

## **Lancashire County Council**

### **Student Support Appeals Committee**

**Minutes of the Meeting held on Monday, 13th July, 2020 at 10.00 am in County Hall, Preston**

#### **Present:**

County Councillor Anne Cheetham (Chair)

#### **County Councillors**

J Cooney  
Y Motala

D Stansfield

- 1. Apologies**
- 2. Disclosure of Pecuniary and Non-Pecuniary Interests**
- 3. Minutes of the meeting held on 16 th March 2020**

Resolved: That; the Minutes of the meeting held on the 16<sup>th</sup> March 2020 were confirmed as an accurate record and was signed by the Chair.

- 4. Urgent Business**
- 5. Date of the Next Meeting**

The next scheduled meeting of the Committee will be held at 10.00am on the 1<sup>st</sup> September 2020 ( subject to change due to Covid – 19).

- 6. Exclusion of the Press and Public**
- 7. Student Support Appeals**

### **4727**

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 7.48 miles from the home address, and instead would attend the second nearest school which was 8.31 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The appellant stated as noted by the Committee, that they and their partner moved to their present address last year as they needed a bigger property with

more bedrooms for the children. It was noted the appellant was not appealing on financial or medical grounds but was appealing on educational continuity grounds and other exceptional grounds. The pupil was allocated a school in an area which was over 20 miles away and completely inaccessible. The family appealed the decision and after a very stressful 4 months, finally managed to get the pupil into the school they are attending presently which was much nearer. The grounds of their admission appeals centred on the fact that the school attended was one of the nearest schools to their address. The family's transport claim was dismissed on the basis of distance to the school from home, but the council allocated the pupil a school over 20 miles away. This did not make sense and contradicted council's decision not to provide support. The family had made great efforts to get the pupil into a school much nearer their home and it would be greatly appreciated if the Committee would grant support with the pupil's commute to school. Transport would be required from September 2020 until the family's circumstance changed.

The Committee noted the officer's comments which stated transport assistance had been refused as the pupil was not attending their nearest qualifying school which was 7.48 miles from the home address.

It was noted by the Committee the authority accepted the pupil was initially offered a place at a school which was over 15 miles from their home address. The area where the pupil lived was over 7 miles from the nearest school. There were 6 closer schools to the pupil's home address than the one attended but these schools were all oversubscribed.

It was brought to the Committee's attention that the pupil was not offered a place at any of their preferred schools as they did not have sufficient priority for a place. The pupil did not reside in the geographical priority area for the school attended, they did not meet the faith criteria for the faith school and did not pass the test for the grammar school. If the school attended had been a preference on the school application a place would have been offered. The pupil got a place at the school attended after they appealed.

The Committee have noted the extra information sent by the appellant in relation to the appeal. They have noted all the relevant information relating to this case. 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 **4727 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.

## 4795

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 0.81 miles from the home address and located within the statutory walking distance and instead would attend a school which was 2.83 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The Committee noted the Home to School Transport Appeal Form had been completed by the appellant's Family Support Worker. The appellant didn't work, didn't have a partner and their total monthly household income was stated on the appeal form. However, the monthly household income on the Standard Financial Statement was showing the monthly income more than stated on the appeal form. This was clarified by the Family Support Worker who advised that the discrepancy was due to the difference of child benefit payment received by the appellant.

It was noted by the Committee the appellant had requested transport from November 2019 until the pupil 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. It is parental preferences for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

The Committee noted there was an additional entitlement to transport assistance for low income families if parents were 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. Although the pupil was eligible to receive free school meals they were not entitled to transport assistance because the school attended was not one of the three nearest schools to the home address.

It was noted by the Committee that other nearer schools which the pupil could have been offered a place were at 0.86 miles and 1.63 miles respectively.

The Committee addressed that transport appeals were evidence based. The notes of guidance provided with the appeal form do state that if a parent is making a case on financial grounds then it is essential that the fullest detailed

documentation is provided as this will evidence that a parent cannot fund the transport themselves. Any information received would be dealt with in strict confidence and refer to bank statements, benefit statements etc.

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 4795 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.

## 4799

It was reported that a request for transport assistance had initially been refused as the schools the pupils were attending was within the statutory walking distance of 1.57 miles for the two pupils who are in year 4 and reception and 1.60miles for the pupil in year 6. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The Committee noted the appellant and the pupils moved from a poorly maintained rented house to their present address in 2019.

It was noted by the Committee the appellant was not appealing on medical grounds but was appealing on:

- Financial grounds. They didn't have a partner and had stated their total household monthly income although no evidence had been provided to support this.
- Grounds of educational continuity. Two of the pupils were both being assessed for health issues and moving them during the school year would affect them greatly. One of the pupils was in the last year of school and

the appellant felt that to move them during the last year of school would have a negative effect on their education.

The Committee noted the children were subject to Child Protection Plan and the appellant had another child apart from the three they were applying transport assistance for and the appellant had stated the daily cost on them for taking the children to and from by taxi. The appellant required transport as soon as possible until July 2020.

The Committee noted the Officer's comments and review information which stated that transport appeals are evidence based. The notes of guidance provided with the appeal form do state that if a parent is making a case on financial grounds then it is essential that the fullest detailed documentation is provided as this will evidence that a parent cannot fund the transport themselves. The notes state that any information received will be dealt with in strict confidence and refer to bank statements, benefit statements etc. It was noted that not evidence had been provided by the appellant regarding their financial situation.

It was also noted by the Committee the statutory guidance from the Department for Education states that schools can be considered when undertaking assessments to receive transport assistance if they have places available and "provide education appropriate to the age, ability and aptitude of the child, and any SEN that child may have". The County Council delegates a significant amount of funding to all mainstream high schools to provide the learning support for pupils with additional needs. All schools are expected to provide the necessary support to enable a pupil to fully access the curriculum. The Committee were informed the County Council's Home to School Transport Policy does have a discretionary element for families that relocate only when a child is in Year 6 and meets the low income criteria. Although one of the pupils was eligible to receive free school meals they couldn't be considered under this category as the distance from the home address to the school was less than two miles.

It was noted by the Committee at the time of the house move there were also nearer suitable schools with places available in the children's year groups. For 2 of the pupils the nearest school was at 0.18 miles from the home address. For the third pupil the nearest school was at 0.89 miles from the home address. The school also had places available for the other 2 pupils as well.

It was noted by the Committee no supplementary evidence was provided by the appellant to support their appeal.

The Committee have observed the older pupil would be going to a different school in the new school term and the appellant had requested transport assistance until July 2020 which will not be applicable now.

The Committee also noted that the appellant had read the schedule and agreed with its content. 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 4799 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.

## 4803

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 0.60 miles from the home address, and within statutory walking distance, and instead would attend a school which was 5.16 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The Committee noted the appellant and the pupil moved to their present home address last year. The previous landlady had given them notice, as they wished to sell the property and as a result, the appellant lost their business and their home. The move was, therefore, not voluntary. In Section D, the appellant advised that there were issues with their job been done from home. As the appellant had no job, the family nearly ended up in a hostel. They tried to find another property in the area they used to live without success and could only find the house in the present area.

It was noted by the Committee the appellant was not appealing on financial or medical grounds.

The appellant stated, as noted by the Committee, the appellant was presently dropping the pupil off at the bus stop.

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

The Officer's comments and review information, as noted by the Committee, stated transport assistance had been refused as the pupil was not attending their nearest qualifying school at 0.60 miles. Additionally, the pupil was not attending their nearest faith school at 3.58 miles from home.

It was noted by the Committee, the officer's comments stated it was accepted that the appellant may have had to move house through no fault of their own.

The assessment of entitlement to receive help with travel however was based on a pupil attending their nearest qualifying school, with places available and the school being over three miles from home. There were places in Year 8 at both nearest suitable schools.

The Committee were made aware there was some discretionary assistance in the County Council's Home to School Transport Policy but only where pupil changed address in Year 10 and 11. This was in recognition of the difficulties pupils may face changing schools once they have commenced their GCSEs. The pupil was only in Year 8.

It was noted by the Committee the pupil was in receipt of free school meals. The Committee noted there was an additional entitlement to transport assistance for low income families if parents were 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. Although the pupil was eligible to receive free school meals they were not entitled to transport assistance because the school attended was not one of the three nearest schools to the home address.

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 Committee have noted all the information presented to them in relation to this appeal.

The Committee also noted that the appellant had read the schedule and agreed with its content. 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 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 **4803 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.

#### **4806**

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 2.08 miles from the home address, and instead would attend a school which was 6.06 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The Committee were informed that the appellant became homeless after escaping a domestic situation. The appellant didn't advise whether their current address was a permanent or temporary address.

It was noted by the Committee the appellant was not appealing on medical or educational continuity grounds but was appealing on:

Financial grounds. They didn't work didn't have a partner and there were no other adults living in their household. They were in receipt of benefits and maintenance. Amount was stated as per month but no evidence had been provided to support this.

Section D. The appellant had stated there were legal reasons why the pupil couldn't go to the nearest school. The pupil was not able to go to the school of their first preference as it was full and their third choice of school was the last option.

It was addressed by the Committee, Section E had not been completed and therefore, it had been assumed that transport was required to start as soon as possible and should remain in place until the pupil left school or the family's circumstances changed.

The Committee noted the officer's comments and review information which stated transport assistance had not been approved because the pupil was not attending their nearest suitable school at 2.08 miles.

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 brought to the Committee's attention that the appellant had stated the pupil was unable to attend the nearest suitable school for legal reasons and the Pupil Access team had requested that the appellant provided some evidence in respect of this but no documentation had been supplied.

It was noted by the Committee, that even if the nearest suitable school was to be discounted, the pupil would still not be entitled to transport assistance because there are places at the next nearest school, at 3.86 miles from the home address. The Committee noted 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 nearest schools and the school is situated between 2 and 6 miles from home.

It was noted by the Committee, even though the pupil was in receipt of Free School Meals and the school attended by them was considered the third nearest school for transport purposes due to when the family moved to the area, as the distance was greater than 6 miles from the home address transport could not be provided on these grounds.

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 Committee noted it is not possible for there to be 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 public bus service to the city centre with the stop from home a few minutes' walk away. Parents are able to contact the relevant service operator to enquire about purchasing a pass on this service.

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



The Committee had noted that no evidence had been supplied by the appellant relating to the legal issues. The appellant can appeal again if they can provide all the evidence relating to legal issues

The Committee also noted that the appellant had read the schedule and agreed with its content. 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 4806 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.

#### **4810**

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 2.75 miles from the home address and within statutory walking distance, and instead would attend a school which was 9.79 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The Committee noted the appellant was not appealing on medical grounds but was appealing on financial grounds and educational continuity grounds. The appellant didn't state the reasons why they were appealing on educational continuity grounds and also voluntarily moved house last year to their present permanent address. Their reason for appealing on financial grounds were stated. Their total monthly income was stated which included benefits. Whilst the appellant had provided evidence to support the majority of their income, they had not provided a current payslip from their part-time job. The appellant was separated and didn't have a partner. The maintenance received from the appellant's previous partner could not be relied upon and sometimes was not received. This was due to the fact that the CSA no longer existed and the arrangement was a private one between the appellant and their previous partner. The Committee noted the appellant advised under Section D they had been on the social housing/council housing register for homes in the area where the appellant lived and was still waiting. Later on the appellant moved into a privately rented flat. The appellant had a new neighbour who was noisy, and that was the reason for the appellant to move to their new address. Unfortunately, they appellant was unable to source a property in the area where the appellant lived or the surrounding area. If social housing had become available in the area where the appellant lived, they would not have been in the position they find themselves presently.

It was noted by the Committee, the pupil was presently in Year 9 and would be going into Year 10 in September 2020 and the appellant felt that it was important for them to remain at the school attended to have stability in their education and friendship groups. The pupil was doing well at school and needed to stay there. The Committee noted the appellant was presently driving the pupil to school, but from March they would be working afternoon shifts and they would not be able to collect the pupil from school. The pupil would have to return home by bus. It was noted by the Committee transport was required as soon as possible until the pupil left school or until the family's circumstances changed.

The Officer's comments and review information as noted by the Committee stated other nearer schools within the county that also had places available in the pupil's year group were at 5.82 miles and 6.47 miles away.

It was brought to the Committee's attention in September 2015, the County Council removed discretionary elements of the Home to School Transport Policy. All new pupils starting at school now only receive transport assistance if they attend their nearest school and live more than three miles away. When undertaking assessments there was no longer any consideration of which Geographical Priority Area a pupil lived within and schools in neighbouring districts and local authorities are also considered.

The Committee noted it is parental preferences 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 informed there is 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.

There was no active claim for Free School Meals.

The Committee have addressed the 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 school, has attended their nearest school and meets the low income criteria.

The County Council does have a discretionary element to the transport policy where assistance is given to pupils who move home once they have started their GCSE courses. The assistance is only available where a pupil has been attending their nearest suitable school and where the family meet the low income criteria.

The Committee have noted all the supporting evidence supplied by the appellant. The Committee also noted that the appellant had read the schedule and agreed with its content. 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 4810 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.

#### **4811**

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 2.29 miles from the home address, and instead would attend a school which was 3.01 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

It was noted by the Committee the appeal form was completed by Social Worker, on behalf of the appellant.

It was brought to the Committee's attention that since filling in the appeal form which stated transport for 2 pupils, one of the pupil had qualified for transport assistance under the low income criteria of the transport policy and the pupil was currently in receipt of a bus travel pass for the 2019/20 academic year and this would be renewed during the summer for the 2020/21 academic year. There was an active claim for Free School Meals for the pupils.

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

- Financial grounds and was in receipt of Universal credit of which the amount was stated on the form, although no evidence has been provided to support this. The appellant didn't have a partner and lived alone with their children.
- Educational continuity grounds. The Social Worker advised that the appellant's move to their present address was not voluntary and was only temporary.
- Under Section D, the Social Worker advised that the appellant and their children left their family home two years ago to move to their current address. The pupil remained at the schools they used to go to maintain their routines. The pupil was on a Child Protection (CP) Plan and have been for two years. As part of the CP plan, the pupil's school attendance needed to improve as it was only at 45%. The appellant struggled to get the pupil to and from school on public transport due to their financial situation. The appellant was also concerned about issues with their ex-partner occurring in front of the pupil. The Social Worker had tried to source an alternative school for the pupil, however, schools in the appellant's locality were all full for the pupil's age group. The pupil was missing a significant amount of their education which was having an impact on their development, educational attainment, speech development

and emotional wellbeing. The appellant got a taxi to and from school for the pupil.

It was noted by the Committee the Social Worker had not completed the "From when will transport be required to start?" or "How long will transport be needed?" boxes and it was assumed that transport would be required to start as soon as possible until the pupil left school or until the family's circumstances change.

The Officer's comments and review information stated there was an active claim for Free School Meals for the pupil.

The Committee were informed another nearer suitable school with a place available for the pupil was at 2.8122 miles from the home address.

It is parental preferences 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 County Council's Home to School Transport Policy does have a discretionary element for families that relocate but only when a child is in Year 6, has attended their nearest school and meets the low income criteria. The County Council does have a discretionary element to the transport policy where assistance is given to pupils who move home once they have started their GCSE courses. The assistance is only available where a pupil has been attending their nearest suitable school and where the family meet the low income criteria. The discretionary element unfortunately for the family does not apply in this case.

The Committee acknowledged that family were in another authority when preferences for schools were expressed.

The Council was sympathetic to the family given the circumstances, the fact that this was not a voluntary move and the fact that the children are on Child Protection/Child in Need plans and there are concerns regarding safety in using public transport.

The Committee noted all the supplementary evidence had been supplied by the appellant.

The Committee also noted that the appellant had read the schedule and agreed with its content. 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 persuaded that there was sufficient reason to uphold the appeal.

**Resolved:** Therefore, having considered all of the family's circumstances and the officer responses as set out in the Appeal Schedule 4811, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and **Allowed a Temporary Award until end of Easter Term (April 2021).**

#### **4812**

It was reported that a request for transport assistance had initially been refused as the pupil was not be attending their nearest suitable school, which was

3.44 miles 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 was not re-appealing on financial grounds. They were, however, re-appealing on:

- Medical grounds as the pupil suffered from health issues. The appellant advised that the pupil had extreme health problems. The pupil's confidence and self-efficacy was affected. This had all influenced their ability to perform basic tasks and it had affected their mobility considerably, loss of the skill to interact, socialise or go out into public areas. The need to feel safe was essential to ensuring they continued to recover. Medical evidence had been provided to support these diagnoses which has been noted by the Committee.
- Educational continuity grounds. The appellant, CAMHS and pupil's teachers had built up trusting relationships. The pupil was still an extremely anxious and depressed person and still required treatment/support from previous school, CAMHS and Health Issue Team. To move schools at this stage of their recovery and at the beginning of their GCSEs could cause a significant relapse and be damaging to their health.

The Committee noted transport was requested from December 2019 until the end of the summer term 2021.

It was noted by the Committee, the Officer's comments and review information stated that assessing a pupil's eligibility to receive transport assistance is 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 route, 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 noted the pupil 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 provided to indicate that the pupil currently satisfied either of these criteria.

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. The pupil was not attending their nearest suitable school.

The Committee noted the appellant had another adult living with them.

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

The Committee have noted that there was a suitable school nearby and the evidence provided by the appellant stated the pupil travelled on public transport to school for which the appellant paid for and the appellant was not appealing on financial reason. Therefore there was no reason for the Local Authority to take over and provide transport assistance.

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 4812 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.

#### **4819**

It was reported that a request for transport assistance had initially been refused as the schools the pupil was attending the nearest suitable school and was within the statutory walking distance of 2.21 miles. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The Committee noted the family were appealing on Health and Safety grounds. In a supplementary letter, the appellant outlined the dangerous aspects of the route the pupil would take to school, if they had to walk. There were no street lights and in the winter months, it took time to become light. The street where the family lived was in a rural location and was used by motorists as a short cut. It was a National Speed Limit area. There were no footpaths and drivers had little regard for the safety of pedestrians who used it. The lane was also liable to flooding. There were similar difficulties with another lane, with the addition of a canal bridge, and vehicles merging from a local petrol station, garage and convenience store. Further logistical matters were listed, highlighting the unsuitability of the local road network.

It was noted by the Committee both appellants worked and the family were not appealing on financial, medical or educational continuity grounds but their case related to peace of mind, knowing that a bus pass would help the pupil to travel to school independently and happily. The pupil at present travelled to school by car. The family moved last year to the present address to improve their working lives. Transport would be required for 4 years. The appellant thanked the Committee for their attention and time to consider the case.

The Officer's comments and review information, as noted by the Committee, stated transport had not been approved because the school attended by the pupil was within the statutory walking distance of 3 miles from home to school.

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.

Therefore the existence of the following factors will not usually make a route unsuitable, although they would be taken into account:

Lonely routes

Moral dangers

Canals, rivers, ditches, dykes, lakes and ponds

Railway crossings

Routes without street lighting.

The Committee noted it is not possible for there to be consideration of how the pupil might undertake the journey to school. The Committee were reminded that the authority will not take into account the working arrangements of parents or other commitments like taking other children to and from school when assessing transport entitlement.

The Committee were informed that when considering walking routes the County Council will take into account footways, verges, walkable roadside strips, footpaths and bridleways. However, the absence of these does not always constitute the route as being unsuitable. On the route to school there are walkable roadside strips and verges that may be 'stepped onto' to avoid vehicles which means that the route is deemed to be suitable in accordance with the Council's Unsuitable Routes Policy.

The Committee noted the pupil was not in receipt of Free School Meals.

The Committee have read the extra information submitted by the appellant.

The Committee also noted that the appellant had read the schedule and agreed with its content.

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 **4819 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.

## 4820

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 0.95 miles from the home address and within statutory walking distance, and instead would attend a school which was 4.78 miles from the home address. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The Committee noted parental preferences was expressed for the younger pupil for school places at the September intake and the schools were named of which the school attended by the pupils was first choice, followed by the nearest suitable school as being the 2<sup>nd</sup> choice.

It was noted by the Committee the family were appealing on financial grounds and this was substantiated by a HMRC Tax Credit Award. The family's total income for the financial year was stated. The pupils currently travelled to school on the bus. No medical evidence was offered nor were there any educational continuity issues to be considered. The appellant had not stated any further exceptional reasons for requiring transport but had state that they required it immediately for both the pupils until they left school.

The Committee noted the Officer's notes and review which stated both pupils had been refused transport assistance as they were not attending the nearest qualifying school to which they could have been admitted. 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. Both pupils would have secured places at the nearest suitable school if this had been their first preference school on their school applications. There would have been statutory transport assistance available if the family had been in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Both pupils were admitted to the school presently attended on denominational grounds and this is the nearest school of this faith to their home address.

The Committee noted it is parental preferences 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 informed there is 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. There was no active claim for Free School Meals.

The Committee also noted that the appellant had read the schedule and agreed with its content.



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 **4820 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.

#### **4821**

It was reported that a request for transport assistance had initially been refused as both the pupils would not be attending their nearest suitable school, which was 2.69 miles from the home address, and within the statutory walking distance (3 miles) and instead would attend a school which was 6.95 miles from the home address. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The Committee noted the appellant had stated that the family relocated to the area recently and the family were not appealing on financial or medical grounds but were seeking assistance under education continuity and other exceptional reasons grounds.

It was noted by the Committee the pupils gained places at the school attended when they arrived in the County and would like to continue attending the school. Neither of the pupils were subject to an EHC Plan. The pupils currently travelled to school by bus because they couldn't be transported by the family and the appellant was requesting transport assistance straight away until both pupils finish school.

The Committee noted the Officer's comments and review information which stated transport assistance had been refused as there was a nearer qualifying school that the pupils could attend that was situated within three miles of the home address.

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 brought to the Committee's attention that there were places available at the nearest qualifying school at 2.69 miles, at the time the family relocated to the area and there remained places available in all year groups at the school.

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. It is parental preferences 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 informed that the pupils were in receipt of free school meals and there was additional statutory assistance available for low income families but only where pupils were attending schools between 2 and 6 miles from home. The school the pupils attended presently was 6.95 miles from home.

The Committee also noted that the appellant had read the schedule and agreed with its content. 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 4821 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.

#### **4825**

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 5.92 miles from the home address, and instead would attend a school which was 7.79 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The Committee noted the family were appealing for temporary transport assistance until a place becomes available at a nearer, [unnamed] school. The family moved to the present area this year. As a school in the county couldn't be offered, the pupil was still attending their previous school in the area where they previously lived. The journey to the school entailed two buses, which was stressful to both the appellant and the pupil.

It was noted by the Committee the appellant was stating that until a place was allocated from a waiting list, the family would appreciate interim support with the costs of a bus fares. The temporary award would allow educational continuity and was required immediately until the offer of a school could be made. The pupil did not have an Education, Health and Care Plan.

The Committee noted the Officer's comments and review information / Council's case which stated Transport assistance had been refused as the pupil was not attending their nearest suitable school with a place available. Early this year when the family relocated to the area the nearest school with places was the nearest suitable school at 5.92 miles. This remained the case. The nearest school to the family home was at 0.42 miles from home. Although the pupil was on the waiting list it was unlikely that a place would become available in the foreseeable future as the school was currently 3 oversubscribed in Year 8. If the transport appeal was not successful a member of the School Admissions Team will contact the family with advice on how to submit an admissions appeal as this was the only way a place was likely to be secured.

It was noted by the Committee, the officer's comments stated it was accepted that the appellant may have had to move house through no fault of their own. The assessment of entitlement to receive help with travel however was based on a pupil attending their nearest qualifying school, with places available and the school being over three miles from home. There was place in Year 8 at nearest suitable school.

The Committee were made aware there was some discretionary assistance in the County Council's Home to School Transport Policy but only where pupil changed address in Year 10 and 11. This was in recognition of the difficulties pupils may face changing schools once they have commenced their GCSEs. The pupil was only in Year 8.

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 the pupil was not in receipt of the Free School Meals. No supplementary information was supplied by the appellant to support their appeal.

The Committee also noted that the appellant had read the schedule and agreed with its content. 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 4825 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.

## **4826**

It was reported that a request for transport assistance had initially been refused as the school the pupil was attending was the nearest suitable school and was within the statutory walking distance at 1.01 miles. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

It was noted by the Committee the appeal form was completed by the CYP Advocate on behalf of the appellant. The appellant was not appealing on medical, educational continuity grounds or financial grounds even though they didn't work, didn't have a partner and was in receipt of Universal Credit, of which the amount was stated on the form, although no evidence had been received to support this amount.

The Committee noted the appellant was appealing on "Other Exceptional Reason", the CYP Advocate advised that the pupil and the family were currently living in a refuge after fleeing domestic issues. Due to safeguarding issues, the CYP Advocate and the appellant believed it was unsafe for the pupil to walk to and from school alone. Transport would be required as soon as possible until the family's circumstances changed.

The Officer's comments and review information stated, as noted by the Committee, in September 2015, the County Council removed discretionary elements of the Home to School Transport Policy. All new pupils starting at school now only receive transport assistance if they attend their nearest school and live more than three miles away.

The Committee were informed parents have the primary 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 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 even though there is an active claim for Free School Meals the school attended by the pupil was under 2 miles. 4 In August 2016, a school closed. At that time, the County Council undertook an assessment of the possible walking routes around the area where the pupil lived and between the area and the school attended. The Local Authority has a detailed unsuitable routes policy which was applied when considering the walking routes. In this consideration, the County Council took into account footways, verges, walkable roadside strips, footpaths and bridleways.

The Committee have read the supporting information received.

The Committee also noted that the appellant had read the schedule and agreed with its content. 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 4826 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.

#### **4830**

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 0.39 miles and within the statutory walking distance from the home address, and instead would attend a school which was 4.89 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

It was noted by the Committee the appellant and their family moved voluntarily to their present permanent address earlier this year as they needed a bigger house. The pupil travelled to school by bus.

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

- Financial grounds. They didn't work, didn't receive any maintenance payments and the family were in receipt of Universal Credit. The appellant's partner worked part-time. The total household monthly income was stated, although no evidence had been provided to support this.
- 
- Educational Continuity grounds. The appellant advised the pupil was now getting support with their reading and writing. They were presently in Year 9 and has already started their GCSEs. The appellant refused to move the pupil whilst they were studying for their GCSEs.
- Other Exceptional Reason. The appellant advised that they moved out of the previous home area due to issues. They also needed a larger home to help their child develop, as they would not leave the house unless the family were going to the beach where the child was able to run freely. Unfortunately, after the move, the family started to struggle financially to pay for the pupil's bus fares and were asking for support with the cost. There was no access to suitable transport in the home.

It was noted by the Committee transport would be required to start immediately until the pupil left school or the family's circumstances changed.

Officer's comments and review information stated, as noted by the Committee, transport had not been approved because there was a nearer suitable school with places available, at 0.39 miles from the home. 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.

Also, transport can be provided to a child from a low income family to their nearest faith school between 2 and 15 miles from home provided they were admitted on denominational grounds. Faith school allocate points for church attendance to determine how places are allocated at their school. The pupil was awarded points for having a sibling on roll only so was not admitted to the school on denominational grounds.

The Committee noted the pupil was in receipt of Free School Meals however there were four nearer schools to the home address with places available at 0.3949 miles, 1.8433 miles, 3.8132 miles and 4.8759 miles.

It was addressed to the Committee 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. The availability and capacity of bus services can change depending on demand and revenue from bus fares.

There is a dedicated school service that serves Ripley St Thomas Church of England Academy with the stop from home a few minutes' walk away. Parents are able to contact School Traveline to enquire about purchasing a pass on this service.

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 Committee also noted that the appellant had read the schedule and agreed with its content. 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 4830 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.

#### **4831**

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 3.38 miles from the home address, and instead would attend a school which was 3.91 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law

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

It was brought to the Committee's attention the appellant's previous appeal (4577) was successful and transport (school bus pass) was granted until the end

of July 2020. The appellant s submitted a second appeal to cover the period September 2020 – June 2021.

The Committee noted the pupil was accompanied to the bus stop by their siblings and the bus took them into the school grounds. In the past, the pupil had a statement of SEN (evidence to support this has been supplied) and the family were told that nothing would change when this changed to school help.

However, transport had become an issue

It was noted by the Committee the appellant was not appealing on financial grounds but was appealing on medical grounds because the pupil had health issues and unfortunately their health was deteriorating. The pupil has been having operations on average every 18 months since age 4. The pupil was not able to use the health equipment for a long time due to other health issues This put them in danger when in traffic and they were unable to cross roads safely without assistance (as detailed in their last SEN statement). This left the pupil cautious when undertaking activities with their peers and catching the bus to school. The pupil had many funded interventions during their childhood.

The Committee noted the appellant had stated they could apply for Disability Living Allowance, however they were grateful for the care the pupil received and had, until this travel issue, felt that their SEN statement provided enough, as it got them transported to and from school, as well as giving them the vital support during periods of illness or post-operative surgery.

The Committee noted there was no help available from family/friends/neighbours to support the pupil getting to school. The pupil had always attended the school they were presently going to as this was named on their SEN statement. The appellant used to send the siblings to the same school and paid for their bus passes so that they could help the pupil if any difficulties arose on-route. The school attended by the pupil was only 0.5 miles further away from their nearest school and if the children went to their nearest school, the family would receive free school transport as the distance was over 3 miles.

The Committee noted the appellant was appealing on educational continuity grounds as the pupil would be starting their final year (Year 11) in September 2020 and was already half way through their GCSE courses. It would be unfair that the pupil would potentially have to move schools at this stage.

It was noted by the Committee the family did have transport in the home, but not at the required times to transport the children to and from the school attended by the pupil. The school minibus service that used to transport the appellant's youngest child to school has finished due to LCC cutbacks and the home transport was now used for the primary school run.

The Committee noted the pupil travelled on the bus to maintain their independence and also for safety reasons. If they were to travel to any school from home, they would have to cross the 70 mph A Road and the distance to their nearest school would be over 3 miles.

It was brought to the Committee's attention The Children's Society offered the family support. The pupil didn't have an EHCP, but their health which can't improve and can only deteriorate, will result in them always having health issues. The Committee noted transport was required from September 2020 – June 2021. Officer's comments and review information as noted by the Committee stated they noted that prior to September 2018 the pupil had a statement and transport

was authorised by the Special Educational Needs Team under their qualifying criteria.

From September 2018, the pupil no longer had a statement of special educational needs and was subjected to the mainstream home to transport policy.

The Committee noted assessing a pupil's eligibility to receive transport assistance is 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 route, 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 addressed by the Committee there was a dedicated school services that served the area where the pupil lived, with the stop from home a few minutes' walk. As this appeal was based on medical grounds, not financial, there was no issue in parent purchasing a pass on the service (should the service have spare capacity) if they called 0300 123 6738

The Committee were reminded Under the County Council's mainstream home to school transport policy, free transport can only be authorised if a child is attending their nearest school providing the distance to get to this nearest school exceeds three miles. The nearest school in this instance was deemed at 3.38miles and not the one attended by the pupil at 3.91 miles from home. There is an extended entitlement to those in receipt of low income in that those families have an entitlement to one of their three nearest schools providing the distance is between two and six miles from home. Had family met the threshold to be classed as low income, free transport would be authorised as the school attended by the pupil was the second closest schools to home a place could have been offered and is within the distance qualification

It was noted by the Committee family had no active claim for free school meals nor had evidence been provided to indicate being in receipt of the maximum amount of working tax credits.

It was noted that the previous appeal was successful based on all the appellant's and Officer's comments. School transport assistance was granted on the basis of the pupil's health needs.

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

The Committee also noted that the appellant had read the schedule and agreed with its content. 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

Therefore, having considered all of the family's circumstances and the officer responses as set out in the Appeal Schedule 4811, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and **Allowed a Temporary Award until end of July 2021.**

**4832**



It was reported that a request for transport assistance had initially been refused as the older pupil was not be attending their nearest suitable schools, which were 2.0 miles from the home address was instead attending school at 4.67 miles from the home address. The younger pupil was attending their nearest suitable school at 0.77 miles and within the statutory walking distance from the home address and instead would attend a school which was 4.84 miles from the home address. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law.

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

It was noted by the Committee the appellant was awarded free transport until end-July 2020 by the SSAC. Since early this year the older pupil had been issued with a bus pass to travel to school. The younger pupil travelled to school by taxi.

The Committee noted the appellant was appealing on:

- Financial grounds. The appellant didn't work and didn't have a partner. They received Universal Credit and that is the total sum of her monthly income. The amount was stated on the form. There is an active claim for free school meals for both pupils.
- Medical grounds. The appellant suffered from health issues. They were unable to move at all some days due to their health complaints. The appellant did not receive any resources to assist with their medical condition. They did not have any help from family/friends/neighbours to support them to get the pupils to and from school. The appellant became the pupils' legal guardian after they were removed from care.
- Educational continuity grounds. The pupils have had a lot of emotional concerns and wellbeing issues over the last 2 years due to being removed from care. School and friendships are the pupils' stability.
- Section D, other exceptional reason, that the pupils have been placed in the appellant's care under a Special Guardianship Order after being Children Looked After under Children's Social Care.

The Committee noted there was no transport in the home and the appellant was requiring transport from September 2020 until the pupils finish their education or the family's circumstances change.

The Officer's comments and review information stated, as noted by the Committee, the appellant advised officers that the pupils had siblings attending both the schools and for the sake of continuity and being able to maintain contact with step siblings was vital for the pupils' wellbeing and stability.

It was addressed to the Committee that although the pupils were Looked After the policy does not take this into consideration for assessment for eligibility for assistance with transport from home to school.

The Committee noted As Looked After Children the older pupil could have been allocated a place at any school under the highest category had the appellant expressed a preference for closer schools at the time of application. As noted

above it was felt that the pupils should have continuity of friendship support at their schools.

It was noted by the Committee the Social Worker has advised officers that they were in support of the pupils attending their current schools. They would fully support transport assistance continuing to be provided as it could jeopardise their placement as the appellant couldn't get them to school.

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

The Committee noted that whilst the County Council was sympathetic to the family's situation and there was an active claim for free school meals; the pupils were not attending one of their 3 nearest schools therefore assistance with transport cannot be offered under the low income criterion of the policy.

The Committee noted no supplementary evidence was supplied by the appellant. The Committee also noted that the appellant had read the schedule and agreed with its content. 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 persuaded that there was sufficient reason to uphold the appeal

**Resolved:** Therefore, having considered all of the family's circumstances and the officer responses as set out in the Appeal Schedule 4811, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and **Allowed a Temporary Award until end of July 2021.**

#### **4833**

It was reported that a request for transport assistance had initially been refused as the schools the pupil was attending the nearest suitable school and was within the statutory walking distance at 1.75 miles. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The Committee noted the appellant's previous appeal for home to school transport for the pupil was successful. The appellant was re-appealing for home to school transport for the academic year September 2020 – July 2021.

It was noted by the Committee the appellant was not re-appealing on Financial, Medical or Educational Continuity grounds but was appealing Under Section D: Other Exceptional Reason. The appellant had stated their reason for requiring transport for the pupils. The information has been noted by the Committee.

The Committee noted transport would be required for the whole school year from September 2020.

The Officer's comments and review information stated as noted by the Committee, the pupil had been refused transport assistance as they lived less than two miles away from the school attended.

It was noted by the Committee as the pupil was in receipt of free school meals there would be denominational transport assistance available if the distance criteria were met. 3 It is noted that there are exceptional circumstances relating to this case but officers do not have the discretion to award transport assistance outside the County council's published Home to School Transport Policy.

Additional comments: The Committee approved to grant the pupil school transport assistance on the basis of the pupil's safety, for one academic year only. The County Council notes that circumstances do not appear to have changed for the family since the last appeal.

**Resolved:** Therefore, having considered all of the family's circumstances and the officer responses as set out in the Appeal Schedule 4833, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and **Allowed a Temporary Award until end of July 2021.**

#### **4834**

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 3.03 miles, and instead would attend a school which was 5.87 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The Committee noted the appellant was not appealing on financial, education continuity or other exceptional reasons but was appealing on medical grounds because the pupil has been diagnosed with health issues and had sent evidence to support this. The pupil struggled with time keeping and couldn't find their own way to school on time. They needed constant reminding of where they were going, they daydreamt a lot and acted impulsively which could result in accidents or danger. The pupil couldn't walk independently along a pavement or cross a road, as they forgot to check for traffic and often walked backwards. Their health issues affected their mobility dramatically. The pupil had been awarded Disability Living Allowance and has a disability blue badge. The appellant had been awarded Carers Allowance for the pupil. However, evidence to support the DLA award or Carers Allowance had not been provided. There was no help available from extended family/friends/neighbours to support the pupil on the journey to and from school.

It was noted by the Committee the section, "Is there access to suitable transport in the home" has been left blank. Transport will be required from September 2020 until the pupil left school or the family's circumstances change or an EHCP was awarded and SEN took responsibility for the pupil's transport needs.

The Committee noted the Officer's comments and review information which stated another nearer school at which a place could have been offered to the pupil was at 5.7717 miles from the home address. 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. It is parental preferences 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.

Parents have the primary 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 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 Council considered that the school at 3.03 miles was the nearest suitable school for the pupil.

It was brought to the Committee's attention 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. The pupil was not attending his nearest suitable school.

The Committee noted all the supplementary evidence supplied by the appellant. The Committee also noted that the appellant had read the schedule and agreed with its content. 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 4834 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.

#### **475017**

It was reported that a request for transport assistance had initially been refused as the pupil was attending their nearest suitable college which was 0.6 miles and within the statutory walking distance so therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The Committee noted the home address was on the same road as the college, at a distance of 0.6 miles from the main college entrance on the other side of the road. Therefore the application did not meet the distance criteria of the Local Authority Transport policy, which is that the student should live more than three miles from the educational institution by the nearest walking route in order to qualify.

It was noted by the Committee it was the opinion of the Local Authority that the pupil required an adult to see them safely across the road and the provision of training around road safety and crossing roads as a visually impaired person. To provide a taxi in order to assist the pupil in crossing the road safely would in our opinion be counter-productive in terms of them developing independence and travel skills.

The Committee noted the appellant was appealing on medical grounds. The pupil had severe visual impairment through health issues, along with other health conditions and learning difficulties.

It was noted by the Committee that due to the pupil's severe sight loss, which significantly affected their independent travel to and from places, the pupil used a cane to help them navigate routes which they had learned. However, pupil's health issues made it very difficult for them to safely judge distances and the speed at which objects were travelling. Their vision was also affected by weather conditions, including bright sunny days or poor weather conditions, e.g. rain and darker evenings.

The appellant reported, as noted by the Committee, that there were no safe crossing places for the pupil to independently travel to college. The road which they must cross was a very busy road throughout the day and at the time when the pupil must cross at the beginning and end of the college day, it was particularly busy owing to the rush hour and with parents dropping off and collecting their children from two high schools on the same road and one primary round the corner. As a vulnerable young person the safest option for the pupil was for them to be supported through the provision of transport to and from college.

It was noted by the Committee the Local Authority was aware that according to the policy, home to college transport assistance can be considered for young people aged 16-19 who are attending their nearest appropriate provider which is within the 3 mile walking distance, if they could not be reasonably expected to walk there, accompanied as necessary, by reason of their SEN, disability or mobility problem.

From Lancashire County Council Post 16 transport to education and training policy statement 2018/19:

Students with special educational needs or disability with a Special Educational Needs statement/Education, Health and Care Plan maintained by the local authority:

Travel assistance will generally only be considered to the nearest provider with post 16 provision which, in the opinion of the County Council offers an

appropriate course. An appropriate course is one that enables the young person to meet his or her learning and or employment objectives, or is specifically designed to meet the student's special educational needs.

The following conditions also apply:

- The young person is under 19 years of age when they start their course
- The distance between the young person's home and their education provider is more than 3 miles by the nearest suitable walking route

Home to school/provider transport assistance will be considered for young people aged 16-19 who are attending their nearest appropriate school/provider which is within the 3 mile walking distance if they could not be reasonably expected to walk there, accompanied as necessary, by reason of their SEN, disability or mobility problem. Cases are considered on an individual basis and medical evidence is required before transport assistance is agreed.

In the pupil's case, whilst they cannot be reasonably expected to walk to college on their own, if they were accompanied, for example by a family member or other trusted adult, they could be expected to walk safely to the college.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, 475017 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.

#### **4809 – UB**

It was reported that a request for transport assistance had initially been refused as both pupils were not attending their nearest suitable school, which was 0.36 miles and within the statutory walking distance from the home address for the younger pupil and 0.44 miles for the older pupil and within statutory walking distance and instead would attend a school which was 5.15 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The Committee note the appellant and their partner moved with the pupils to their present permanent address in 2019. The move was not voluntary due to an issue with a neighbour. The pupils presently go to and from school by car.

It was noted by the Committee the appellant was not appealing on financial and medical grounds but was appealing on:

- Grounds of educational continuity. Both pupils had been in the school attended since Reception. Their older siblings also went there. The pupils had formed trusting relationships with the staff and children and the appellant felt it was important that these relationships continued. The pupils suffered emotional stress at having to move house due to the police involvement in connection with neighbour disputes. The younger pupil had some educational needs which the school were supporting.

The Committee noted the appellant advised that the cost of travelling to school was not sustainable, but they had not completed the financial section on the appeal form and had not provided supplementary evidence to support that section. There is no suitable transport in the home.

It was noted by the Committee transport will be required as soon as possible until the pupils left the school attended or the family's circumstances changed.

The Committee noted the Officer's comments and review information which stated transport assistance had not been approved because the pupils were not attending their nearest suitable school.

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."

It was noted by the Committee the younger pupil did not have an Education, Health and Care Plan. No evidence has been provided to indicate that the school attended by the pupil was the only school that could meet the pupil's needs.

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 their nearest primary school that is more than 2 miles from home. The Committee noted the pupils were in receipt of Free School Meals, however there were a number of nearer schools to the home address with places available, therefore the pupils did not qualify for transport assistance on low income grounds.

It was acknowledged by the Committee transport appeals are evidence based however no supporting documentation had been provided with this appeal.

The Committee also noted that the appellant had read the schedule and agreed with its content. 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 4809 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.

#### **4839**

It was reported that a request for transport assistance had initially been refused as the pupil was not attending their nearest suitable school, which was 3.31 miles from the home address, and instead would attend a school which was 7.68 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law

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

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

- Financial grounds and stated their household monthly income per month. Evidence to support this had been received. The appellant lived alone with the pupil and their sibling. The appellant didn't have a partner and they worked part-time. A family worker gave support to the family.
- 
- Under Section D: Other Exceptional Reason. The appellant felt that the decision to deny assistance with home to school transport was unjust. The appellant was unable to work more than 16 hours a week, as they had to take their younger child to various medical appointments as the child had health issues. The appellant stated their monthly maximum salary was slightly higher to be able to get help with transport costs. Because of the difference they would have to fund every month for a bus pass which would live the well below the cut-off point for help. This was going to have serious implications financially for their family as they already lived "hand to mouth". When the appellant originally applied for school places, they applied in order of distance. Their first choice was a faith school 2.2 miles away, their second was a faith school 2.6 miles away and her third choice was 2.7 miles away. These were their nearest schools to their house. The pupil and the family regularly attend place of worship so they believed that they would get their 1st or 2nd choice. The pupil was subsequently allocated a non-faith school well over 3 miles in walking distance. Fortunately, they have since been offered the school the pupil was attending.



The Committee noted transport was required from 1 September 2020 until the pupil left school or the family's circumstances change.

It was noted by the Committee the Officer's comments and review information stated other nearer schools at which a place could have been offered to the pupil included at 3.4372 miles away and 3.9004 miles away.

The Committee noted the pupil would have an entitlement to transport assistance to the school attended under the 'low income' criteria of the transport policy, but at the current time the evidence the appellant had provided indicated that they did not meet the low income criteria.

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. It is parental preferences 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. Assessing a pupil's eligibility to receive transport assistance is 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 route, 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 Department for Education guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

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 secondary school application.

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

The Committee note the supplementary evidence supplied by the appellant which was dated for the financial year 2020.

The Committee also noted that the appellant had read the schedule and agreed with its content. 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 4839 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  
Director of Corporate Services

County Hall  
Preston