

**Lancashire County Council**

**Student Support Appeals Committee**

**Monday, 18th January, 2016 at 10.00 am in Room B15b, County Hall**

**Agenda**

**Part I (Open to Press and Public)**

**No. Item**

**1. Apologies**

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

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

**3. Minutes of the meeting held on 8 December 2015** (Pages 1 - 40)

**4. Urgent Business**

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

**5. Date of the Next Meeting**

The next scheduled meeting of the Committee will be held at 10.00am on Monday 29<sup>th</sup> February 2016 in Room B15b, 1<sup>st</sup> Floor, County Hall, Preston.

**6. Exclusion of the Press and Public**

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

**Part II (Not open to the Press and Public)**

**7. Student Support Appeals**

(Pages 41 - 240)

(Not for Publication – Exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972.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Please note that due to the confidential nature of the information included in this report it will not be published on the website.

I Young  
Director of Governance,  
Finance and Public Services

County Hall  
Preston

# Item 3

## Lancashire County Council

### Student Support Appeals Committee

#### Minutes of the Meeting held on Tuesday, 8th December, 2015 at 10.00 am in Room B15b, County Hall

#### Present:

County Councillor Sue Pryn (Chair)

#### County Councillors

A Cheetham  
C Dereli

D Stansfield

Also in attendance:

Ms L Brewer, Solicitor, Legal and Democratic Services;  
Mr G Halsall, Business Support Officer, Legal and Democratic Services; and  
Miss D Livesey, Business Support Officer, Legal and Democratic Services.

#### 1. Disclosure of Pecuniary and Non-Pecuniary Interests

None were disclosed.

#### 2. Minutes of the meeting held on 2 November 2015

**Resolved:** That; the Minutes of the meeting held on the 2nd November 2015 be confirmed as an accurate record and be signed by the Chair.

#### 3. Urgent Business

It was noted that the paperwork for appeals 3854, 3867 and 3944 had only been finalised after the agenda had been circulated. As a result, the Chair had been consulted and had agreed that these appeals could be presented to the meeting under urgent business in order to avoid any delay in determining it.

**Resolved:** That, appeals 3854, 3867 and 3944 as circulated to the Members of the Committee, be considered alongside other appeals at the meeting.

#### 4. Date of the Next Meeting

It was noted that the next meeting of the Committee would be held at 10.00am on Monday the 18th January 2016 in Room B15b, 1st Floor County Hall, Preston.

#### 5. Exclusion of the Press and Public

**Resolved:** That the press and public be excluded from the meeting under Section 100A (4) of the Local Government Act, 1972, during consideration of the following item of business as there would be a likely disclosure of exempt

information as defined in the appropriate paragraph of Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated against the heading of the item.

## **6. Student Support Appeals**

(Note: Reason for exclusion – exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information).

A report was presented in respect of 26 appeals and 3 urgent business appeals against the decision of the County Council to refuse assistance with home to school transport. For each appeal the Committee was presented with a Schedule detailing the grounds for appeal with a response from Officers which had been shared with the relevant appellant.

In considering each appeal the Committee examined all of the information presented and also had regard to the relevant policies, including the Home to Mainstream School Transport Policy for 2015/16, and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

### **Appeal 3785**

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 5.1 miles from their home address, and instead would attend their 10th nearest school which was 6.9 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 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.

In considering the appeal the Committee noted that the appellant had been granted special guardianship for the pupil and their sibling two years ago. The Committee also noted the pupil's background and how the pupil's faith had assisted them in dealing with the problems in their life. The appellant therefore took the decision that the pupil would be best supported by remaining at the same faith school. Upon transfer in to secondary education the Committee noted that the pupil then transferred to what the appellant thought was their nearest faith school being the school now attended. In addition it was the pupil's own wish to attend the school now attended. The appellant felt that they were being discriminated against, as the pupil would get free travel if they attended their nearest school.

However, in considering the appeal further the Committee noted that the Council knew little about the pupil's background. As no information, evidence or detail had been provided to inform the Committee of the Special Guardianship Order they felt they could not consider this point in full. The Committee felt that there must have been some external and/or social services involvement with this pupil. The

Committee could also not determine how vulnerable the pupil was given the circumstances. It was therefore suggested that the appeal be deferred in order to give the appellant the opportunity to provide any evidence in relation to the Special Guardianship Order and for officers in the Council to make their own investigations with social services.

In considering the appeal further the Committee noted the circumstances surrounding the change in the Council's transport policy relating to denominational contribution awards and how this affected the pupil's eligibility from September 2015. Whilst the information relating to the change in the Policy had been conveyed through the Council's Admissions Literature issued at the time when parents would have been making their preferences, no evidence had been supplied to suggest that the appellant was unable to fund the cost of the bus fares to the school attended. The Committee felt that in order to determine the extent of the family's financial circumstances it should have sight of relevant evidence to show that they were unable to fund the cost. Therefore, it was;

**Resolved:** That Appeal 3785 be deferred in order to;

- i. Give the appellant the opportunity to provide any evidence in relation to the Special Guardianship arrangement/Order and for officers in the Council to make their own investigations with social services;
- ii. Give the appellant the opportunity to provide relevant evidence to demonstrate that they were unable to fund the cost of the bus fares to the school attended; and
- iii. For the appeal to be brought back to the Committee for their consideration at the next scheduled meeting of the Committee in January 2016, or at the earliest opportunity.

### **Appeal 3812**

At its meeting held on 3rd September 2015, the Committee resolved:

"That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3812 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the October half-term 2015 only; and
- iii. For officers in the Council to investigate the points raised by the Committee and for the appeal to be presented to the Committee at its next scheduled meeting in October 2015."

In considering the appeal further the Committee noted the information supplied in relation to the CAMHS meetings held on 23 February and 25 June 2015. However, the Committee felt that whilst this confirmed the pupil's diagnosis, it mainly related to the pupil's behaviour and did not specifically relate to the

difficulties they might face if they were to walk or use public transport to and from school. In addition the Committee noted that whilst the mother was a single parent, the reports from the CAMHS meetings supplied stated that the father had attended both those particular meetings and not the mother. The Committee felt that the father was still taking responsibility for the pupil although he no longer lived with the family. There was no information to suggest why the father was therefore unable to assist with the school run for the pupil. Furthermore, the Committee noted that in the appeal application form the mother had made reference to the pupil's consultant at the CAMHS building in the town where the family resided had agreed to write a statement detailing the pupil's condition and its relevance to this appeal. This statement had not been supplied with the appeal documentation.

In considering what special arrangements had been put in place at the school attended for the pupil the Committee, whilst they acknowledged the school was looking to pursue an Education Health and Care Plan (EHCP) for the pupil, noted that they did not have any specific support in the classroom but did receive separate support for accelerated reading for literacy and ICT for five hours per week and also attended social skills meetings for one hour a week. The Committee also noted that school staff were aware of the pupil's condition and that they did watch out for them. However, no evidence had been supplied to demonstrate that an EHCP was being pursued for the pupil. The Committee was advised that one of the reasons the pupil might not have had a Statement of SEN in the past or an EHCP was probably because they didn't qualify for one. Furthermore, there was no evidence to suggest how this related to the pupil's ability to walk/travel to school when they were now part way through their year 8 and had been travelling to school since the transfer. The Committee also noted that the previous temporary award it had made to the pupil was to provide support to them in the interim whilst they settled themselves in during their year 7 at the school attended.

The Committee noted the evidence supplied relating to the Disability Living Allowance (DLA) the family received for the pupil. Whilst the information indicated that the pupil received the middle rate allowance for personal care and the lower rate for help when getting around, it was noted that the DLA statement provided was dated December 2014. However, the Committee noted that when the mother provided the first page of her DLA statement with her previous appeal it was dated 23 January 2015. The Committee felt that it did not have current information regarding the pupil's DLA.

In considering the family's circumstances further, the Committee was informed that the three younger siblings attended the same primary school which was 0.5 miles from the home. It was reported that the primary school was on route to the secondary school attended by the pupil with the secondary school being a mile further away. The Committee also noted that the primary school opened and closed 15 minutes after the secondary school. No information had been provided to suggest that the mother was unable to accompany the pupil or make use of any before and after school clubs to assist with the school run. Neither was there any information to suggest why the father could not assist. Whilst the Committee noted the mother's statement that her parents were housebound, no evidence had been provided to corroborate this point.

Therefore, having considered all of the mother'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 on the information provided.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3812 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 2015/16.

### **Appeal 3874**

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 1.78 miles from their home address, and instead would attend their 3rd nearest school which was 2.69 miles away. Both schools were within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee was informed that the father had initially made his own investigations in determining possible routes and distance measurements from his home to the school attended. In particular, the father expressed concern in relation to the shortest route he had determined in his findings in that he felt a specific road was unsuitable for both pupils and adults to walk along due to it being an isolated single track road with no pavement or street lighting. The father felt this part of the route would also be unsafe for a young pupil to use especially during the winter months. All other routes as determined by the father were above the three mile threshold. The father was requesting that his application for free school transport be reviewed on these grounds.

In considering this point the Committee noted that the Council at the time of the transfer to secondary education would have previously assessed this application under their former more generous policy whereupon it was suggested that the school attended would have been the nearest school since the village where the family resided was situated in the geographical priority area (GPA) for the school. However, whilst the Committee noted that the father had only just become aware that he could apply for free transport now that the pupil was in year 9, it was reported that the application would have been assessed against the Council's current transport policy for 2015/16 as entitlement to free transport is something to be claimed. The Committee was informed that since the change in the transport policy relating to GPA schools, the Council was no longer required to pay for transport to such a school when there was a nearer school. Furthermore, as the school attended was not the nearest school in accordance with the current transport policy, the Council could not take into account the suitability of the

walking route to the school attended. The Committee noted that the pupil was in year 9. No information had been provided to suggest how the pupil had been travelling to school in the time that had passed. In addition no information had been provided to suggest that the family was unable to fund the cost of the daily bus fares if that was the chosen method of getting to and from school.

In considering the father's appeal further the Committee noted that at the time of the application process for transfer in to secondary education, there was some significant confusion from the Council's representative, who attended open evenings at both the nearest school and the school now attended, as to which catchment area the family resided as their house was relatively new and did not feature on the map which the Council's representative had. The father stated that they had been informed they probably resided in the catchment area for both schools and should therefore make an application based on which school the pupil had a preference for. The Committee felt that the advice provided at that time to the father was sound given the circumstances. The Committee felt that the family's preferences for transfer appeared to reflect that advice. However, at that time there would have been no guarantee as to which school would have been offered to the family. The Committee noted that had the father enquired about transport at that time he would have been eligible. However, the Committee was reminded that such entitlement was something to be claimed at the time.

The Committee noted the father's comments in relation to the second nearest school. However, whilst the Committee acknowledged the admission criteria for that school was stringent, the faith ethos of that school would not have been an issue as the pupil previously attended primary schools of the same faith and further had stated a second preference for a school of the same faith. The Committee therefore felt that the second nearest school would be suitable and determined that the school attended would remain the third nearest to the family's home.

Therefore, having considered all of the father'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 3874 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 2015/16.

### **Appeal 3893**

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 3.02 miles from their home address, and instead would attend their 6th nearest school which was 5.51 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 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.

In considering the father's appeal the Committee noted that there was not a secondary school within a three mile radius of the family's home. The Committee also noted that the primary school attended was an official feeder school for the secondary school now attended and that the only schools suitable for the pupil in the opinion of the family to attend were those of a specific faith. The three nearest schools listed were considered by the family to be unsuitable, as they were non-faith (as followed by the family) schools.

The Committee was informed that the Council had accepted that all the nearer schools were all above the three mile threshold from the family's home. However, it was reported that the pupil was not attending their nearest school and so free transport was not transferable to the school attended on the grounds that it was over the three mile threshold.

Whilst the Committee was informed that as the pupil attended an associated primary school and lived in an associated parish they would receive higher priority for admission to the school attended than those pupils who did not, it was reported that since September 2011, these points no longer brought with them an award of free transport. Pupils who followed the same faith as the school attended still qualified for transport assistance. However, parents would be required to meet the annual denominational contribution since there were nearer schools. The Committee noted that contrary to the Council's case the family had supplied a copy of the pupil's baptism certificate which confirmed the pupil's faith. In considering the parental preferences expressed at the time of application for transfer, the Committee noted that the family's first and third preference were not faith schools. However, the Committee was advised that the family would qualify for transport assistance but they would be required to pay the annual denominational contribution towards the total cost. As no evidence had been provided to suggest that the family was on a low income as defined in law or to suggest that they would be unable to fund the cost of transport or the denominational contribution, the Committee suggested that the decision letter should reflect that the family qualify for denominational transport.

Therefore, having considered all of the father'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 on the information provided.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3893 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 2015/16.

## Appeal 3897

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 1.49 miles from their home address, and instead would attend their 6th nearest school which was 2.92 miles away. Both schools were within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted the pupil's health problems, how these affected them in their daily life and that they were supported by CAMHS. The Committee noted that the pupil was vulnerable and required a consistent routine and that their medication was under review.

In considering this point, the Committee noted the mother's concerns. However, no evidence had been supplied to substantiate what support the pupil was receiving from CAMHS. As the pupil had no Statement of SEN or Education Health and Care Plan the Committee could therefore not fully determine the relevance of this point in the mother's appeal.

In considering the mother's appeal further the Committee noted that the pupil had previously been entitled to a free bus pass and that the family was on a low income and were unable to fund the transport costs. The Committee also noted that the mother had her own health problems and that these affected her ability to transport the pupil to and from school.

In considering these points, the Committee was informed that the pupil previously qualified for a bus pass to the school attended on the grounds that they were from a low income family as defined in law due to them being in receipt of free school meals and attending one of their three nearest schools within the distance criterion of 2 – 6 miles. However, it was reported that the pupil was no longer entitled to free school meals and the Council therefore applied its normal policy on the basis that the pupil was now from a non low income family as defined in law. The Committee was informed that as a non-low income family the qualifying distance increased to three miles instead of two. School attended was less than the 3 mile limit and as the Council could offer places at nearer schools the Council could no longer make an award of free transport. The Committee noted that the Council was not suggesting that the pupil should change schools but that it can no longer offer free transport to the school attended.

In considering the family's financial circumstances, the Committee noted that the mother had responded to the comments made by the officer in the appeal schedule and stated that she had provided the Council with evidence of her income and that this had not changed and could not understand why eligibility had changed. However, for the purposes of the appeal no evidence had been supplied. The Committee felt that if this was such a crucial point in the mother's appeal she should have at least included the relevant evidence to demonstrate that she was in receipt of free school meals or maximum working tax credits in

order to continue receiving this level of support. The Committee also felt that if the mother had the evidence to substantiate such a point then she would not need to go through the appeals process. However, no such evidence had been provided. The Committee therefore suggested that the mother be directed to contact the Council's Pupil Access Team and to provide them with the relevant evidence that she was in receipt of either free school meals or maximum working tax credits whereupon the mother would be eligible for free transport to the school attended.

No evidence had been supplied to corroborate the mother's claims in relation her own health problems. Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary statement the Committee was not persuaded that there was sufficient reason to uphold the appeal on the information provided.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3897 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 2015/16.

### **Appeal 3900**

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 2.59 miles from their home address and was within the statutory walking distance, and instead would attend their 6th nearest school which was 3.15 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The 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.

In considering the mother's appeal the Committee noted that the pupil had transferred to the school now attended due to the closure of their previous school. The mother stated that in view of this forced transfer, she now needed help with transport and uniform costs. The Committee also noted that the pupil's younger sibling had been provided with a bus pass.

In considering the mother's appeal further the Committee was informed that she felt the route to the school was unsuitable for the pupil to walk. The mother also made reference to incidents that had occurred in the vicinity of the school now attended and in the town where the family resided, citing these as further reasons to appeal against the suitability of the walking route.

It was reported that the Council had confirmed that the pupil was affected by the closure of the school previously attended. A concession was offered by the Council for pupils transferring from that school in that they allowed pupils travelling expenses to what was considered the family's fourth nearest school

even though there were nearer schools. It appeared that the mother had requested a place for the pupil at the slightly more distant school, being the one now attended. The Committee was informed that this was the reason why the Council had refused free transport. The Council did acknowledge that these two schools were directly opposite each other on the same site albeit the fourth nearest was the nearer of the two schools to the mother's home.

The Committee noted that the only school the pupil was willing to go to was the school now attended. However, there was no information or evidence to substantiate this preference. The Committee also noted that the pupil's younger sibling attended the fourth nearest school and that the Council had awarded free transport on the basis that they were attending the nearest school that the Council had agreed that expenses could be paid.

The Committee was informed that the Council was unable to make an award of travelling expenses to the more distant school on the basis of an unsuitable route as the Council had recently reviewed the walking route and deemed it to be suitable. Furthermore, as the pupil was not attending their nearest school the Council was also unable to consider the suitability of the walking route. In addition, the Committee was also informed that as part of the Council's transport assessment it was unable to consider the time it would take a pupil to walk to school if this was the desired method of getting to and from school.

No evidence was provided to indicate that the family was unable to fund the home to school transport costs. Neither was there any information or evidence to suggest that the family was on a low income as defined in law.

Therefore, having considered all of the mother'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 on the information provided.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3900 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 2015/16.

### **Appeal 3924**

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 0.4 miles from their home address, and instead would attend their 3rd nearest school which was 0.9 miles away. Both schools were within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted that she suffered from various health problems which made it impossible for her to leave home without an adult companion for support. This had meant that the mother was unable to take the pupil to and from school. The Committee noted that whilst the pupil had started their reception year in September 2015, they had initially not been attending school. However, it was reported that with the assistance of a friend the mother and the pupil had been getting to school regularly. Although, this arrangement was not a long term prospect for the family. The mother felt this situation could not continue and was requesting assistance.

The Committee was informed that the pupil was under a Child Protection Plan and that the mother was receiving support from the Mental Health Team. The Committee was also informed that the father was not allowed contact with the pupil. In recognising the mother's condition and noting the pupil's vulnerability and that there was a younger sibling due to start school in September 2016, the Committee felt that it should make a temporary award until the end of the current academic year in order to support the family in the interim and for the matter to be reviewed. However, the Committee also suggested that if the mother was to re-apply for transport after this time she should provide medical evidence and any details regarding low income.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of 2015/16 academic year to support the family in the interim.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3924 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2015/16 academic year (Year Reception) only.

### **Appeal 3927**

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 0.5 miles from their home address, and instead would attend their 2nd nearest school which was 0.9 miles away. Both schools were within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted her statement that the pupil had difficulties and would not be safe if they had to walk to school unaccompanied. The mother was unable to accompany the pupil herself as she cared for her husband who had health problems. In addition there was no family support to assist her. The Committee also noted the mother's point that there was a bus which operated nearby. However, they could not afford the bus fares.

The Committee noted the contents of the medical letter, which the mother had submitted to substantiate the pupil's inability to walk to and from school unaccompanied. However, the Committee felt that the evidence did not offer any comment about the pupil's ability to walk to school or otherwise. Furthermore, the mother had provided no evidence to confirm whether she or any other family member or friend was unable to accompany the pupil to and from school. Whilst the Committee noted the mother's concerns for the pupil if they were to walk unaccompanied and that the mother could not accompany the pupil herself due to caring for her partner, the Committee also noted that from the medical evidence that the mother had attended the Clinic session with her child and that there was no reference to the father attending the session. Furthermore, there was no indication as to how the pupil was currently travelling to school which was 0.9 miles from the family home. In addition no evidence had been provided to substantiate the father's health problems or to confirm that the mother was his main carer.

The Committee was informed that as the pupil came from a low income family, they were entitled to extended rights to free travel to school. However, it was reported that the school attended was not the nearest school and furthermore was within the statutory walking distance of 2 miles (for low income families). No evidence had been provided to suggest that the family were unable to fund the cost of the bus fares if that was the chosen method of getting to and from school.

Therefore, having considered all of the mother'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 on the information provided.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3927 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 2015/16.

### **Appeal 3931**

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 1.7 miles from their home address and was within the statutory walking distance, and instead would attend their 4th nearest school which was 4.1 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 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.

In considering the mother's appeal the Committee noted that she could not fund the pupil's bus fares to the school attended. The Committee was informed that the mother was a single parent working part-time and was in debt due to overpayment of various benefits. In addition the mother stated that she had to move house due to the bedroom tax and took the first property she was offered where the family currently resided. Furthermore, the mother did not wish to change the pupil's school where they were settled and doing well.

In considering the evidence that was supplied the Committee felt that it should make a temporary award for the remainder of the current academic year only to assist the mother in the interim with her financial situation.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of 2015/16 academic year to support the mother in the interim.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3931 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2015/16 academic year (Year 8) only.

### **Appeal 3932**

It was reported that a request for the reimbursement of travel expenses had initially been refused. The Committee was informed that the Council had not been able to reimburse these expenses as the Council could have offered the pupils places at nearer schools. Whilst the Council had discretion in its home to school transport policy to make an award of travelling expenses for pupils who moved in Year 6, it was reported that this discretion now only applied to pupils from low income families.

In considering the mother's appeal the Committee was informed that the family were obliged to move house due to damp. At about the same time as the move the mother's work situation changed and now worked in a more distant town. The Committee noted where the family now resided. The Committee was informed that whilst the mother, before the move, had been proactive in looking for schools

with places in the area where the family now resided, the local schools were full and the mother had to appeal for a place for the younger sibling to continue their primary education closer to home. The elder sibling was at this time near to completing their primary education whereupon the mother felt the best option for her children was to travel by bus from where they currently resided to the town where they previously resided for the final term of the last academic year. However, the mother had stated in her appeal that the travelling cost was a substantial amount of money and was requesting reimbursement (£288.60p). The Committee noted where the pupils would be attending school with effect from September 2015.

In considering the house move, the Committee noted the photographs that were supplied which demonstrated the level of damp which had affected the last house. The Committee felt that the level of damp was not excessive nor was it amongst the worse they had seen or experienced. Furthermore, there was no evidence or paper trail to demonstrate that the family were forced out of their last house due to it being "inhabitable with excessive damp" at the time of the move.

The Committee had sight of a single page from the tenancy agreement for the current property, it had come to light that the house move was not through an external housing agency or the local Council but was a private let whereupon £775 deposit was required to be paid upon signing that agreement. The Committee noted that the term would commence from 29th May 2015. In addition the tenancy agreement was in joint names. It was not clear how this deposit was paid for or whether the family had received some support from their local Council towards the cost.

The Committee also felt that from the information supplied, the house move to the area where the family now resided was perhaps co-ordinated by them in their own time and therefore it was perhaps their choice to move where they settled and again not a move that was forced upon them with little or no choice of destination. Furthermore, the mother had stated that before they moved to the area they were proactive in looking at schools in the area. The Committee felt that this statement corroborated that the family were not forced to move at the time they moved in to their current property which gave rise to the parental preference to keep her children at their previous school.

The Committee therefore felt that had the house move been forced upon the family due to it being "inhabitable with excessive damp" then this point would have had more significance in the appeal.

The Committee noted the mother's point in that she only worked part-time. However, the mother now worked in a town that was quite some distance from the family's new home. There was no information to state when this circumstance had changed and how this journey was undertaken given that it would be a considerable distance away from both the family's last address and their current address or what hours the mother worked at that time. The Committee noted that the work situation must have changed by 10th August 2015 which was when the mother had signed her appeal application form. However, no information had been provided to substantiate the mother's claims with regard to her work. In addition no information had been supplied in respect of the person on the joint



tenancy agreement and what support they provided to the family unit and household income.

Whilst the Committee acknowledged the mother's desire for the eldest sibling to remain at their primary school for the final months of their primary education, it was again noted that this was a parental preference which when assessed against the transport policy no longer brought with it an award of free transport except for those children on low income grounds. No evidence had been provided to indicate that the family was in receipt of free school meals or maximum amount of working tax credits. The Committee noted the evidence supplied regarding the family's financial circumstances. However, the evidence was incomplete or dated after the time when the bus fares were being paid out. The Committee felt that there was no evidence to demonstrate the effect the cost of the bus fares had on the family's financial circumstances to substantiate what the mother was claiming. No bank statements had been supplied to demonstrate this point.

As the Committee could see that there was no fault of the Council in this matter, the Committee felt that having considered all of the mother'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 3932 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 reimbursement of travel expenses that was not in accordance with the Home to Mainstream School Transport Policy for 2014/15.

### **Appeal 3949**

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 1.5 miles from their home address and was within the statutory walking distance, and instead would attend their 15th nearest school which was 4.8 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 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.

In considering the mother's appeal the Committee noted that the pupil was transferred to the current school due to allegations of bullying and health problems. The mother therefore wished for her application to be reconsidered.

The Committee noted that no evidence had been provided to substantiate the bullying allegations and that the Council had contacted the school to try and obtain their views on the matter. However, to date there had been no response to the Council's enquiries. The Committee was advised that if it was accepted that

the previous school was not a suitable school for the pupil, there were many other schools which were closer to the home which could offer a place with several of those being of the same denomination as the pupil's previous school. No information was provided in respect of any possible managed transfer. As no information or evidence had been supplied to substantiate the bullying allegations the Committee felt that it could not determine this point. Furthermore, no evidence had been provided to substantiate the events surrounding the medical assistance the pupil received as stated by the mother in her appeal.

The Committee noted that the pupil was in year 10. The Committee also noted that the family did not appear to be on a low income as defined in law. In addition no evidence had been supplied to suggest that the family was unable to fund the cost of the bus fares.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form the Committee was not persuaded that there was sufficient reason to uphold the appeal. However, it was suggested that if the mother could provide evidence to substantiate all her points in her appeal then she should be allowed a re-appeal on that basis.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3949 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 2015/16.

### **Appeal 3953**

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 0.5 miles from their home address and was within the statutory walking distance, and instead would attend their 6th nearest school which was 3 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 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.

In considering the appeal the Committee noted the mother was a single parent, without transport and without any support from the pupil's father. The mother worked part time and received the "top rate" of Working Tax Credit and struggled to fund the pupil's bus fares for the first year of their secondary education. The mother selected the school attended due to its faith based ethos along with factors including the mother's place of work. The mother was asking for assistance at this time.

The Committee in noting the mother's statement that she was in receipt of the "top rate" of working tax credit could not determine from the appeal whether the

mother was in receipt of the maximum amount of working tax credits as no evidence had been supplied to corroborate this point. The Committee was advised that if the mother was in receipt of the maximum amount of working tax credits then the pupil would qualify for the extended statutory provisions which were made in the Council's Home to School Transport Policy for low income families. However, it was noted that these extended provisions only applied where the pupil was attending the nearest school of their faith. The Committee noted that the pupil was attending their second nearest school of a particular faith. No information had been provided in the appeal as to why the school attended was chosen over and above the nearer faith school which was 1.9 miles away and the family's second preference of school.

Furthermore, no evidence had been provided to demonstrate that the mother was unable to fund home to school travel costs. The Committee noted that the pupil was not claiming free school meals. The Committee therefore felt that the appeal should be deferred in order to give the mother the opportunity to provide evidence of maximum working tax credits, financial evidence and the reasons why she chose the school attended over and above the second preference which was the nearer school to the family's home. Therefore, it was;

**Resolved:** That Appeal 3953 be deferred in order to give the mother the opportunity to provide;

- i. Evidence of maximum working tax credits;
- ii. Financial evidence; and
- iii. Reasons why the school attended was the first preference over and above the nearer faith school.

### **Appeal 3957**

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 2.9 miles from their home address and was within the statutory walking distance, and instead would attend their 2nd nearest school which was 3.04 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 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.

In considering the mother's appeal the Committee noted that the nearest suitable secondary school as determined by the Council was marginally closer to the family's home than the school attended. However, the mother felt that the nearest school was not suitable for the pupil to attend since following its last Ofsted inspection in 2013, the school required improvements. In addition the school was of a different faith than the pupil's primary school as previously attended before the transfer. Furthermore, the pupil had only attended schools that were rated as outstanding by Ofsted. A copy of the Ofsted report for the nearest school was supplied.

In considering the appeal further the Committee noted that the mother had stated that her family would struggle to fund the pupil's bus fares to the school attended as they had not budgeted for this. The family's budget was based on the understanding that the pupil would qualify for free travel to their nearest non-faith school as other pupils living in the area where the family resided had always done.

The Committee acknowledged the respective distances between the two schools were quite small. However, the fact remained that the faith school was the nearer of the two schools to the family's home. The Committee noted that in order to be fair and equitable to all families the Council must enforce these distances strictly.

The Committee concurred with the Council in that it too did not acknowledge that the nearest school was an inappropriate school for the pupil. The Committee was informed that many such schools including the nearest accepted all children from all faiths. The Committee noted that the pupil previously attended a faith school primary school, albeit of a different faith and whilst both schools followed similar doctrines the Committee also noted that the parental preference (first choice) was for a non denominational school. The second choice of school was for a more distant school outside of the Council's administrative boundary. The Committee was advised that even if the pupil attended the nearest school they would not qualify for transport assistance as the distance was under the three mile threshold for a non low income family. The Committee felt that given the second parental preference it appeared that the family must not have investigated with the Council about entitlement as they would not have received free transport to that school either. Furthermore, the Committee felt that the mother had presumed that free transport would be in place for the school attended as this was their nearest geographical priority area (GPA) school. The Committee was reminded that this information about the changes to the Councils' Home to school Transport policy was made clear to parents when they were expressing their preferences for secondary schools in September 2014. Information on these changes were set out in the Council's Admissions Literature. Furthermore, the mother had provided no further information or evidence to indicate the severity the school transport costs would have on the family budget or to determine whether they were on a low income as defined in law.

The Committee was also reminded that pupils in the current years 8 to 11 at the school attended continued to receive free travel to the school if they lived in the same village as the family. This was because the policy change which was implemented for new pupils starting at secondary school in September 2015 was 'phased-in', so that existing pupils who would have made their decision on school places, based on the Council's former more generous transport policy, would not be affected. It was reported that this was central government suggested good practice which the Council had followed.

In considering the Ofsted report in relation to the nearest school, the Committee felt that this would not render a school unsuitable. The report was produced in 2013. The Committee noted that since time had passed the school had been making a number of positive changes to improve its overall effectiveness.

Therefore, having considered all of the mother'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 3957 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 2015/16.

### **Appeal 3961**

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 3.81 miles from their home address, and instead would attend their 4th nearest school which was 4.07 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 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.

In considering the father's appeal the Committee noted that the pupils had returned to live with him at very short notice leaving him with only a few days to find places for the pupils at a school in the area in preparation for the autumn term. The father stated that according to the Council neither the nearest or the second nearest schools could offer places at the time the father was looking for places. However, the school now attended had advised that places were available and arrangements were quickly made for the pupils to begin their autumn term there. The pupils were now settled at the school but the father was finding it difficult to fund their bus fares and for the last few weeks it had been costing the father £120 per month. The father was not in a position to take the pupils to school and back and his parents, who had been helping with the school run were in their eighties. The Committee also noted that the father had undergone major surgery in May this year which had an impact on his income for the family.

However, in considering the appeal further the Committee noted that no evidence had been provided to corroborate the circumstances surrounding why the mother had sent the pupils to live with their father at such short notice. The Committee could therefore not fully determine the impact this would have had on the father at the time. The Committee also noted that the family did not appear to be on a low income as defined in law. No evidence had been provided to demonstrate that the father was unable to fund the cost of the bus fares. Furthermore, there was no information to suggest whether there was anyone else living with the father at the home address. Also, the Committee noted that the father worked in a village which was quite a distance from where he lived. The Committee felt that

it should defer the appeal in order for the father to substantiate the claims as stated in his appeal.

In considering the appeal further the Committee noted that the father felt the school attended was closer to his home than the nearest school and provided maps to substantiate his case on this point. However, it was reported that in order to determine distances to obtain nearest schools the Council was statutorily obliged to obtain these distances by using the shortest route. By doing so this placed the school the father was disputing as the nearest school, as the nearest. The Committee noted the route the Council had plotted rather than the longer route the father had used. Therefore, it was;

**Resolved:** That Appeal 3961 be deferred in order for the father to substantiate;

- i. The circumstances for how and why the pupils came to live with him instead of the mother at such short notice;
- ii. His place of work and financial situation; and
- iii. To determine whether anyone else lived in the family home.

### **Appeal 3962**

It was reported that a request to waive the parental (denominational) contribution on the basis that the mother felt the walking route to and from the school was unsuitable had been initially refused. It was reported that the pupil would not be attending their nearest suitable school, which was 4.3 miles from their home address, and instead would attend their 4th nearest school which was 5.6 miles away.

In considering the mother's appeal the Committee noted that her initial request to appeal the cost of the bus fares was poorly handled. Information was not dealt with as it should have been. The mother heard nothing further about an appeal, but then received a bus pass which she had not requested, and further was sent a bill for late payment of pass. The mother had initially queried the cost of the bus pass for the 2015/16 academic year and to see whether the increase in price had included any discount due to the distance as in previous years the mother had received some discount.

Whilst the Committee had noted the mother's allegations, the Committee was advised that the Council had not been able to locate any requests that the mother wished to appeal against the Council's decision. The Council did have the signed renewal form from the mother indicating that she wished to renew the pass and agreed to pay the denominational contribution for 2015/16 by a 'one off payment' (copy attached in the appeal paperwork). The Committee was informed that when this was received the travel pass was duly sent out on the published date of 22 July. The Council also sent out an invoice for this contribution as the appellant requested on 2 June requesting payment by 1 September. The Committee was advised that the denominational contribution would increase year on year and that the contribution would have increased since the previous academic year. No evidence had been provided to suggest that the family were unable to fund the cost of the denominational contribution.

In considering the appeal further the Committee noted that she also based her appeal on the grounds that the walking route from the family home to school was unsafe as there were no pavements of street lighting. The mother acknowledged that the school attended was not the nearest but the family had already applied for a place at the school when they moved to their current location. Furthermore, the mother felt it would not be the pupil's best interests to change schools now that they had commenced their GCSE studies. The Committee was unsure as to why the mother had been told that she could appeal on these grounds as the pupil was not attending their nearest school. The Committee was advised that in accordance with the Council's Home to School Transport Policy the Council could not take the suitability of the walking route into account when the pupil did not attend their nearest school (clause 4a4).

Therefore, having considered all of the mother'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 on the information provided.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3962 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 2015/16.

#### **Appeal 3964**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 2.7 miles from their home address and was within the statutory walking distance.

In considering the mother's appeal the Committee noted that since the closure of a particular school, the school attended by the pupil since year 7 has now become their nearest school. However, the mother was concerned that the walking route to the school was not safe for a young person to walk as it would entail walking along busy major roads and dual carriageways, inadequate lighting and dangerous subways. The Committee also noted that family's circumstances and the father's background. The Committee was informed that the father was currently driving the pupil to and fro but was finding it difficult. The mother suggested that the only other alternative was for the pupil to walk for four hours per day to and from school.

Since the closure of a particular school in the town where the family lived, the Council had made arrangements to re-check and establish suitable walking routes to the school attended from the school that was closed. These routes were walked with staff from the school and it was agreed that the walking routes which the Council identified met the Council's criteria as suitable walking routes. The Committee was advised that the Council was required by law to assess the suitability of walking routes to and from school, as if the pupil was accompanied to and from school by a responsible adult. By using this as part of the

assessment this reduced some of the risk the mother had alluded to in her appeal. In addition, the mother had drawn the Council's attention to the fact that on the route planners she had provided it mentioned the fact that parts of the routes used might be missing sidewalks or pedestrian paths. It was reported that this factor on its own did not always constitute an unsuitable route when assessed against the Council's policy on these matters. The Committee was advised that the Council's defined suitable route to the school did in the main, avoid those unpaved routes.

The Committee noted the information the mother had provided which she had obtained from the government's website which indicated that the Council must provide free transport to the nearest school, if the walking route was not safe. However, the Committee noted that whilst this information was of course correct, as already mentioned above, the Council had a policy to consider the suitability of walking routes, and regrettably the Council was of the view that the route the Council has identified as the shortest suitable walking route, did not meet the criteria of an unsuitable walking route.

The Committee noted that the mother had indicated in her appeal submission the difficulties that the pupil might have in walking to and from school as they were new to the area. However, the Council's records seemed to indicate that the pupil was living at their present address when they applied for a secondary school place in November 2011 and previous to that, had attended a primary school in the same town from 2006. The Committee felt that the pupil and family would know the area well by now in considering that they had lived in the area for over 9 years.

The Committee also noted the mother's statement in her appeal that if the pupil had to walk to and from school each day this would take up to four hours. The Committee felt that this statement was excessive. The Committee was informed that it was the Council's view that a one way journey to the school attended would take just less than one hour.

The Committee acknowledged the present financial situation in the household especially relating to the circumstances of the father. However, it was not clear from the information provided the extent to which the financial situation in the household would have on the father's ability to continue taking the pupil to and from school by car. Neither was there any information or medical evidence to substantiate why the father was finding it difficult to transport the pupil by car. Furthermore, the Committee noted that there was no information to suggest why the mother was unable to assist with the school run. The mother was not currently claiming free school meals for the pupil. The Committee was advised that if the pupil was entitled to free school meals or the parents were in receipt of the Maximum amount of Working Tax Credit, then the pupil would become entitled to free transport to the school, as the qualifying distance reduced to two miles. The Committee was reminded that this was the extended national criteria which applied to pupils from low income families.

Therefore, having considered all of the mother'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 on the information provided. However, if the mother could supply the evidence in relation to the father's health problems, the family's financial situation, along with information as to why the mother could not assist with the school run then the mother should be allowed a re-appeal.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3964 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 2015/16.

### **Appeal 3965**

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 1.2 miles from their home address and was within the statutory walking distance, and instead would attend their 6th nearest school which was 8.9 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 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.

In considering the appeal the Committee noted that the family was on a low income and although the pupil did not attend the nearest school the mother felt that the pupil attended their second nearest school and should therefore be entitled to free travel on the extended provisions for low income families.

The Committee was advised that as the pupil was from a low income family they were entitled to extended rights to free travel to their three nearest schools which met the distance criterion (being between 2 – 6 miles). However, it was reported that no school met that criterion. The nearest school was within the statutory walking distance (less than two miles), and all other schools were outside the six mile limit including the school attended, which was the pupil's 6th nearest school. No evidence had been provided to suggest why all those schools that were nearer were not suitable for the pupil. Furthermore, the Committee noted that the even if the Committee had determined that the school attended was the second nearest, they still would not have been eligible for transport as the school was outside the distance criterion of between two and six miles. Furthermore, the mother had provided no information as to why they had expressed a preference for the school attended and not expressed a first preference for any of the nearer schools.

The mother had indicated the financial difficulties she would incur in funding the pupil's bus fares. Whilst the Committee acknowledged that as a low income family this was more than likely to be the case, the Committee was advised that the Council had reminded the mother that the Council produced literature to assist parents when making preferences of secondary school and that one of the key elements of this information was reminding parents that if the payment of

travelling expenses was an important factor in their preference of schools, that they should check with the Council which schools they would receive expenses to, before making their preferences. No evidence had been provided to suggest that the family were struggling to fund the cost of the bus fares.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form 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 3965 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 2015/16.

### **Appeal 3966**

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 1.5 miles from their home address and was within the statutory walking distance, and instead would attend their 6th nearest school which was 6.6 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 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.

In considering the father's appeal the Committee noted the family's circumstances and that they were asking for temporary assistance to get the pupils to and from school. Given the situation the family faced, the Committee felt that it should make a temporary award to assist the family in the interim.

Therefore, having considered all of the father's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupils up to the end of 2015/16 academic year to support the family in the interim.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3966 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2015/16 academic year (Year 9) only.

## **Appeal 3969**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 10.1 miles from their home address, and instead would attend their 2nd nearest school which was 10.9 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 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.

In considering the mother's appeal the Committee noted that she was a single parent and that her eldest child had always been entitled to free transport to the school attended by the pupil concerned in this appeal. It was reported that the pupil had already made their preference for secondary school at the time when the family moved from their previous location to their present address in July 2014. The Committee also noted that there was a younger sibling at a primary school. The mother felt that it would be logistically impossible to have three children at three different schools. In addition the mother stated that no children from the village where she lived attended the nearest school and disputed that it was the nearest school.

The Committee also noted that the pupil's father lived in another village and that it was important for the pupil to use the bus which passes through that village on the days when they stayed with their father.

The Committee noted from the information provided by the mother in her appeal submission that the family moved from a village to their present address in July 2014. The Committee was informed that the family retained the pupil's place at their existing primary school, as they were in year 6 at the time. However, the Committee was also informed that following the house move, the mother had enrolled her younger child at a different primary school, which was 4.1 miles away, rather than the nearest primary school in the village where the family now resided. The Committee noted the mother's comment that the nearest primary school was of a specific faith. However, the Committee was reminded that such schools accepted all pupils of all faiths and that many rural schools were indeed faith schools. Furthermore, the Committee was advised that the school's faith ethos would not render it unsuitable for the pupil to attend. The Committee felt this point was parental preference.

It was reported that the pupil's elder sibling retained their entitlement to free transport to the school from the new address since they qualified for transport assistance to this school under the Council's former more generous Home to School Transport Policy. The Committee was reminded that this policy allowed the payment of travelling expenses to other than the nearest school, if the school attended was the nearest geographical priority area (GPA) school. The Committee was advised that contrary to the mother's statement in her appeal submission, the pupil did not make their preference of secondary school before

the family moved to the village where they now resided as the admission system did not go live until September 2014, the family moved in July 2014.

The Committee acknowledged that children from the village where the family now resided had historically attended the school, which was their GPA school and to which, under the former more generous, Home to Transport Policy, granted them free transport. However, this discretion had been removed for any new pupils starting at the school from September 2015. Parents were still free to express a preference for the school and living in the GPA would provide them with a greater chance of obtaining a place at this school, than pupils who do not live in the GPA. However, this would no longer bring with it an award of free transport. Pupils gaining places at the nearest school would have always received free travel, as this was their nearest school. The Committee noted the mother's point about notice being given to parents prior to selecting preferred high schools. The Committee was reminded that at the time the mother would have been considering her preferences information was made available at the same time in the form of the Admissions Literature the Council produced each year prior to reception and year 7 intakes.

The Committee acknowledged the mother's desire that the pupil be allowed to travel on the school bus which passed through the village, where their father resided and from where some days he pupil would travel from. It was reported that the Council could still offer this facility but the mother would be required to meet the cost of transport.

The Committee noted that the mother had indicated that she was a single parent but she had provided no information to indicate that she was unable to meet the cost of the pupil's home to school transport costs. Furthermore, there was no information to suggest who else might be living at the property who might be able to contribute to the costs or assist with the school run.

The mother had also indicated the logistical difficulties she would have if all her children attended three different schools. The Committee felt this was not relevant since the children did not attend three different schools. However, the mother had further intimated that the logistical difficulties would have been difficult had the pupil attended their nearest school. However, the Committee noted that had the pupil attended their nearest school they would have been given free transport to that school.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form 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 3969 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 2015/16.

## Appeal 3971

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 4.25 miles from their home address, and instead would attend their 2nd nearest school which was 4.4 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 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.

In considering the appeal the Committee noted the father's opinion that the school attended was the nearest suitable school for the pupil in view of their health problems and the fact that the school had a learning centre which was ideal for pupils who might be struggling at any time along with staff who were knowledgeable and sympathetic to the pupil's situation and who had made them feel very welcome. The Committee also noted the recurrent and significant health problems the pupil faced and the support that was required for their rehabilitation. The Committee noted the pictures supplied as art of the case.

The Committee was informed that the family did not take the decision lightly to express a preference for the more distant school after considering all the local schools including the nearest school where both the father and the pupil's elder sibling worked at and attended respectively.

The Committee also noted that a further reason for the preference of school was the fact that the school offered a two week summer school which the nearest school did not offer. The father stated that this provision gave the pupil additional confidence in readiness for the transfer. Furthermore, the school attended offered the learning facility which was a place of respite where the pupil could attend if and when needs be and that such a bespoke facility was not available at the nearer school. The father was of the opinion that staff at the school attended had offered more support to the pupil which they believed would not have been the case had they attended the nearest school.

The Committee acknowledged the reasons why the family expressed a preference for the school attended for the pupil, as opposed to the nearest school where their elder sibling attended and the father also worked at. However, these were not reasons which the Council was able to take into account when assessing the family's claim against the Council's Home to School Transport policy. It was reported that for the Council to make an award of travelling expenses to a more distant school, they had to be satisfied that the nearest suitable school was in-appropriate to meet the pupil's educational needs. The Committee felt that from the information provided there was no evidence that demonstrated the nearest school was in-appropriate to meet the pupil's educational needs. The Committee concurred with the Council and accepted that there were certain 'value-added' possible non educational benefits of the pupil attending the more distant school. However, the Committee felt that these were parental preference. From the evidence provided the pupil did not have a Statement of SEN or Education Health and Care Plan (EHCP).

The Committee acknowledged the support for the parental preference that had been submitted as part of the appeal by the appellant from the SENDco at the pupil's previous primary school. However, the Committee felt that the information again re-affirmed parental preference for the more distant school. And whilst the Committee acknowledged that the staff at the school attended appeared to have provided an excellent SEN service to the family, there was no evidence to suggest that such support could not have been provided at the nearest school as well.

The Committee noted that the family had provided no additional information to indicate that they were unable to meet the home to school transport costs. The Committee was advised that if the pupil was eligible for free school meals or was in receipt of the maximum working tax credit, then the family would qualify for free transport under the statutory provision which was made in the Council's transport policy for pupils from low income families. No evidence had been supplied to determine this point.

Therefore, having considered all of the father'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 3971 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 2015/16.

### **Appeal 3973**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 1.5 miles from their home address and was within the statutory walking distance.

The Committee recalled that at its meeting on 5th June 2015, it had awarded temporary assistance to the pupil until the end of the Autumn Term 2015, given the information provided in a letter from a Senior CAMHS Practitioner and their comments relating to independent travelling skills. The Committee at that time suggested that if transport was still considered necessary by the family after the Autumn Term 2015, then they should provide the Committee with an update to demonstrate progress made in relation the pupil's ability to either walk or travel to school independently.

The Committee in considering the appeal noted that there was no new evidence from CAMHS supplied with the appeal documentation. Whilst a letter had been supplied from the pupil's GP, the Committee noted that this only confirmed that it would be impossible for the pupil to get on to public transport and for them to go on the normal school transport system provided by the Council. Whilst the

Committee recognised the pupil's health problems and how this would affect them in using public/normal school transport, there was no update from CAMHS to demonstrate what progress had been or any in relation to the pupil's ability to walk or travel to school independently. As the Committee had specifically asked for this information when it made a temporary award to the family earlier in the year, the Committee felt that the family perhaps had the time to introduce some steps for the benefit of the pupil as they progressed through secondary school. The Committee noted that the pupil took part in physical education at school. The Committee felt that there was no evidence to suggest that the pupil could not physically walk to school accompanied as necessary given that the school attended was within the statutory walking distance.

In considering the family's circumstances, the Committee noted that the mother did not drive due to a generalised anxiety disorder. The Committee also noted that the family had the use of a car which the father used to go to work. The Committee was also informed that the mother did not work and was the full time carer for her mother. However, no evidence or information had been provided to substantiate these points. It was not clear where the grandparent lived, how the mother travelled to and fro if the grandparent lived elsewhere nor was there any evidence to substantiate the mother's health problems or her inability to drive. The Committee therefore felt that there was no information or evidence to demonstrate why the father or the mother could not accompany the pupil to school. Furthermore, there was no evidence to suggest that the family were unable to make use of any before and after school club provision at the school.

Therefore, having considered all of the father'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 on the information provided.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3973 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 2015/16.

### **Appeal 3974**

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 0.8 miles from their home address and was within the statutory walking distance, and instead would attend their 9th nearest school which was 6.6 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 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.

In considering the appeal the Committee noted the father's opinion that the amount he had to pay to send three children to his nearest school of the family's faith was excessive (£1,500 p.a.), and that he was being unfairly penalised for his preference of school being the only school of the family's faith in the area and because he had twins. The Committee also noted the father's point that his family were already stretched in paying double for uniforms and other school expenses. Furthermore, it had been pointed out to the father that it was cheaper for some of their friend's children to travel to a College which was more distant than the school attended by these pupils.

In considering the appeal further the Committee felt that the father must have known that if were to send the two younger siblings to the same school as the elder sibling whom he was already paying the denominational contribution for, would have known that he would have had to pay for the two younger siblings. The Committee recognised that the family might be finding it difficult to fund the contribution for their three children to the school attended. However, the Committee felt that the choice of school was parental reference. Furthermore the Council's transport policy did not allow the Council to make a reduction in circumstances like this, when there were more than one child travelling.

The Committee was advised that the family did benefit from a bespoke school bus service, which operated from their home to and from school and that it could be perceived that as the children were travelling nearly seven miles each day to and from school by this service, the daily cost of £3.55 per day per child offered good value for money. However, the Committee accepted that for three children this cost did multiply to £10.65 per day. The Committee was advised that these figures would reduce by 20% if a season ticket was purchased instead. It was not clear from the paperwork whether the father had taken up this offer.

The Committee noted that College transport was not provided by the Council but by the College themselves.

As no financial evidence had been supplied to demonstrate that the family were finding it difficult to fund the contribution for three siblings to attend the school, the Committee could not determine the extent this was having on the family's financial situation. No evidence had been supplied to suggest that the family was on a low income as defined in law.

Therefore, having considered all of the father'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 3974 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 2015/16.



## **Appeal 3979**

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 0.6 miles from their home address, and instead would attend their 3rd nearest school which was 1.9 miles away. Both schools were within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted the mother's health problems and that financial concerns were adding to the distress she and her family were having to endure at this time. The Committee also noted that the family was on a low income as defined in law and whilst she had been informed that the pupils were not eligible for bus passes to the school attended, the mother was of the opinion that the distance from home to school was over two miles.

The Committee felt that in view of the family's circumstances it should make a temporary award to support the family in the interim. However, the Committee noted that there was reference to an elder sibling. As no information had been supplied in respect of this child the Committee suggested that the mother should put in a separate application for transport for the elder sibling.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupils up to the end of 2015/16 academic year to support the family in the interim.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3979 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2015/16 academic year (Year 7) only.

## **Appeal 436324**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 1.4 miles from their home address and was within the statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policies 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 policies or the law.

In considering the mother's appeal the Committee noted that the pupil had a Statement of SEN for severe learning difficulties at Band F. The Committee, whilst noting the pupil's needs in respect of their SEN, was informed that the pupil needed help to improve their independence skills and that the mother believed transport to school would help them in this area and enhance their responsibility, confidence in time for the transition to College. The Committee also noted the mother's concerns for the pupil and that she currently transported the pupil to school every day.

In considering the appeal further the Committee noted that the mother had been led to believe that school transport was issued on an individual basis and that an assessment would take place with the individual concerned which had still not been done. Furthermore, the mother felt that as the pupil had no 'visual' physical or mobility difficulties people seemed to think that there was nothing wrong with the pupil which she felt could be classed as discrimination. The mother also disputed the suitability of the walking route.

Whilst the Committee noted the mother's desire, it was not clear what type of transport assistance was actually being requested. The Committee felt that if the request was for a taxi then this would probably not greatly assist the pupil in giving them independent travelling skills given that the taxi would collect the pupil directly from home and drop them off close to the school gate. If the pupil was to transfer to College, the Committee felt that they would be more than likely using the bus, albeit one commissioned by the College and not a public transport service. The Committee concurred with the officer's comments and felt that it would be in the best interests of the pupil if the mother and the school worked together to plan an independent travel training programme. Whilst the Committee noted the teacher's comments, the Committee noted that it was their opinion the pupil could not undertake independent travel everyday. Again, the Committee felt that a gradual approach towards complete independent travel through the development of an independent travel training programme would address this point.

School attended was within statutory walking distance. The Committee noted that had the mother been on a low income as defined in law, the pupil would not be eligible for transport as the distance from home to school was still below the threshold for such families. No financial evidence had been provided to suggest that the mother was unable to fund the cost of the transport to school. The Committee also noted that the pupil was in receipt of a disability living allowance. No evidence had been provided to indicate the rate at which this was awarded at. However, the Committee noted that the pupil would be receiving funds through this source to assist with getting around.

The Committee noted that there was no evidence to suggest that the pupil was unable to walk to school accompanied as necessary because of their SEN. In considering the family's circumstances and the school run, the Committee noted that the mother previously transported the pupil to school every day. However, the Committee was advised that the mother might have changed job recently and

was unable to transport the pupil everyday and had organised a taxi for the pupil on certain days which picked them up from the end of the school drive. However, the Committee could not determine the full extent of the mother's situation with the school run as there was no information detailing what the change of job entailed or whether the mother had enquired with her employer about flexible working as entitled to do so. Furthermore, the Committee noted that the father appeared to live in the same town as the mother. No information had been provided to suggest why he was unable to assist or whether there were any other family members who could assist.

The Committee in considering the suitability of the walking route were advised that there was no evidence to suggest that the route would be unsuitable when assessed against the Council's Suitable Routes policy on the basis that the route to school would be assessed as if the pupil was accompanied as necessary.

The Committee acknowledged the pupil's SEN. However, the Committee did not feel that there was any act of discrimination being carried out in relation to the pupil's eligibility for transport assistance to the school attended. The Committee was advised that the pupil was not eligible for transport assistance when assessed against the Council's transport policies.

Therefore, having considered all of the mother'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 436324 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 2015/16 and the policy on the provision of transport for pupils with special educational needs.

### **Appeal 1185281**

At its meeting held on 2nd November 2015, the Committee resolved:

"That Appeal 1185281 be deferred;

- i. In order for the appeal to be assessed against the Special Educational Needs criteria; and
- ii. For the appeal to be presented to the Committee at its next scheduled meeting in December 2015."

In considering the appeal further the Committee noted the pupil's SEN and that they did not qualify for transport assistance when assessed against the SEN criteria. The Committee noted that English as an Additional Language (EAL) was not a special educational need.

In considering the appeal further, the Committee noted that the family had transported the pupil and their sibling to school by car. No information or evidence had been supplied to indicate why the family were now unable to do this other than the father was working a changing shift pattern. No information or evidence had been supplied to indicate what the father's shift pattern involved or whether he had enquired with his employer about flexible working as entitled to do so. Whilst the Committee recognised that the pupil's sibling attended a school in the opposite direction, which was also within statutory walking distance, there was no evidence to suggest that the family could not make use of the before and after school club provision at this school which would alleviate the problems with the pupil getting to school on time.

In considering the pupil's SEN, the Committee noted the statement and medical advice. However, it was noted that this information was now two years old and that no new or recent medical advice had been supplied in the appeal. The Committee was advised that the Annual Review information from school completed in February 2015, did not indicate that there were any sensory issues that would compromise the pupil's safety and that there were no risk assessments in place.

No financial evidence had been supplied to suggest that the family would struggle to maintain the use of their car.

Therefore, having considered all of the mother'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 1185281 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 2015/16 and the policy on the provision of transport for pupils with special educational needs.

### **Appeal 1364448**

At its meeting held on 2nd November 2015, the Committee resolved:

"That Appeal 1364448 be deferred;

- i. In order for the appeal to be assessed against the Special Educational Needs criteria; and
- ii. For the appeal to be presented to the Committee at its next scheduled meeting in December 2015."

In considering the appeal further the Committee noted the pupil's SEN and that they did not qualify for transport assistance when assessed against the SEN

criteria. The Committee noted that English as an Additional Language (EAL) was not a special educational need.

In considering the appeal further, the Committee noted that the family had transported the pupil and their sibling to school by car. Whilst the Committee noted the mother's concerns for the pupil's safety, the Committee noted that the pupil would be familiar with travelling by car and travelled by car to visit family and different places. There was no indication as to whether child locks or specialist belt clips had been utilised or whether these would keep the pupil safe in the car. The Committee also noted that there was no information or evidence to indicate whether the father had enquired about flexible working with his employer as entitled to do so to enable him to assist with the school run. No information had been provided about the father's work commitments.

The Committee noted the elder sibling attended a school that was 4.1 miles from the family home. However, there was no information or evidence to suggest why the family could not utilise the before and after school club provision on offer at that school which would alleviate the difficulties with the school run. The Committee noted that the mother wished for the elder sibling to remain at their school. However, the Committee noted that one option would be for the mother to apply for transport assistance to the school. No information had been supplied to indicate that this option had been considered.

The Committee noted the pupil's health problems and the mother's concerns for the pupil. However, the Committee noted that the pupil had been described as "quite agile". There was no evidence to demonstrate that the pupil was unable to walk the distance to school accompanied as necessary.

Therefore, having considered all of the mother'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 1364448 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 2015/16 and the policy on the provision of transport for pupils with special educational needs.

### **Appeal 3854**

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 0.49 miles from their home address, and instead would attend their 9th nearest school which was 1.48 miles away. Both schools were within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in

exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted the mother's health problems had deteriorated over the last four to five years and that the pupil had also been diagnosed with health problems as set out in the appeal. The mother was also concerned that the pupil's elder sibling was no longer the chaperone and required close supervision during the taxi ride. The mother was requesting a chaperone due to the nature of the pupil's health problems.

The Committee recalled that at its meeting on 9th December 2013, it had made a temporary award for both the pupil and the pupil's elder sibling until the end of the 2013/14 academic year because the elder sibling was in their final year of primary education. However, it was reported that since July 2014, the taxi continued to convey the younger sibling to school and that when this was brought to the attention of the Council the taxi arrangements were suspended pending the parent submitting a further transport appeal. The Committee noted that there was no information to suggest whether the mother acted as chaperone during the time the taxi conveyed the pupil to school. However, the Committee expressed concern as to why transport was not stopped at the end of July 2014 in the first place.

In considering the appeal further the Committee noted that the crux of the mother's appeal was based on her inability, due to her medical condition, to walk/drive/accompany the pupil on public transport to the school attended. The Committee noted that the evidence supplied was from two and a half years ago. No recent medical evidence had been provided to substantiate that these health problems still remained. However, the Committee noted that there was no information or details of other family members or friends who might be able to assist with the school run. The Committee noted that the elder sibling was now in year 8 at a school which was in close proximity to the primary school attended by the pupil and that they might be able to assist with the accompaniment to and from school.

Whilst the Committee noted that the family was on a low income, no financial evidence had been supplied to suggest that the family were unable to fund the cost of home to school transport.

The Committee noted that the only new evidence the mother had supplied in relation to her appeal was a letter from CAMHS to the pupil's GP which confirmed a specific diagnosis. However, the Committee noted that there was no further medical evidence in relation to this supplied in the appeal. The Committee also noted that the pupil did not have a Statement of SEN or Education Health and Care Plan (EHCP). However, the Committee noted that the letter stated the medical professional met with the pupil and the mother at the clinic. The Committee felt that if the mother could accompany her child to the clinic then they should be able to accompany them to school. However, no information was available to consider this point.

Therefore, having considered all of the mother'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 3854 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 2015/16.

### **Appeal 3867**

At its meeting held on 7th October 2015, the Committee resolved:

"That Appeal 3867 be deferred in order to allow officers at the Council to reassess the decision regarding the pupil's eligibility for transport assistance and for the appeal to be brought back to the Committee at its next scheduled meeting in November 2015."

In considering the appeal further the Committee noted the mother's suggestion that the school attended was the third nearest school as opposed to the out of County establishment. The mother also queried the location of the out of County school since the school site had moved several years ago.

The Committee noted that when the mother received the initial decision in respect of her original transport application it had been refused on the basis that at that time there were three nearer schools and the school attended was the fourth nearest. Subsequently, the mother appealed the decision whereupon the Council had determined during the appeal process that the school attended was the fifth nearest. The Committee recalled the reasons why it had deferred the appeal and in considering the deferred appeal schedule it had come to light during the reassessment process that whilst the school attended was now their seventh nearest school, it was now the fourth nearest school that could have offered the pupil a place during the admission round for transfer in to year 7. The Council still felt vindicated in refusing the application on this basis. The Committee noted that the nearest school would have been discounted from the Council's findings as the school would not have been able to offer the pupil a place. The Committee noted that there still remained three nearer schools. Two of which were sighted as preferences expressed at the time of application for school places. The Committee noted that the fourth and fifth nearest schools could not have offered a place during the admission round. The Committee therefore determined that the pupil attended the fourth nearest school. The Committee also noted the Council's comments regarding the third overall school.

With regard to the third nearest school the mother had stated that the family did not practice the faith ethos of the school and would have been only amongst 10% of students being offered a place there if they had put it as their first choice and that they would have had an extremely low chance of being accepted. However, the Committee noted that this school was placed as the family's second preference. The Committee therefore felt that there was no evidence to suggest

that this school would have been unsuitable given that it was expressed as the family's second preference.

The Committee advised that parents are free to express preferences for any school regardless of local authority boundary and that many parents chose to take advantage of this freedom. The Committee was also advised that the Council when carrying out its assessments also took into account those schools that were nearer even if they were outside of the local authority's boundary.

The Committee noted the mother's point in that she did not want to send her child to a school she found less than suitable for her child's education. No evidence had been provided to suggest that the nearer schools were not suitable for the pupil to attend. Furthermore, the Council was not suggesting that the mother had to change schools but that in accordance with the law and the Council's policy they could not pay for the pupil to attend the school attended. The Committee noted that the family was on a low income. However, no evidence had been provided to suggest that they were unable to fund the cost of home to school transport to the school attended.

Therefore, having considered all of the mother'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 on the information provided.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3867 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 2015/16.

### **Appeal 3944**

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 0.5 miles from their home address, and instead would attend their 9th nearest school which was 1 mile away. Both schools were within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted that the pupil received free transport to school due to the family's change of address. The mother had only recently found a place for the pupil at the school now attended which was not on a bus route and was a considerable distance away. However, the mother stated that "although on a bus route for the sake of one bus stop's travel would make the journey longer with 20 minutes walking also".



In considering the appeal further the Committee noted the mother suffered from various health problems which made it difficult for her to walk and that the pupil's attendance was no longer 'good'. Furthermore, the Committee also noted the mother's point that the pupil would attend their nearest schools if there were places available. In view of these points and the family's history as outlined by the Nurture Manager the Committee felt that it should make a temporary award until the end of the current academic year to support the family in the interim. The Committee felt that if a place became available at a nearer school the mother should consider applying.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of 2015/16 academic year to support the family in the interim.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3944 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2015/16 academic year (Year 1) only.

I Young  
Director of Governance, Finance  
and Public Services

County Hall  
Preston



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