

Lancashire County Council

Student Support Appeals Committee

Minutes of the Meeting held on Monday, 9th November, 2020 at 11.00 am in Virtual Meeting

Present:

County Councillor Anne Cheetham (Chair)

County Councillors

Y Motala

D Stansfield

1. Apologies

CC J Cooney

3. Disclosure of Pecuniary and Non-Pecuniary Interests

None

4. Minutes of the meeting held on 19th October 2020 @ 11am

Resolved: That; the Minutes of the meeting held on the 19th October 2020 were confirmed as an accurate record and was signed by the Chair.

5. Urgent Business

1 Urgent business case

6. Date of the Next Meeting

The next scheduled meeting of the Committee will be held on Monday 14th December 2020 – By Virtual Remote Hearing (Conference Call).

7. Exclusion of the Press and Public

The Committee is asked to consider whether, under Section 100A(4) of the Local Government Act 1972, it considers that the public should be excluded from the meeting during consideration of the following item of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 12A to the Local Government Act, 1972 as indicated against the heading of the item and that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

8. Student Support Appeals

(Not for Publication – Exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It is considered that in all the circumstances of the case

the public interest in maintaining the exemption outweighs the public interests in disclosing the information).

Please note that due to the confidential nature of the information included in this report it will not be published on the website.

TRANSPORT MINUTES – DRAFT – 09TH NOVEMBER 2020 4836

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 3.65 miles and instead would attend school which was 3.97 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The Committee noted the appellant's summary which stated the family were not appealing on financial, medical or educational continuity grounds but was appealing under:

Section D: Other Exception Reason: The family submitted an E7/10 form having been advised that they may be entitled to transport assistance. However, the family subsequently received a telephone call from Pupil Access Team advising that they had made a mistake when they suggested the pupil was POSSIBLY entitled to free transport. During the conversation, they were informed they could be considered for free travel should they change their choice of school to the nearest suitable school at 3.65 miles after the pupil had been assigned a form teacher at the school attending. The family were unaware that the nearest suitable school was even an education facility or, in fact, the nearest by 0.3 of a mile shorter than the school attended by the pupil.

The Committee noted the family had enclosed:

Image 1 which showed the council's shortest route to the nearest suitable school and another school. The family felt this was an unsafe route to and from these schools and had explained why. The alternative route out of the village was a recognised HGV route. The family felt that both routes were completely unsuitable for a child and an adult to walk at any time of day. There was no public footpath, walkable verge or refuge points and the family felt the traffic exceeded the maximum vehicle numbers per hour relevant to the width of road, as documented in the council school transport policy 2020/21. Given the topography of the route with sections reaching 14% gradient and the poor quality of the road, especially near to the side verges, the route was not an acceptable safe walking route. To compound matters, there was no street lighting. This route also regularly flooded. It was highlighted that most of this route had no dedicated speed restrictions, these roads carried the national speed limit of 60mph. Whilst the family recognised this was the shortest route by 0.3 miles, they urged the council to recognise this was not an acceptable or fair recognised route.

Image 2 showed roads which the council confirmed as shortest suitable route. The road sign stated a "no footway for 400 yards" (365 metres). Government legislation denoted the sign as a warning hazard to indicate the drivers that pedestrians could be present on this carriageway. The presence of this sign indicated this was not a safe or acceptable route.

Image 3 which showed the narrow width of the road and parts of this route were only wide enough for one vehicle at a time let alone pedestrians.

Image 4 showed road on-route where there was no pedestrian footway, footpath or verge. Both roads (leading out of the village) were not safe roads to the two nearest schools. One of the named roads also had the same problems with no pathway, footpath or verge. There were other alternative routes which also had no footways or portions of the route, but these would take the mileage over and outside the distance to the school attended by the pupil.

The appellant stated, as noted by the Committee, they had evidenced that the "shortest road route" the council recommended was not a suitable walking route as documented in the schools transport policy section 4d:

"4d Measuring the shortest route to the determined nearest school once the council has established the nearest school, we will measure the distance to that school using the shortest suitable walking routes. This may include measuring along roads, footpaths and bridleways. We will measure from the nearest boundary entrance of your home".

In conclusion the appellant stated, the council's proposed route was not a true or fair mark of the shortest, safest and suitable route.

The Committee noted the pupil was a looked after child, who had needed significant additional support from their family and previous school. The family had even paid for private tuition for the pupil because their needs were not been met. The nearest suitable school would not be a "suitable" school given the latest Ofsted reports. The pupil had challenges to face as a previous looked after child and the family felt that the school attended by the pupil would meet their needs and they would be better supported. Also all their classmates and friends in the village were going to the school attended by the pupil and they would be there to support them.

The appellant, as noted by the Committee, stated further information relating to the images:

Image 1: the bus timetable to the nearest suitable school was not an acceptable option for an 11 year old pupil because there was no dedicated bus services. The only service provided appeared to be a public service, although this service had been tendered out to another bus service. The future of the route was unclear. The attendance time were mentioned by the appellant which would mean the pupil would have to wait 39 minutes before school and 1 hour 6 minutes after school every day before getting the bus. The appellant pointed out that this was not an acceptable time period for a child of that age and sex to be standing alone at a bus stop. Given the winter months and recognised hours of darkness and inclement weather, the pupil would have to wait over 5 hours 30 minutes over the course of the week. If mornings and afternoon waiting times were added together, they would have to wait over 8 hours 45 minutes. In addition to this, as it was a public bus service, the pupil could not be guaranteed a place on the bus if it was full and would have to wait another 1 hour and 30 minutes for the next bus.

Image 2: showed the bus timetable from home area to nearest school.

Image 3: showed the public bus timetable from the nearest school to home area.

Image 4: showed the bus timetable for the dedicated school bus from home area to another area and return. The family also had concerns that the home area bus service funding was set to cease in 2021? In 2016, a bus service was stopped but fierce opposition from the residents secured a 5 year deal with the council for the service to resume. Given its uncertainty over the next year or so, the pupil may face no public bus service linking the home area to other areas. The pupil's bus service to and from the nearest school would cease to exist. The appellant was asking how would the pupil get to school then.

Additional comments:

- The home area was not in the nearest school's GPA. Total walking distance was 3.66 miles.
- The route was unsafe as it was used by large agricultural vehicles which filled the width of the road.
- The National Speed limit of 60mph on the direct walking routes. Information attached by road safety charity.
- The Council's walking route was unsafe and they couldn't find an alternative safe route to the nearest suitable school that was shorter than the route to the school attended by the pupil.
- The appellant had stated a summary of the above in the appeal form for the Committee.

The Committee noted the appellant had stated there was no suitable transport in the home.

It was also noted by the Committee, the school attended by the pupil was the 1st choice noted by the appellant.

The appellant had stated, as noted by the Committee, transport would be required from September 2020 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 3.65 miles from home.

It was noted by the Committee the pupil would have an entitlement to transport assistance to the nearest suitable school had this school been selected as a 1st preference.

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

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

The Committee acknowledged assessing 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 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 Committee have been made aware the pupil was not attending their nearest suitable school at 3.65 miles but were attending school of parental preference at 3.97 miles from home.

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

It was noted by the Committee there is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Free travel is provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home.

The Committee were made aware that the pupil was not in receipt of Free School Meals. However, if parents did meet the low income criteria the pupil would be entitled to assistance as the school attended by the pupil was one of their second nearest school between 2 and 6 miles from home.

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

The Committee also noted 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 4836 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4846

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 1.08 miles and within the statutory walking distance to the home address, and instead would attend school which was 2.0 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 Committee noted the appeal form was completed on behalf of the appellant by the family's Lead Professional on the TAF.

It was stated, as noted by the Committee, the pupil had travelled to school in a taxi which the Local Authority provided for the pupil's elder sibling. As the elder sibling had transferred to another school the taxi had been stopped.

The Committee noted the family were appealing on:

- Financial Grounds: total amount of monthly salary, Child Tax Credit and Working Tax Credit had been noted on the form

It was noted by the Committee, although the pupil was eligible for free school meals, they were unable to access transport assistance via the mainstream policy as there were schools nearer to home where they could be taught.

- Education Continuity Grounds: (although no house move had taken place) it was important for the pupil to remain at the school attended as they had settled in well over the past three years and was making good progress.

Moving schools would be detrimental to the pupil both educationally and emotionally. School provided much support for them, they had a friendship group and any potential move would have a negative effect.

- Other Exceptional Reasons: the appellant was concerned that the elder sibling might be in the house alone after school. If a taxi was provided, it could collect the pupil and allow the appellant to go straight home to tend to the elder sibling. Full details were provided on the appeal schedule.

The Committee noted the TAF outlined health reasons relating to both the appellant and the pupil's elder sibling. Similarly, the CAF outlined the difficulties the family was experiencing relating to health, social, housing and education. Both the pupil and the elder sibling were classified as 'needing help'.

It was noted by the Committee that it was positively documented, however, that the family shared a close bond, showing commitment and support to each other. The appellant had accessed help and retrained to become a Carer. The appellant was now a Key Worker.

The Committee noted the family were supported under a TAF for Mental Health Support, Housing Support and Overall family well-being. They were looking to move closer to the school attended by the pupil and the appellant was actively bidding on properties through estate agents but due to Coronavirus, housing stocks of three-bedroomed properties were low. It may be six months before a suitable property emerged.

It was noted by the Committee, it was difficult to say how long the transport would be required because the family were sincerely hoping to move, to a larger home to provide personal space and privacy. This would have a positive impact on everyone's mental health. It was noted there was no access to transport at home.

The Committee noted the Officer's comments and review information which stated appellant was sent a transport refusal letter the school attended by the pupil as noted on system. There were nearer schools available. Another nearer school at which a place could have been offered to the pupil during the school place allocation process was at 1.88 miles from the home address and within statutory walking distance. However, it was accepted that naturally the preference would be for a school where the sibling was already in attendance.

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

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

It was noted by the Committee the County Council were sympathetic to the family. The family were clearly looking to move closer to the school the pupil attended and it was unfortunate that house stock was limited.

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

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

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the 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 **4846** be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

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 3.94 miles to the home address, and instead would attend school which was 4.21 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 Committee noted the appellant was not appealing under financial, medical or educational continuity grounds but was appealing under:

- Other Exceptional Reasons. The appellant advised that they were appealing against the route criteria the Council set in the 'Home to mainstream school transport policy 2020/21', which has meant that the pupil's application for home to school transport assistance had not been approved. The Council had informed the appellant that there was school in a neighbouring area that was closer than the chosen school.

The appellant stated, as noted by the Committee, that in the first instance, the nearest closer school did not have the home area in its priority catchment area and concentrated on attracting pupils from another area mentioned in the notes, whereas the school previously attended by the pupil was a direct feeder school for the school presently attended by them.

It was noted by the Committee, the main reason for the family's appeal was around 'Section 4L- suitable walking distance' within the above stated policy. The policy states that the route should be suitable for the pupil to walk either being accompanied with an adult or alone). The route that has been used by the Council in their calculations for the purpose of the application uses an unsuitable routes that has areas that are lonely, without street lighting and without a footway/verge/walkable roadside strip/footpath or bridleway.

The distance quoted, as noted by the Committee, in the feedback from the Council were 3.3 miles (the attached map stated 3.95 miles) to the nearest suitable school and 3.8 miles (the attached map stated 4.12 miles) to the school attended by the pupil. Both of these routes are based on calculations which were using unsuitable routes. For the nearest suitable school route, it used the road that goes through woodland and open moorland, with no footpath etc until you reach main roads. The route to the school attended by the pupil, used a road that goes through open moorland over a named hill, again with no footpath etc until you reached the main roads. Both of these routes were dangerous due to the majority of the route having narrow minor roads with national speed limits applied that were used at commuter times to connect the A roads and motorway network. The route chosen for the nearest suitable school area was narrow and steeper than one that the appellant would choose to drive on due to the potential danger with oncoming traffic. The appellant would drive past a hotel wold was still exposed and had the same unsuitable characteristics, but would be further in distance.

The Committee noted, interpreting the Council's policy, it would be the appellant's view, in order to be a suitable walking route for both schools, the only option would be to use the main road from the home area in the direction of named road. The distance in this instance would be 6.92 miles for the school attended by the pupil and 7.66 miles for the nearest suitable school. The appellant felt this was a more realistic and fairer way to calculate the distance to the schools, rather than basing the calculations on dangerous routes.

The Committee were shown the maps attached for details and noted the maps had been taken from Garmin route plotting tool.

The Committee were made aware that there was access to suitable transport in the home. Both the appellant and their partner had vehicles which were required to travel to full-time employment, with start and finish times that didn't coincide with school opening times. Due to the nature of their employment, they couldn't be available to transport the pupil to and from school. The school transport would enable the pupil to travel to and from school independently.

It was noted by the Committee, transport would be required from September 2020 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 3.94 miles from home. The pupil would have had an entitlement to transport assistance to the nearest suitable school had the school been selected as 1st preference.

The Committee noted the school attended by the pupil was 1st parental preference choice made by the appellant and family.

The Department for Education statutory guidance requires the 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.

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

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

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

The Committee acknowledged assessing 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 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 noted by the Committee there was an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Free travel is provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home.

The Committee were made aware the pupil was not in receipt of Free School Meals. However, if the appellant met the low income criteria they would be entitled to assistance as the school attended by the pupil was their second nearest school between 2 and 6 miles from home.

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

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

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4852 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4858

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 1.85 miles and within statutory walking distance to the home address, and instead would attend school which was 2.47 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 was not appealing on medical grounds but was appealing on:

- Financial Grounds – the appellant didn't work, didn't have a partner and was in receipt of Child Tax Credit and ESA for which the amount had been stated, although no evidence had been received to support this. The total household monthly income box had been left blank.

- Under Section C: Education Continuity – the appellant had written "separate letter attached." – In the supporting documents, there were only two documents that referred to the pupil's home to school transport appeal and they were:
 1. Letter about refusal of bus pass
 2. Copy of letter to the Prime Minister relating to the appellant's children.

The Committee noted under Section E: Additional Information, the appellant advice that they didn't understand the question – "Is there access to suitable transport in the home?"

It was noted by the Committee, the appellant was requesting transport from the beginning of the new school term until the pupil left school or the family's circumstances changed.

The Officer's comments and review information stated as noted by the Committee, transport had not been approved because the pupil was not attending their nearest school at which a place could have been offered which was at 1.85miles.

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

The Committee were informed in some years, including the year in which the pupil's sibling started school, the nearest suitable school was oversubscribed. Therefore, for many children the school could be discounted as a suitable school for transport purposes if they would not have ranked highly enough to be offered a place at the school if it had been expressed as a preference. This year the nearest suitable school had fewer applicants. All children with an on time application for this school could be offered a place leaving a few places free that were used for reallocation purposes. This meant that for the children starting Year 7 in September 2020 the school could be considered as a suitable school for transport assessments as places could have been offered if the school had been included as a preference.

When applying for a school place parents have the right to say if they would prefer their child to go to a particular school. If their child had an older sibling at the school this would often be considered in the allocation of places. However, this was not taken into account when the Council assessed whether the child was entitled to free transport.

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.

Additionally, schools can be considered when undertaking assessments to receive transport assistance if they had 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's Home to Mainstream School Transport Policy also considered schools in neighbouring districts and local authorities.

The Committee noted the pupil was in receipt of Free School Meals.

It was noted by the Committee 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 was provided if the pupil was attending one off their three nearest schools and the school was situated between 2 and 6 miles from the home. However, there were three schools nearer to the home address at which a place could have been offered: schools at 1.85 miles, 2.10 miles and 2.27 miles respectively. Therefore the pupil did not qualify for transport assistance on low income grounds.

The Committee noted the supplementary evidence supplied by the appellant in support of their appeal.

The Committee were very sympathetic with the appellant in relation to all the issues the pupil had faced at their previous school-

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

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the 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 **4858 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.

4862

It was reported that a request for transport assistance had initially been refused as the pupils were already in receipt of transport assistance from another address. The pupil were therefore not entitled to free school transport in accordance with the Council's Transport Policy or the law.

The Committee noted the school the pupils were attending was 1st choice on the parental preference form expressed at the time of application for school places.

The appellant, as noted by the Committee, and their partner lived at the address stated on the form. The pupils had two homes. One with the appellant and the other with the other parent. The court order stated that the appellant had responsibility for the bus pass for their home address when the pupils lived with them. The pupils already attended the school of parental preference and it was the closest school to the other parent's house so a change of school was not appropriate in this case. Evidence to support this had been provided.

The Committee noted the appellant was not appealing on financial or medical grounds but was appealing on education continuity grounds for reasons stated above. The appellant would have difficulty doing the school run twice a day due to their work. Transport would be required from the beginning of the new academic year until the pupils left school attended or the family's circumstance changed.

The Officer's comments and review information stated, as noted by the Committee, transport had not been approved because the pupils were already in receipt of transport assistance from a different home address.

As per the Council's policy, if a child lives in two different homes, transport would only be provided from one of the addresses.

Entitlement to assistance with home to school transport is assessed separately after the admission process (after school places have been offered). Parents cannot use an address to apply for a school place and another to have transport entitlement assessed.

For a new address to be accepted, there must be very exceptional reasons for the change, for example the sale of a property, house fire at one address, bereavement or relocation of the parents/carers to a single property. Parents must provide the necessary evidence for the Council to consider. A change in a child's living arrangements, for example spending more time at the new address, will not generally be considered to equate to exceptional circumstances.

The address from which transport assistance has been provided is the only address held on record for the children and the one from which their secondary school place was obtained. No evidence has been provided to indicate that the appellant's address should be considered as the pupils' main address.

The Committee noted the appellant had provided an excerpt from a Court Order stating that the appellant should arrange for a bus pass for the pupils when they stayed with them. However, this did not state it should be funded by the Council.

There is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Free travel is provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home.

The pupils were not in receipt of Free School Meals.

If the Council was to consider the appellant's address at the pupils' main home then they would be entitled to transport assistance if the family met the low income criteria. This is because there is a nearer suitable school to the appellant's home address with places available for both pupils, at 5.47 miles from the appellant's home address, whilst the school attended by the pupils was 5.9 miles away.

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.

The school bus timetable information on the internet indicates that there is a dedicated school service that serves the school attended by the pupils 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 also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4862** be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and

award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4863

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 0.47miles and within the statutory walking distance to the home address , and instead would attend school which was 1.05 miles from the home address and was also located within the statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee 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 educational continuity grounds but was appealing on:

- Financial Grounds- The appellant didn't work and did not have a partner. Their total household monthly income and Income Support amount had been provided as evidence. Child Tax Credit amount was stated but no evidence had been supplied to support it.
- Medical Grounds- The pupil had health issues and medical evidence had been provided by the appellant to support it. The appellant had health issues as stated on the form but no evidence had been received to support this.

The appellant stated, as noted by the Committee, the pupil could not be out alone, couldn't walk on their own and couldn't use public transport because of their health and social problems. The appellant couldn't walk the pupil to school due to their other children that need to be dropped off at school. The appellant has also had problems with their health, which had affected their ability to drop the children off at school. In September, without transport, the appellant would not be able to take the pupil to school and the pupil would not be able to get to school on their own, therefore, they would **not be going to school**.

It was noted by the Committee, the appellant stated, there wasn't any help available from extended family/friends/neighbours to support their children to get to and from school.

- Other Exceptional Reasons-The appellant advised that they didn't have access to a vehicle and couldn't afford a taxi. If transport via taxi was not provided, then the pupil would not be able to go to school. A taxi would be required from September 2020 until April 2021.

It was noted by the Committee, the family was under a child protection plan. The pupil had some outreach support from social services twice a week where a social worker took them out.

The Officer's comments and review information, as noted by the Committee, stated 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 was brought to the Committee's attention, the appellant had put the school attended as 2nd choice at the time of application for schools.

It is parental preferences for school 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.

It was noted by the Committee, assessing a pupil's eligibility to receive transport assistance is a two part process. Firstly, a pupil's nearest school, for transport assessment purpose, 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 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 1:1 support to enable a pupil to fully access the curriculum.

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

It was noted by the Committee there is an additional entitlement to transport assistance for low income families. If parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit free travel is provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home.

The Committee noted it has not been stated if the pupil was in receipt of Free School Meals.

It was brought to the Committee's attention, the County Councils 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. This was not the case.

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

- Letter from the Health centre relating to the pupil
- Letter from Hospital relating to the pupil
- Income Support letter relating to the appellant

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

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the 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 4863 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4870

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 3.1 miles and within the statutory walking distance to the home address, and instead would attend school which was 8.7 miles from the home address and over the 6 mile threshold. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The Committee noted the appellant was not appealing on Education Continuity Grounds but was appealing on:

- Financial Grounds – The appellant didn't work, didn't have a partner and was in receipt of Universal Credit, PIP and maintenance for which the amount was stated on the form and evidence had been supplied to support this.

- Medical Grounds – The appellant had several health issues stated but no evidence had been supplied to support these diagnoses. A support plan for the appellant and PIP income was supplied. The appellant can only walk and drive for a short distance. Due to health issues, it stopped the appellant from their daily routine and on occasion they have not been able to get out of bed. Social Service provided care to help them. The appellant received PIP and a mobility car, however on some days they could barely walk or drive. There was no help available from extended family, friends or neighbours to support them to get the pupil to and from school. The appellant received support from the Pupil/Parent Partnership and Social. The appellant also attended Clinic at the hospital for their health issues.
- Other Exceptional Reason – The appellant advised that they understood that the pupil could have attended a nearer school, but they felt it was unfair for the pupil to be disadvantaged due to the appellant's disability and financial situation. The pupil's school life got disrupted at the previous school attended as they had to move due to the appellant's disability and injuries which they sustained from a car accident and falls.

The Committee noted the appellant stated that if the pupil couldn't have a bus pass they did not know if the pupil could get to school as some days the appellant can't move due to the chronic pain. The appellant became extremely anxious when driving in busy traffic and was undergoing counselling for this.

It was noted by the Committee, transport would be required from September 2020 until the pupil left school or the family's circumstances changed.

The Officer's comments and review information stated as noted by the Committee, transport assistance had not been approved because the pupil was not attending their nearest suitable school at 3.1 miles from home.

It was brought to the Committee's attention that the school attended by the pupil was 1st parental preference expressed by the appellant at the time of application for school places.

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

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

It was noted by the Committee there is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Free travel is provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home.

The Committee noted the pupil was in receipt of Free School Meals. However, there are a number of schools closer, the one attended by the pupil was not one of the nearest 3 from the home address and was located over 6 miles.

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

- Universal Credit Statement
- Bank statement showing amount received from DWP PIP
- Bank statement showing maintenance payment received for the pupil
- Support plans on levels of support required for the appellant.

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

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the 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 **4870** be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4874

It was reported that a request for transport assistance had initially been refused as the pupil would be attending their nearest suitable school, which was 2.91 miles and within the statutory walking distance to the home. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The Committee noted the appellant had expressed the school attended by the pupil as their 2nd parental preference at the time of application for school places.

The appellant had used, as noted by the Committee, Google Maps to calculate a walking distance of 3.1 miles from the home address to the school attended by the pupil, and 3.4 miles by bus. The appellant felt they were being discriminated against as the local authority was stating that the school at 1.42 miles (which the appellant had put down as their 1st preference) was the closest school within walking distance, and they felt that the distance calculation used by the local authority was incorrect. Screenshots of the Google Map routes had been supplied as supporting evidence within the appellant's email.

It was stated by the appellant that the closest school was not in the family's catchment areas and the pupil could not get into the school even when the family appealed.

The Committee addressed currently the family were paying for the pupil to use the bus. The appellant noted that the pupil's friend who lived 200 yards away had been awarded a bus pass for the same road.

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

The 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 preference.

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

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

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

It was noted by the Committee there is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Free travel is provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home.

The Committee were made aware that the pupil was not in receipt of Free School Meals. However, if parents did meet the low income criteria the pupil would be entitled to assistance as the school attended by the pupil was their second nearest school between 2 and 6 miles from home.

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

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

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

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4874** be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4877

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

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

The Committee noted the appellant was appealing on financial grounds. The appellant's partner had been furloughed on and off since March. The appellant was currently unemployed after leaving university, as there were fewer jobs this year. Therefore there had been a drop in household income and the appellant and their partner were concerned that they would not be able to afford the monthly bus fare and that it could push them into financial hardship due them being a single income household. The family did not own a car, and reported that they had no family in the area to assist with transportation.

It was noted by the Committee, the family applied for a place at two local schools so that the pupil would be able to walk to school. Both applications were denied on appeal. The school attended by the pupil was a Local Authority allocation. This was not one of the family's choices as it was expensive to reach from the family home. The Education Office stated that the school attended by the pupil was 3.29 miles from the home but the appellant stated that actual walking distance was nearer to 5 miles.

The appellant, as noted by the Committee, was appealing on grounds of an unsuitable route, stating there was no safe walking route from the home to school.

The Committee noted the appellant had not got any of their three choices of school applied at the time of application for school places.

It was noted by the Committee, transportation to school would be required immediately and until the family's financial situation improved.

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

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

The Committee acknowledged assessing 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 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 brought to the Committee's attention that there were two nearer schools at which a place would have been offered to the pupil, Mount Carmel at 1.5miles and Rhydding at 2.04miles.

The County Council's Unsuitable Routes Policy considers route to be safe if there is a footway, verge, walkable roadside strip or footpath.

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

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

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4877 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4879 It was reported that a request for transport assistance had initially been refused as the younger pupil would not be attending their nearest suitable school, which was 0.77 miles and within the statutory walking distance to the home address, and instead would attend school which was 2.54 miles from the home address also over the statutory walking distance from home to school for pupil under the age of 8 years. The older pupil was attending their nearest suitable school at 2.54 miles and was located within the statutory walking distance for a pupil over 8 years. Therefore both pupils were not entitled to free transport in accordance with the Council's policy or the law.

The Committee noted the appellant was appealing on financial grounds. The appellant was a single parent of three children, living with their family in a rented flat. The family moved from abroad with their family who was supporting them financially but they passed away a few months ago. The appellant was unemployed and was in receipt of Universal Credit of which some of the money went towards rent. Universal Credit amount received and the rent income paid out was stated on the form.

It was noted by the Committee, the family were receiving support from Children's Social Care but the case had now been stepped down to the Children and Family Wellbeing Service. The key worker was mentioned in the form.

The Committee noted both older children of the appellant had started at the school attended by the pupils for a week prior to lockdown in March 2020. The school attended was not within walking distance of the family home. The pupils' eldest sibling had been eligible for free school transport and was travelling in a Local Authority funded taxi but the older pupil was not eligible and the appellant paid for the taxi through funds from Children's Social Care. The younger pupil was attending a school that was within walking distance.

It was brought to the Committee's attention, that this academic year all 3 children were attending the nearest suitable school at 2.54 miles with the younger pupil starting there now. The oldest sibling of the pupils was still receiving funded transport but the two pupils were not. The family would not be able to afford for a taxi to take the pupils and pick them up from school. The family did not have transport at home.

It was noted by the Committee the appellant stated that the support worker had contacted the Pupil Access Team who had reported that there were no closer schools with places available. Transport would be required immediately and for the remainder of the academic school year. The Officer's comments and review information stated as noted by the Committee, transport assistance had been refused for the older pupil as they lived under three miles from the school they were attending. The younger pupil was not attending the nearest suitable school.

Committee were made aware there was significant pressure for school places in the area where the appellant lived with high levels of inward migration. There were a number of closer schools to the family home which the younger pupil could have accessed but it was presumed that the appellant wanted all three children educated together, at the same school.

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

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

The Committee acknowledged assessing 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 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 Committee were made aware that the pupil was not in receipt of Free School Meals. However, if parents did meet the low income criteria the pupil would be entitled to assistance as the school attended by the pupil was one of their second nearest school between 2 and 6 miles from home.

The family are not in receipt of one of the qualifying benefits for free school meals and would only be entitled to transport for the older pupil if they were in receipt of free school meals. The Committee asked for case to be deferred to allow further enquiries to be made with Pupil Access Team and the keyworker in.

Following the case being deferred it has since been withdrawn.

4881

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 0.92 miles from their home address and within the statutory walking distance and instead would attend a school which was 4.3 miles away and was over the statutory walking distance.

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

It was noted by the Committee, the appellant was appealing on financial, medical and education continuity grounds. Currently the appellant was paying for the pupil to get the bus to school alongside their sibling who also attended the same school as the pupil. The sibling already has a bus pass for which the appellant was very grateful.

The Committee noted the appellants stated they worked full time prior to April 2020, and had stated their net income. However, since then have had no income from work due to the pandemic. The family received Universal Credit monthly and the amount was stated on the form. The appellant did drive but reported that work took them in the opposite direction and that they wouldn't be able to cover the pupil's daily bus fare each for the amount stated. There was no other adult in the household and the appellant had no family in the locality who could help with transportation.

The appellant stated, as noted by the Committee, they had to sell their previous home to pay off debts and the family was currently renting. The appellant stated the amount they were paying monthly for the rent and stated that the family moved to the present areas as the costs of renting a similar property in the previous area they lived in was higher and not affordable for the appellant.

It was noted by the Committee, both the pupil and their elder sibling were in receipt of Free School Meals.

The Committee noted both the pupil and the elder sibling had been receiving bereavement counselling following the death of their parent. This counselling had been through Hospice. The pupil suffered from health issues with the appellant reporting that the pupil was experiencing extreme levels of health issues about the appellant's absence with lots of things the pupil did outside the home environment. 6 weeks of counselling sessions had been used, but should the pupil's mental health worsen extra counselling may be potentially be accessed through the school attended by the pupil.

Due to the health issues, the pupil wanted to be with their friends and their elder sibling. The school attended by the pupil and the vicinity is what they are used to and the appellant felt the pupil needs to be around their support network, and what was familiar, and felt that the pupil would thrive when they were not having health issues. The older sibling received the same counselling and was doing really well at the school and the appellant was confident that the pupil's mental health would improve with similar support from them, their new school, and travelling to school with their elder sibling. The pupil had passed the entrance exam at the 2nd

parental preference choice of school but the appellant felt that an hour long bus journey to the school without friends and family was not an option. The nearest suitable school at 0.92 miles was close to the family home but going there would remove the pupil from all that was familiar. It was noted by the Committee, the appellant reported it had been a challenge to get the pupil on the bus with their elder sibling but this was managed in September.

The Committee noted the appellant was about to have an operation but had been delayed due to COVID-19 with a recovery time of about 6 weeks. The appellant would not be able to drive while recovering from their surgery.

Transport would be required immediately until the pupil left school.

The Officer's comments and review information stated, as noted by the Committee, there was 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. Unfortunately, the pupil was not attending one of their three nearest schools.

It was brought to the Committee's attention that when parents apply for a school place, they have a right to say if they would prefer their child to go to a particular school. If the child has an older sibling at the school they prefer, this would often be considered in the allocation of places. The Officers would not though take into account when they assess whether the child was entitled to free transport even though in this instance the pupil's elder sibling was entitled to a bus pass when their application was made.

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

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

The Committee noted although the authority had empathy with the family's situation at this time, hopefully, things will improve when the appellant has recovered from the operation though the operation has been delayed at the present moment due to COVID-19.

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

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

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the 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 **4881** be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4885

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 2.68 miles from their home address and

within the statutory walking distance and instead would attend a school which was 4.95 miles away and was over the statutory walking distance.

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

The Committee noted the appellant was appealing on financial, medical and educational continuity grounds. The appellant moved to the present area in 2019 as the rent at the previous area was unaffordable. At the time the pupil was staying with the other parent for part of the week; now the pupil resided with the appellant full time. The new address was 2.1 miles away from the previous home and the appellant was not aware that this would affect the pupil's home to school transport, for which the pupil had a gold pass.

The appellant stated, as noted by the Committee, the charity that they worked for could only pay SSP, and therefore the appellant was in receipt of Universal Credit for which the amount was stated. The appellant didn't have a partner and no maintenance payments were listed. The total household monthly income was also stated.

It was noted by the Committee, the appellant had been diagnosed with health issues and stated that some days it made it difficult to leave the house. Currently the appellant's family members were taking the pupil to school but the appellant reported that this was not manageable long term as the daily commute was causing both them and the pupil stress. They family members lived 8 miles away from the family home.

The appellant reported, as noted by the Committee, that the pupil was a high achiever with many friends at the school and felt that moving them prior to their exams would be detrimental to their academic progress and emotional wellbeing.

The Committee noted, the appellant felt, support with school transport would be very beneficial for them as a single parent family. The transport would be required as soon as possible and be required for the remainder of the pupil's time at school.

The Officer's comments and review information stated as 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 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 other nearer schools that had places available in the pupil's year group at the time of the address change included schools at 3.51 miles, and 2.97 miles respectively by suitable walking route.

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, 10 or 11, has attended their nearest school and meets the low income criteria. In the pupil's case the address change occurred whilst they were in year 9 so the officers were unable to apply this aspect of the transport policy.

It was noted by the Committee there is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Although the pupil was eligible to receive free school meals the 'low income' criteria did not apply because the school attended was not one of the three nearest schools to the home address.

The Committee have noted all the supplementary evidence:

- Letter from DWP seeking evidence of medical condition to support Universal credit claim
- Photograph of Universal Credit monthly payment statement
- Universal Credit Work Capability Assessment letter
- Original School Transport Application

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

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4885** be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4891

It was reported that a request for transport assistance had initially been refused as the pupil would be attending their nearest suitable school, which was 2.92 miles and within the statutory walking distance to the home. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The Committee noted the school attended by the pupil was the 2nd choice as parental preference at the time of application for school places.

The appellant as noted by the Committee was appealing on financial grounds and other exceptional reason. The household consisted of the appellant, their partner and the pupil. Both appellant and their partner were in full time employment and not in receipt of benefits. The appellant listed theirs and their partner's net monthly income. The appellant stated that the family couldn't afford the annual cost of a bus pass.

It was noted by the Committee, the appellant reported that the family applied for a closer school on the grounds that every day the appellant visited their family member and the pupil would be able to walk to school. This application was refused. There was no suitable transport within the family home. The appellant stated that the family were told that if the pupil attended the school where they presently go they would be granted a free bus pass if the distance from home was over 3 miles.

The Committee noted the appellant reported that the authority had measured the distance from the family home to the nearest school entrance, but due to Covid-19 Year 7 would be entering via a different entrance which the appellant calculated via Google Maps as being a walking route of 3.1 miles from the home address.

The appellant stated, as noted by the Committee, they wouldn't let the pupil walk to school because of concerns around safety and Covid-19. The appellant reported there were not current arrangements for the pupil's school travel.

It was noted by the Committee transport would be required as soon as possible and remain in place for the rest of the academic year.

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

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

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

The Committee were reminded that it is the parents' primary responsibility for ensuring their child's safe arrival at school and in all cases when assessing the suitability of routes, the County

Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably dressed.

It was noted by the Committee there is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Appellant's family were not in receipt of these benefits.

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

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

The Committee note all the supplementary evidence provided by the appellant:

- Screenshot of Google Maps showing a walking route and distance from home to a named lane
- Screenshots of Google Maps showing a walking route and distance from home address to the main school entrance

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

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4891** be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4893

It was reported that a request for transport assistance had initially been refused as the pupil would be attending their nearest suitable school, which was 1.9 miles and within the statutory walking distance of 3 miles to the home. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

The Committee noted the appellant was appealing on financial grounds. The appellant and the pupil had been evicted from their previous home and moved to a new address in September.

It was noted by the Committee, the appellant worked part-time and stated their net monthly earning. They were in receipt of Child Tax Credit and Working Tax Credit for which both amount were stated. The appellant did not have a partner and did not receive maintenance payments.

They had stated their total household monthly income. The appellants reported they were not able to work through lockdown and were consequently suffering financial hardship.

The Committee were made aware that new home address was 0.1 miles closer to the school attended than the previous home, meaning the new address was 1.9 miles away from the school. The appellant noted that the bus route to school was just over 2 miles. The appellant recognised that the school was not the nearest establishment to their new address but the pupil had passed an entrance exam to be accepted at the school attended.

The pupil used to walk to school from the previous address. The appellant stated that from the new home address the walk would be too far for the pupil to safely undertake, especially during winter.

It was noted by the Committee, transport would be required as soon as possible for the full school year. The appellant asked that the decision be reconsidered.

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

It was noted by the Committee, the distance from home to school was less than three miles (for pupil aged eight and over) by the route determined by the council. The distance from home to school is 1.9 miles.

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

It was noted by the Committee there is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. These circumstances did not apply in this case because the distance to the school was less than 2 miles.

The Committee noted no supplementary evidence was supplied by the appellant. The Committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and 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 **4893** be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4894

It was reported that a request for transport assistance had initially been refused as the pupils were not attending their nearest suitable school at 2.6 miles from the home address but was attending a school at 3.14 miles from the home address. The pupils were therefore not entitled to free school transport in accordance with the Council's Transport Policy.

The refusal of travel assistance on the grounds that the nearest suitable school was considered to be school at 2.6 miles. This would have been the nearest place that could have offered at allocation state (2.69 miles by Safe Walking Route) had they put it down as a preference (Section 4C of the Transport Policy refers to this).

It was noted by the Committee the appellant was appealing on the grounds that due to the distance that the pupils had to travel to school they should be eligible for home to school transport. The appellant lived with her partner and the pupils.

The Committee noted the pupils were not granted a place at any of the three parental preferences for the schools, and after 3 unsuccessful appeals by the family over the summer the pupils were granted a place at the school attended.

It was addressed by the Committee the refusal for home to school transport stated that the school attended was the 7th school nearest to the home address, but appellant stated that the family did not request the placement and it was the school the Local Education Authority allocated.

It was noted by the Committee the appellant calculated that the walking distance from the home address to the school attended by the pupils was 3.7 miles. The appellant reported that due to the number of children being allocated place to the school attended by the pupils a bus was provided at a cost. The bus picked up the pupils from named avenue which was a 5 minute walk from the family home.

The appellant had been advised, as noted by the Committee, the bus company did not have a contract with the Council and they believed that if the Local Education Authority were going to place the pupils at a school then transport provision should be considered by the Council. The appellant stated that the legislation indicated that the pupils were eligible for assistance with home to school transport.

The Committee noted the appellant stated that several Council subsidised schools buses went on the avenue stated and progressed along a similar route – name the school buses for the 1st and 2nd parental preference choice schools and asked why the Council couldn't set up a similar route for buses to the school attended by the pupils.

The appellant reported, as noted by the Committee, that there were other buses (route was named) available from the town bus station but this was a 24 minute walk from the home address. This would involve the pupils leaving home at 7am to ensure that they reached the bus station by 07:37am to catch the bus. The family were worried that due to social distancing guidelines the pupils might not be guaranteed a place on that bus, which would be the one they needed to take in order to get them to school on time.

It was noted by the Committee, the appellant stated there was no suitable transport within the home. Both the appellant and their partner worked and travelled in the opposite direction to the area. The appellant reported that they started work at 8am. The bus the pupils current got was at a suitable time but the family had to pay for it.

Transport would be required as soon as possible and remain in place until the pupils left school.

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

The Committee acknowledged assessing 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 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 Committee have been made aware the pupils were not attending their nearest suitable school at 2.69 miles but were attending school of parental preference at 3.14 miles from home.

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

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

It was noted by the Committee there is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. There has been no evidence provided that parent qualifies for the maximum amount of Working Tax Credit or entitlement to Free School Meals.

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

The Committee were made aware the nearest suitable school at 2.69 miles was not offered to the appellant as it was not a parental preference and at the time of allocation the school was full. The local authority offered the nearest school with a place available at 3.9 miles. It was only later that the school at 2.69 miles agreed to admit above their Published Admission Number.

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

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

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the 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 **4894** be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4895

It was reported that a request for transport assistance had initially been refused as both pupils would not be attending their nearest suitable school, which was 0.96 miles from their home address and within the statutory walking distance and instead would attend a school which was 6.52 miles away and was over the statutory walking distance.

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

The appellant, as noted by the Committee, was appealing on grounds of other exceptional circumstances. The appellant stated that the bus fare had risen by £10.00 a week per child, from £15.00 to £25.00. The younger pupil was now attending the same school as the older pupil and therefore the appellant was paying for both pupils and had stated the monthly amount paid for bus fares.

The appellant felt that the authority's refusal to provide home to school transport on the grounds that the pupils did not attend the nearest school was harsh, as the pupils had to pass an entrance exam in order to be offered a place at the school attended and the appellant felt that this shouldn't affect the decision. The appellant state that many families applied for places at the school attended by the pupils and were not lucky enough to gain access so they were unsure why this had been taken into consideration.

The Committee noted the appellant's partner lived with them. Currently the appellant was driving the pupils to school as they had been working from home. The appellant worked full time starting at 8am. Transport would be required as soon as possible and for the remainder of the school year.

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

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

It was noted by the Committee there is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. There has been no evidence provided that parent qualifies for the maximum amount of Working Tax Credit or entitlement to Free School Meals.

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

It was noted by the Committee, the distance from home to the nearest school was less than 3 miles (for pupils aged eight and over) by the route determined by the Council. The distance from home to the school was 0.54 miles.

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

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

The Committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct

and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the 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 **4895** be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4896

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 7.11 miles from their home address and instead would attend a school which was 7.52 miles away.

The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee 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 appealing on financial and medical grounds. The appellant lived with their partner and their children. The appellant had just returned to full time employment after being furloughed. Their net monthly income was stated which the appellant stated varied with furlough arrangements.

The appellant's partner has been unemployed for a year following the family business going into administration in 2019, and the partner had not claimed any benefits whilst being unemployed as the appellant stated their partner didn't believe in claiming benefits. The partner was acting as a primary carer for their parent, who had severe health issues. The appellant wrote that they couldn't prove that the partner did not claim benefits but was happy for the authority to check with DWP. The family have been managing on the appellant's salary.

The Committee noted the pupil had health issues. The appellant reported that the health issues did not affect the pupil's mobility but it was a factor in the decision to send them to the school attended rather than the nearer school. The pupil's elder sibling attended the same school as the pupil and they could travel together. The walk from home to the bus stop was down the road which was single track and had no pavements, and the appellant stated that there were a lot of tractors and heavy goods vehicles that used this road which was intimidating for the pupil and due to their nervousness they struggled to walk down this road on their own.

It was noted by the Committee no resources had been provided to the family to assist with the pupil's medical condition and no assistance was available from family or friends.

The Committee noted the pupil had a SEN/EHCP (the appellant didn't specify) from the previous school but the appellant stated that the pupil hasn't been at the school attended long enough for an assessment.

The appellant stated, as noted by the Committee, that there was no suitable transport within the home as when their company went into administration they lost both of their cars. Transport would be required from September 2020.

The Officer's comments and review information stated as noted by the Committee, transport had not been approved because there was nearer suitable school with a place available at 7.11 miles from home.

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

The Committee noted the Officer's comments which stated it is parental preference for schools and academies and the application of admission arrangements linked to these which informs and

drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

It was brought to the Committee's attention the safety of the route between home and school is only considered if a pupil is attending their nearest establishment. Parents have the primary responsibility for ensuring their child's safe arrival at school. The County Council will not consider assistance where parents are unable to accompany the child to school due to work or other commitments. The responsibility for the child to be accompanied as necessary rests with the parent.

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 school 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 noted the appellant state that the pupil had an EHCP, however the Inclusion Service at the Council had confirmed that they did not have an EHCP.

The appellant had provided a copy of the Educational Psychologist's report and letter from the hospital, however neither of these state that the pupil's needs could only be met at the school attended.

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 from the home area to the main town. Parents are able to contact School Traveline to enquire about purchasing a pass on this service.

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 stated that any information received would be dealt with in strict confidence and refer to bank statements, benefit statements etc. No evidence in relation to the family's financial situation had been provided.

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

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

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 **4896** be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4899

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 3.56 miles from their home address and instead would attend a school which was 4.30 miles away.

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 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 school attended by the pupils was the first choice of parental preference expressed at the time of application for school places.

The appellant, as noted by the Committee, was appealing on grounds of other exceptional reasons. The pupils' father also resided in the family home. The appellant reported that there was no suitable transport available within the family home and currently the family were paying for the pupils to use the school bus.

The appellant stated they couldn't understand why the pupils were not eligible for free home to school transport as all the other children in the home area board the school bus at the same location as the pupils.

The Committee noted the appellant reported that the family's request for free home to school transport was denied on the grounds that the school attended was not the nearest school. The appellant had, therefore, calculated the distance from the family home to the nearest suitable school and then cross referenced the distance with that of their neighbour, who the appellant stated lived 500 yards down the road and was also closer to the nearest suitable school, yet received free home to school transport to the school attended.

The appellant felt that there was lack of consistency and politely requested that the decision was reviewed. Transport would be required immediately and for the remainder of the pupils' time at the school attended.

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

The distance from home to the nearest school was 3.56 miles by the route determined by the council. The distance from home to school attended by the pupils was 4.30 miles.

It was noted by the Committee there is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. There has been no evidence provided that parent qualifies for the maximum amount of Working Tax Credit or entitlement to Free School Meals.

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

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

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal **4899** be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4901

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 5.42 miles from their home address and instead would attend a school which was 7.07 miles away.

The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee 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 school attended by the pupils was the first choice of parental preference expressed at the time of application for school places.

The appellant, as noted by the Committee, was appealing on grounds of other exceptional reasons. The appellant stated they were not aware that they had to have the nearest school as one of their three choices to qualify for a free bus pass.

The appellant stated they lived in a rural area with no public bus service therefore had to rely on the school bus service. The appellant stated they did not choose the nearest suitable school as one of their three school as they did not fall under the catchment area and believed as the school was already oversubscribed there would have been little chance of being accepted, the appellant stated there also was no school bus service from the area to the school.

It was noted by the Committee, the appellant explained to their knowledge the council provided free bus passes to the pupil's peers as the council were unable to provide a place at the nearest school the peers were then given a free bus pass to their next nearest school which was the school attended by the pupil.

The appellant stated, as noted by the Committee, that two students from the same previous school that are not from low income families have been given free bus passes. The appellant questioned the reasoning behind not being eligible for a bus pass due to the fact they did not choose the nearest suitable school as one of their choices. The appellant also stated if they were made aware that they should have chosen the nearest suitable school as one of their three choices in order to be accepted for a fee bus pass to the school attended then they stated they would have done so. The appellant asked that it was reconsidered for the pupil being eligible to a free bus pass like their peers.

The Officer's comments and review information as noted by the Committee stated 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 include the school as a preference. In this situation a place could have been allocated at the nearest suitable school at 5.42 miles.

The Committee noted the Officer's comments which stated it is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. Section 4c of the policy highlights this.

It was brought to the Committee's attention that when assessing home to school transport entitlement, it is not possible for there to be a consideration of how the pupil might undertake the journey to school. The availability and capacity of bus service can change depending on demand and revenue from bus fares.

There is a dedicated school services that serves the school attended by the pupil with the stop from home a few minutes walk. There is no issue in parent purchasing a pass on the service. The Committee were also reminded that a Summary of the County Council's Home to School Transport Policy is provided within all the admissions documentation, both in booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a school application. Additionally, members of the Pupil Access Team are in attendance at nearly all of the secondary school open evenings to give advice about admissions and transport entitlement.

Each request for a bus pass is assessed on the individual circumstances of the pupil at the time of application and therefore it is not possible to specifically comment on the allocation of bus passes for peers.

The Committee have noted the supplementary evidence supplied by the appellant in forms of emails.

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 **4901** be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4906

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 4.59 miles from their home address and instead would attend a school which was 4.84 miles away.

The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee 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 school attended by the pupils was the first choice of parental preference expressed at the time of application for school places.

The appellant, as noted by the Committee, was appealing on grounds of other exceptional reason. The appellant stated that the application for home to school transport was refused on the grounds that there was a school closer to home than the one attended by the pupil. The appellant reported that the nearest suitable school was 500 metres further away from the family home than the school attended by the pupil. The appellant stated that other families who lived in their home area received free bus passes to these schools and therefore the refusal to grant a bus pass for the pupil was unfair and disproportionate.

The Committee noted the appellant calculated the distance from the family address to the nearest suitable school as 4.4 miles and the distance to the school attended as 4.7 miles. They reported there was a slight difference in the measurements derived from Google Maps and Ordnance Survey, so they drove the route and measured the distance on the car's trip meter, and would provide photographic evidence of the trip meter if required.

It was noted by the Committee, the appellant stated that a child who lived 80 yards and another child who lived 50 yards away both received free bus passes to the school attended by the pupil. The family home was between these two addresses. In the supporting statement there was a photo of a digital schematic illustrating the location of all three homes, and the appellant reported that the details of these addresses had previously been supplied to the council.

The Committee noted the appellant calculated (using Google Maps, the Ordnance Survey and their car's trip meter) that both of these addresses were closer to the nearest suitable school than the school attended by the pupil. The appellant stated that they knew both sets of parents, who had confirmed to them that they did not meet the financial eligibility criteria. The appellant stated that a large proportion of the children who lived in their home area and attended the same school as one attended by the pupil received free buses that were not based on financial criteria. The appellant reported that the family would have to pay each year for a bus pass in the excess of amount stated on the form, when families who lived around them and closer to the nearest suitable school did not have to.

The appellant, as noted by the Committee, claimed an unsuitable walking route, stating that walking to either the school attended by the pupil or the nearest suitable school involved walking along the "A" road which they stated had no pavements and infrequent street lighting, and was too dangerous for a person of any age to walk along. The appellant believed that from the home address it was safer to travel to the school attended by the pupil than to the nearest suitable school as there was an excellent bus service from the home area to the school of parental preference.

It was addressed by the Committee, the pupil's other parent resided in the family home and currently the pupil was being transported to school by car. The appellant reported that the school attended by the pupil had asked parents not to transport their children to school by car if possible due to the rural nature of the school and the small access road without pavements. The appellant stated that car usage caused problems for the people of the area mentioned and was dangerous for pedestrians.

The Committee noted transport would be required immediately and remain in place until the next bus pass renewal.

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

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

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

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

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

The Committee acknowledged assessing 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 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 Committee have been made aware the pupil was not attending their nearest suitable school at 4.59 miles but was attending school of parental preference at 4.84 miles from home.

It was brought to the Committee's attention all cases were considered based on individual circumstances so it is not appropriate to comment specifically on the other address quoted. However, these will be review if found to be incorrect remedial action will be taken. This does not impact on the decision making for this case.

It was noted by 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 services that serves the school attended by the pupil with stop from home a few minutes walk. There is no issue in the parent purchasing a pass on the service.

The Committee have noted the supplementary evidence supplied by the appellant in forms of emails.

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 **4906** be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4908

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 1.09 miles from their home address and within the statutory walking distance and instead would attend a school which was 1.93 miles away and also within the statutory walking distance.

The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee 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, as noted by the Committee was appealing on medical and financial grounds. The appellant didn't currently work. The appellant had a partner who worked part time. The appellant received Universal Credit and the total household monthly income was stated.

The Committee noted the pupil suffered from health issues and the appellant stated the pupil would not be aware of what was happening to them which would be detrimental to the pupil. It was noted by the Committee, the appellant was going to apply for Disability benefits. The appellant stated they have no help from family/friends to support the pupil getting to school. The pupil currently walked to school. The appellant stated they had driven from their home address to the school gates and the total distance was 2.1 miles and not 1.9 miles as provided by the local authority.

The Committee noted the appellant stated that due to the pupil's condition and their safety, the appellant was requesting a free bus pass to enable them to be surrounded by other people that are able to help the pupil should they need it. The pupil was on a long term medication which made them tired and not always as alert.

The appellant stated, as noted by the Committee, the pupil's school had a care plan in place. The appellant stated the pupil had just come out of hospital after spending a week there, during this time the pupil had developed a health issue which lasted for around two weeks, this was due to the side effects of the medication they were taking. The appellant stated the health issue was more controlled at the moment due to changing the medication.

The Committee noted, the appellant was appealing for the pupil to be provided with a free bus pass for their safety.

Officer's comments and review information stated, as noted by the Committee, transport assistance had not been approved because the pupil was not attending their nearest suitable school at 109 miles from home. The family also resided in the GPA for that school and the pupil

would have been allocated a place at this school had they put it as their 1st preference when applying for schools.

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

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

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

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

It was noted by the Committee there is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Free travel is provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home.

Although the pupil was eligible to receive free school meals they did not qualify for assistance with transport under the 'low income' criteria of the transport policy because the school attended by the pupil was located within the walking distance of 1.93 miles.

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

The Committee have noted the appellant had not sent in any medical evidence to support the claim.

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 4908 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4910

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 1.67 miles from their home address and instead would attend a school which was 14.06 miles away.

The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee 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 requesting for the appeal to be heard under financial and medical grounds. The appellant didn't work and didn't live with a partner. The appellant received universal credit and child benefit and stated their monthly income.

It was noted by the Committee, the appellant had a medical condition and was waiting for an operation. The appellant stated the medical condition which made it hard for them to walk and drive. The appellant was requesting that a school bus pass was provided for the whole academic year. The appellant currently took the pupil to school in the car and added there was no help available from family or friends to support the pupil to get to school.

The appellant explained, as noted by the Committee, they were made redundant last year after working for 24 years, the appellant had been receiving Universal Credit since then. The appellant added that this period had been very upsetting and life changing after being independent and working most of their life.

The Committee noted the appellant stated they had seen a consultant in regards to their health. The appellant stated they struggled with the health issue. The appellant's consultant had given them the option to wait 3 months before an operation – due to the situation with Covid-19 they aren't currently operating. The appellant also had other health issue mentioned which potentially will need operating on and the appellant had an appointment to see a consultant.

The appellant explained, as noted by the Committee, that their two eldest children had now started further studies and so the appellant had to commute 30 mile journeys twice a day taking 50 minutes each time.

The Committee noted, the appellant was concerned the amount the bus company was charging for the bus far per annum, and stated they couldn't afford it. If they had help for the pupil getting to school one way this would still cost them the stated amount monthly, alternatively for transport to and from school it would cost more and amount was stated. The appellant explained if their operation went ahead then they will be out of action for 6-8 weeks at least. The appellant had asked other parents regarding car share but most of the pupil's peers took the bus and the appellant was unable to commit to a car share.

The Committee were sympathetic to the appellant's situation which they stated was emotionally and mentally challenging with them losing their job in 2019 and losing a family member too. The appellant was looking for some assistance in regards to a free bus pass.

The Committee acknowledged assessing 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 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 Committee have been made aware the pupil was not attending their nearest suitable school at 1.67 miles but were attending school at 14.06 miles from home.

It was noted by the Committee there is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Free travel is provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home.

Neither of the above criterion could be met in this instance and therefore a bus pass could not be issued under the circumstances. The panel may might wish to consider a discretionary agreement in view of the medical issues.

The Committee have noted the medical letters supplied in reference to the appellant.

The Committee also noted that the appellant had signed the application form for the transport appeal and that this states that "I Declare that the information given in this application is correct

and complete to the best of my knowledge and belief, I have attached all relevant supplementary information I wish to make available to support my case."

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4910 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4923

It was reported that a request for transport assistance had initially been refused as the pupil was attending their nearest suitable school, which was 2.96 miles from their home address within the statutory walking distance 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 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 school attended by the pupil was 1st preference expressed by the appellant at the time of application for school places.

The appellant, as noted by the Committee, was appealing on grounds of other exceptional reasons. The pupil was currently travelling by bus to school. The appellant was informed their application was not approved because the distance from home to school was deemed to be under 3 miles. The appellant had looked into this and had measured the route and found this to be over 3 miles.

It was noted by the Committee, the appellant felt that part of the route was unsafe for the pupil to walk especially at a named traffic lights where there was no pedestrian crossing and this was on a very busy road. The appellant did not feel comfortable for the pupil to walk this route and there was no access to suitable transport within the home. The appellant requested for the transport to start as soon as possible and last until the pupil's final year in school.

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

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

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

It was noted by the Committee there is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Free travel is provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home.

The pupil was not in receipt of Free School Meals. However, if the family did meet the low income criteria then the pupil would be entitled to assistance because the

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 the school attended by the pupil with the stop from home a few minutes' walk away. Parents are able to contact School Traveline to enquire about purchasing a pass on this service.

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

The Committee noted the Mapometer pedestrian route supplied by the appellant as supplementary evidence.

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 4923 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4850

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 3.64 miles from their home address and instead would attend a school which was 4.90 miles away.

The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee 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 partner had moved to the UK within the last 12 months. The appellant was not appealing on medical or educational continuity grounds but was appealing on:

- Financial grounds - The appellant stated their total household monthly income and evidence to support this had been received. The appellant's partner did work but was self-employed and since their arrival in the UK, they had not earned any money.
- Other Exceptional Reason- The appellant advised that they were unsure of the schools in their area and had looked at one of the schools mentioned in the form but were told the pupil was unlikely to get in as it was full. With their limited knowledge of the area, they chose the next nearest school where the pupil currently attended. However, they have only just found out that there was a school closer to their home.

The appellant stated, as noted by the Committee, a season ticket (amount stated on the form) was very expensive for the family as the pupil would only use the bus on 4 mornings and would need to go to the academy 3 times per week in the afternoons and would have one full day at the academy for schooling.

The Committee were informed the appellant had not completed the additional information section, so it had been assumed that the pupil would require a bus pass from the beginning of the new academic year until the family's financial circumstances changed.

The Officer's comments and review information stated, as noted by the Committee, transport assistance had not been approved because the pupil was not attending their nearest suitable school at 3.64 miles.

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

It was noted by the Committee there is an additional entitlement to transport assistance for low income families if parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Free travel is provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home.

The Committee were informed that the pupil was not in receipt of Free School Meals. However, if the appellant did meet the low income criteria they would be entitled to assistance as the school attended was the third nearest school between 2 and 6 miles from home.

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

The Committee also noted 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 4850 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

4871-AOB

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 0.29 miles from their home address and within statutory walking distance and instead would attend a school which was 13.23 miles away.

The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee 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 school attended by the pupil was 2nd choice on the parental preference list expressed at the time of application for school places.

The appellant, as noted by the Committee, was not appealing based on financial, education continuity or other exceptional reasons but were appealing on:

- Medical grounds: The appellant had stated all the health issues the pupil had which made it difficult for the pupil to travel on their own to school.

The Committee had noted the pupil was not in receipt of an EHC Plan. This had been checked and confirmed by the SEN Team in 2020.

It was noted by the Committee the pupil was in receipt of Disability Living Allowance.

The pupil currently went to school via the school bus as noted by the Committee. There were no extended family or friends who were available to assist them getting to school. The pupil's sibling attended a different school and the appellant couldn't take both the pupil and their sibling to different schools at the same time.

The Committee noted transport assistance was required from the beginning of the new academic year to the end of the pupil's school career.

The Officer's comments and review information, as noted by the Committee, stated transport had not been approved because the pupil was not attending their nearest suitable school at which a place could have been offered at 0.29 miles from the home address and within the statutory walking distance.

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

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

The Committee were reminded that it is the parents' primary responsibility for ensuring their child's safe arrival at school. The Council will not consider assistance where one parent is unable to accompany the child to school due to work or other childcare commitments. The responsibility for the child to be accompanied as necessary rests with the parent.

It was 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.

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

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. As the pupil was not attending their nearest school they would not be entitled to assistance on these grounds.

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

The Committee noted all the supplementary evidence supplied by the appellant and noted the letters were not up to date information.

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 4871 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2020/21.

County Hall
Preston

L Sales
Director of Corporate Services