preference than the school attended, at 2.59 miles and 3.20 miles respectively from the home address.

The Committee noted the appellant's summary which stated that the pupil lived with the appellant at their home address. The other parent lived at a different address. The appellant was appealing on:

**Financial Grounds:** the appellant had stated their total household monthly income and had attached tax credit statement as supplementary evidence.

**Medical Grounds:** the appellant stated they suffered from health issues which made it very hard for them to get out of the house. There was no help available from extended family/friends/neighbours who could support them by taking the pupil to school.

**Educational Continuity Grounds:** the appellant wished for the pupil to attend the school chosen as the pupil had a sibling and a cousin at the same school.

It was noted by the Committee the appellant and the pupil were supported by Home Start for personal issues.

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 was unknown to SEN and didn't have a statement or EHCP.

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 eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school.

The Officer's information stated, as noted by the Committee, that although the family qualified for free school meals and there was an extended entitlement to such families in which free transport can be offered if a child is attending one of their three nearest schools to home, providing the distance is between two and six miles. Although the distance to the school attended was within the range, the pupil was attending their fourth nearest school. In light of this, the family did not have a statutory eligibility to free home to school transport.

It was noted by the Committee, the family were granted assistance with transport at a previous appeal until the end of the summer term 2019. The family's circumstances did not appear to have changed. It was also noted the pupil had an active claim for 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."

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 4734 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 4738**

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 2.56 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 9.65 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

It was noted by the Committee that the appellant was not appealing on medical or educational continuity grounds but was appealing on financial grounds and had submitted evidence to support this which had been noted by the Committee.

It was stated by the Committee that the family had been refused home to school transport because the pupil was not going to attend their nearest school which was a sports academy and according to the appellant the pupil had no interest in

sport. Also it was not one of their 3 preferences. Instead the family chose the school attended by pupil presently which according to them was their closest school in the county. There was a school bus stop to the school attended which would transport the pupil directly to school without them having to travel by public transport which they felt was unsafe for a 12 year old to take on their own, having never done this before. There was no direct bus to the nearest suitable school and the route to that school meant having to walk across busy roads, causing stress on the way.

The Committee noted the appellant stated it was hard to maintain a family of 6 with two younger siblings and having to pay for everything as the family's income was not high.

The appellant had stated they would require transport from September 2019 until the pupil left school or the family's circumstances changed.

The Officer's comments and review information stated as noted by the Committee, 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 admissions 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 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. The County Council's Unsuitable Routes Policy considers routes to be safe if there is a footway, verge, walkable roadside strips or footpath.

The Department for Education's statutory guidance states that local authorities are required to: "make transport arrangements for all children who cannot reasonably be expected to walk to their nearest suitable school because the nature of the route is deemed unsafe to walk".

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 Officer's information stated, as noted by the Committee, the family did not express a preference for their nearest suitable school.

It was addressed by the Committee assistance for transport could be awarded under the low income part of the transport policy. However the family were not eligible for free school meals nor was there any evidence of the family being in receipt of the maximum working tax credit.

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 4738 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 4745**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 3.75 miles from the home address, and instead would attend a school which was 3.79 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The Committee noted the appellant was not appealing on financial, medical or educational continuity grounds, but was appealing on discriminatory grounds. According to the appellant, they had been advised that the pupil was not attending the nearest suitable school and therefore was not entitled to school transport.

The appellant advised as noted by the Committee, the school attended by the pupil was their nearest school. The school considered as the nearest suitable school according to the Local Authority did not use the entrance on the lane mentioned and never would because the road was too narrow, the gate was padlocked, the ground was overgrown and the entrance was not used for pedestrian access. The appellant could only assume that the nearest suitable school had not informed the Local Authority of this to ensure that they were the nearest school.

It was noted by the Committee, the appellant felt that the Local Authority was discriminating against the school attended by the pupil because it was a faith school and they were dictating the school children to go to the nearest suitable school if they needed a free bus pass.

The Committed noted the appellant felt that if their bus pass had to be means tested, then every other family, regardless of the school should have to do the same.

The appellant was requesting transport from the start of the term.

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 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 the nearest suitable school had confirmed that the lane entrance was in use by students.

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.

It was noted by the Committee there was no active claim for Free School Meals nor evidence that the family were in receipt of the highest level of Working Tax Credit.

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 4745 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 4754**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 3.73 miles from the home address, and instead would attend a school which was 4.59 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 or education continuity grounds but was appealing on medical grounds because their partner was involved in an accident in which they sustained injury which has resulted in medication problems and other health issues. The family try to keep stress to a minimum for the appellant's partner and the appellant felt it was imperative for the well-being of their family to keep things a certain way and stayed in familiar surroundings, when possible. The family lived in the same area where the partner grew up and the same that that the partner had lived. The appellant's partner took an active part as a parent when the pupil attended their previous school and, therefore, it was important that the pupil went to the school chosen for them just as the partner had done before the pupil to enable the partner to taken an active part as a parent. In view of the above it was felt that the nearest suitable school was not a feasible option for the pupil due to the partner's fear of the unfamiliar.

The appellant stated, as noted by the Committee, the school attended by the pupil was a Microsoft Accredited School which could support the pupil's education in technology, as this would be a challenge at home considering the appellant's partner's challenges taking part in the ever changing world of technology due to their medical conditions.

It was noted by the Committee the appellant had requested transport as soon as possible until the pupil left school or the family's circumstances changed.

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

The Committee have noted that the appellant's partner suffered from a severe medical condition and had difficulties when encountering new situation, new individuals, new environments and struggled in unfamiliar scenarios. It was noted the appellant's partner attended the same school as where the pupil currently attended.

It was brought to the Committee's attention that the County Council's Home to School Transport Policy does include some discretionary provision for pupil where there is satisfactory medical evidence of parental incapacity. This assistance is however only available where a pupil attends their nearest school and the family meets the low income criteria.

The Committee have noted the letter from the General Practice and have noted all the relevant emails from the appellant.

It was noted by the Committee there was no active claim for Free School Meals nor evidence that the family were in receipt of the highest level of Working Tax Credit.

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 4754 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 4759**

The Committee were informed that the pupil was attend their nearest suitable school. 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 2.96 miles from the home address and under the statutory walking distance for a child over the age of 8.

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.

In considering the appeal further the Committee noted the appellant was not appealing on financial, medical or educational continuity grounds but was appealing under Section D:

- The distance from home to the school attended by the pupil was 3.2 miles taking the shortest route (the appellant had stated the roads from home to school).
- The family had tried several routes and the above was the shortest and measured over 3 miles, which was stated in the eligibility criteria on the Council's website. Therefore, the family were eligible for a free bus pass.
- The family lived at the back of the estate and had measured the distance by car, which came to 3.2 miles. Google Maps stated that the route was 3.3 miles.

The Committee noted the appellant had not stated from when transport be required to start and how long transport would be needed. It had been assumed that transport would be required from September 2019 until the pupil left school or the family's circumstances changed.

The Committee were advised that the County Council uses two bespoke packages of mapping software specifically used for the accuracy of measurements undertaken for both admissions and transport purposes and both have a proven history of accuracy. These packages are used for all pupils on admissions and for transport entitlement for the whole of the authority.

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 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 clad.

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.

Free travel is provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home.

It was noted by the Committee there was no active claim for Free School Meals nor evidence that the family were in receipt of the highest level of Working Tax Credit.

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 4759 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 4768**

The Committee were informed that the pupil was attending their nearest suitable school. 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 1.55 miles from the home address and under the statutory walking distance for a child over the age of 8.

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

According to the appellant's summary, as noted by the Committee, the pupil had a health disorder but did not have an EHCP. The pupil's disorder affected their ability to walk to school independently as the pupil:

- walked following a line, often choosing the edge of the kerb without supervision and was in danger of falling into the road.
- had difficulty interacting appropriately with others

- would have to walk along a busy route with older children walking/cycling to different schools, which would make them very vulnerable.
- had a marked lack of common sense and was at risk of making impulsive decisions that could compromise their safety and that of others eg; running into the road to help an injured bird/animal.
- walked with an unusual gait with poor awareness of personal space. This combination made it unsafe to them to walk unaccompanied eg; they could walk into a cycle path and be subject to bullying due to their odd way of walking.

It was noted by the Committee the appellant stated that they and their partner both worked and were unable to accompany the pupil on the journey to and from school. The pupil presently travelled to school by bus service. The appellant and their partner did not feel it was fair that they had to pay for transport because of the pupil's disability.

The appellant had requested transport was required as soon as possible until the pupil left school or there was a change in the family's circumstances.

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

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 pupil was attending their nearest school which was within the statutory walking distance. Assistance with transport was therefore refused.

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 clad.

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 Committee have noted that the appellant was not appealing on financial grounds and felt that there was no indication why the appellant was not able to

pay for the bus fares. No information was supplied to state the appellant's financial situation.

The Committee have noted that the appellant was not appealing on medical grounds. The pupil was not on EHCP or did not have any SEN statement.

All the supplementary evidence supplied by the appellant has been noted by the Committee.

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 4768 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 4771**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 3.03miles from the home address, and instead would attend a school which was 3.72 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 appealing on:

- Financial grounds: The appellant stated they were not working and lived with their partner who worked part-time and stated their monthly earnings. The family received Child Tax Credit and Working Tax Credit. The appellant stated their total household monthly income but no evidence had been supplied to support this. The appellant had attached a letter itemising the family's monthly outgoings.

- Medical grounds: The appellant suffered from health issues which on occasion stopped them from leaving the house. They took sever medications for the condition and have attached medication leaflets as evidence. Due to health issues the appellant was not able to carry out everyday tasks and generally not able to leave the house for days. All these issues would affect the pupil's last year at school and the appellant wasn't able to take the pupil to school on occasion. In addition, there wasn't a direct bus that the pupil cold catch from home to school and return. There was no help available from extended family/friends/neighbours to support the pupil to get to school.
- Educational continuity grounds: It is the pupil's last year at school. The pupil was worrying about getting there on time and if they were late then they got detention and isolation which was not fair.

The appellant was requesting transport until the pupil left school, as noted by the Committee.

The Committee noted the officer's comments and review information which stated:

- Transport had not been approved because the pupil was not attending their nearest suitable school with a place available at that school.
- 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.
- The pupil was in receipt of transport assistance because the family were in receipt of the maximum amount of Working Tax Credit, the school attended by the pupil was the third nearest school and met the distance requirements.
- In order to determine whether a family is in receipt of the maximum amount of Working Tax Credits parents are required to submit a copy of their Tax Credit Award Notice on an annual basis. The current award was submitted by the appellant and showed there were no longer in receipt of the maximum amount of Working Tax Credit.
- As the pupil no longer met the low income criteria they were no longer entitled to the enhanced transport entitlement.
- The County Council will not usually consider it necessary to provide assistance to secondary school aged pupils, whose parents are unable to accompany them to school as they will usually be deemed to be capable of travelling to school unaccompanied.

- If a child does need to be accompanied to school then evidence of this would be required. However, in circumstances where the pupil does not attend their nearest school and places are available at nearer schools then normally no assistance with travel costs will be given due to the incapacity of either parent.
- 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 clad
- 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.
- There is a dedicated school services that serves the school attended by the pupil with the stop from home a few minutes' walk away. Parents are able to contact School Traveline to enquire about availability and the possibility of purchasing a pass on this service.
- The pupil was not in receipt of Free School Meals.

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 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 4771 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 4781**

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

0.36miles from the home address, and instead would attend a school which was 7.58 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 family was not claiming for transport on financial grounds but were appealing on medical grounds. The pupil was currently being assessed for health issues. The appellant stated the pupil had no sense of danger and had to be watched and escorted to school as they can impulsively run into the road. The pupil also had difficulty managing change and could lose their temper due to this. The pupil had been subject to many assessments and was under CAMHS who were currently assessing them and seeking a diagnosis. The family were receiving DLA and Mobility to assist with medical conditions. The family were receiving middle rate care component for help with personal care and lower rate mobility component for with getting around for which evidence had been provided by the appellant.

The appellant had stated, as noted by the Committee, they had no friends, family or neighbours who could help. The family did not have personal transport to take the pupil to school and were requesting transport for the pupil as soon as possible and required it until they left school.

It was also noted by the Committee the appellant had stated other exception reasons for transport appeal – the school attended by the pupil was the best school to send the pupil to as they had better facilities to deal with their conditions and support their future.

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

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 the pupil did not rank highly enough to be offered a place at their first or second preference but were offered a place at their third preference which they were currently attending.

There were nearer schools at which a place could have been offered if they had been expressed as a preference at 0.36 miles, 1.9 miles and 4.9 miles respectively.

The Committee have noted that 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 school are expected to provide the necessary 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 provide 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 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 schools and the school is situated between 2 and 6 miles from home.

The Committee noted the pupil was in receipt of Free School Meals however, they did not qualify under this criterion as there were nearer schools to the home address. Also, the distance to the school attended was greater than 6 miles.

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.

There was a public bus service that served the school attended by the pupil with the stop from home a few minutes' walk away. Parents were able to contact the bus operator to enquire about purchasing a pass on this service.

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 4781 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 465880**

It was reported that a request for transport assistance had initially been refused as the pupil was now enrolled onto a Level 3 course and was aged 21 plus when the course commenced.

The Committee noted transport was agreed for the pupil for the previous two years for a Level 2 course. The course started in September was also a Level 2 course.

The appellant had stated as noted by the Committee, the pupil was actually on Level 3 course. The pupil was a wheelchair user and was unable to access public transport. The pupil hoped to progress to University and paid employment. There was no one at home to drive the pupil to college.

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

- Generally, travel assistance will only be considered to the nearest provider with post 16 provision which, in the opinion of the Council, offers an appropriate course. A condition that applies is that the young person is under 19 years old when they start their course. The pupil was now 21 and had already received two years transport.
- 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 offered an Independent Travel Training for young people with Education, Health and Care Plans. 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.

The Committee noted the Education, Health and Care Plan of 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."

**Resolved:** Therefore, having considered all of the family's circumstances and the officer responses as set out in the Appeal Schedule 465880, 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 the summer term 2019/20 – July 2020 academic year to support the family in the interim.**

### **Appeal 4646**

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 1.07 miles from their home address and was under the statutory walking distance, and instead would attend a further school 2.47 miles away and over the statutory walking distance for a pupil in key stage 1. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The committee noted that there seems to have been some confusion in relation to the offer of a school place at the preferred school when the appellant had taken the pupil off role at a previous school.

**Resolved:** That;

Appeal 4646 be **deferred** in order for the appellant and officers to gather the following information and evidence to support the appeal and be represented at the next transport committee meeting in November 2019.

### **Deferred - In order for**

- Clarification why the child was taken off role at the previous school attended.
- Time line of what school was offered when (Date) and why the places were not taken up at the time from the appellant.
- Walking distance from the home address to all the schools offered to the appellant.

- Shift pattern of the appellant to be confirmed from their employer.
- Details of why the current arrangements cannot continue for taking the pupil to and from school.
- Details of any public bus services from the home address to the school attended.
- Whether the nearest suitable school at 1.07 miles had a place available when the appellant enquired about a school place and if so, whether the place was offered to them and if accepted or declined.

The appellant sent a reply which stated and was noted by the committee:

- It was confirmed that the pupil was taken off roll at the primary school previously attended due to extended leave. Siblings of the pupil's had their appeals approved but the pupil was refused due to the infant class side legislation and that this was explained fully to the appellant. All information on the circumstances relating the admission timeline is documented and available from the pupil access team.
- The pupil was refused a place on appeal and the appellant was informed by pupil access that places were available at the nearest suitable school which was a faith. After looking at both schools the appellant's family preferred the school the pupil attends as it was a community school and not a faith school. The appellant felt the pupil would fit in better at the community school. The appellant therefore approached the school and made an application. After nearly three weeks of chasing the school for a start date via phone the appellant visited the school and were told by the office that they were unable to provide a place because there was a place available at a school which was closer to their home (a faith School). The appellant then went to the faith school for school admission for the pupil but the appellant states they were told that the place was no longer available. The appellant contacted the pupil access team again and they advised them to again contact the community school to seek a place. The appealing stated that the community school were again reluctant to enrol the pupil, it transpired this was because the school had reservations about the pupil's attendance at their previous school. After pressure from pupil access the community school finally enrolled the pupil. The appellant clarified that had they been told that they had no choice they would have taken the place at the faith school from the outset but as they were given options this had caused confusion for the family, a timeline of this would be available from the pupil access team.
- The walking distance to the faith school was 1.07 miles and the distance to the community school where the pupil currently attends is 2.47 miles from home.
- The appellants had stated where they worked and has provided evidence from the employer stating their shift pattern which is 7am-6pm weekdays.
- The current arrangements for getting the pupil to school is that a family member had been dropping the pupil at school after dropping their own

children at a different school. This was a temporary arrangement and had informed the appellant's family they were no longer able to do this from September. The appellant stated that meant they would either have to give up work or it would put a significant strain on their finances if they got a taxi.

- Public transport was not an option as the appellant's other children attended schools in different areas and it would mean further pressure in the mornings for the appellant's partner and a bus to the bus station and then to the school. For the pupil this would mean travel time in the morning of up to 45 minutes at peak times which was not appropriate for a child this age.

The officer's had commented on the case and stated that as noted by the committee:

- The pupil was removed from the roll at the primary school in December 2018. The family had left the country and a referral was made to the CME Team who confirmed the removal from roll as the family were no longer residing in the area. In January 2019, the appellant enquired about returning their children to the school and were advised that the places had been filled off the waiting list. The pupil was offered a place at the faith school but did not take up the place as the appellant was awaiting the outcome of an admission appeal.
- In February 2019, appeals for primary school were considered for the pupil's siblings and they were offered places. As the pupil was in Year 1, the Infant Class Size Regulations applied and the appeal was not successful. The appellant's partner was willing to accept a taxi to the school attended by the pupil. A Transport appeal form was posted to family in March as the family had made no effort to the nearer School, A school of faith school, in January 2019.

The Distances to schools were noted by the committee from the home address of the appellant.

The Primary school where siblings attend – 0.1317miles

The faith school where the pupil was offered place – 1.0739miles

The school presently attended by the pupil-2.4774miles.

The appellant had attached a letter stating where they worked and the shift pattern. The committee noted this evidence.

It was noted that it was staged that the appellant's partner did not drive and a family member was not able to commit to the drop off and pick up at the school attended by the pupil on a daily basis. The pupil's attendance was suffering.

Public Bus Services information was provided by Pupil Access Team in October 2019.

The appellant was informed that there were places available at the faith school when they rang the office in January 2019. The Committee noted that the appellant did not follow up the opportunity of gaining a place and noted that the appellant then submitted appeals for a different school.

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.

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 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. 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 and from 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 safely at school and at home at the end of the school day. When assessing home to school transport entitlement, it is not possible for there to be consideration of how the pupil might undertake the journey to school.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, **appeal 4646 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

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