

## **Lancashire County Council**

### **Student Support Appeals Committee**

**Minutes of the Meeting held on Monday, 29th February, 2016 at 9.30 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  
Mrs I Winn, 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 18 January 2016**

**Resolved:** That; the Minutes of the meeting held on the 18th January 2016 be confirmed as an accurate record and be signed by the Chair.

#### **3. Urgent Business**

It was noted that the paperwork for appeals 3961 and 3799 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 3961 and 3799 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 25th April 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 6 appeals and 2 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 3911**

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 3.22 miles from their home address, and instead would attend their 4th nearest school which was 4.81 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.

The Clerk informed the Committee that the mother had provided further information to support her appeal. Copies of the additional information were handed out to members at the meeting.

In considering the mother's appeal the Committee noted that the pupil during their primary education had changed schools due to allegations of bullying incidents. The mother stated that the perpetrators now attended what she felt was the nearest secondary school and that this constituted exceptional mitigating circumstances for her choice of the school now attended as she felt that it would cause unnecessary stress and anxiety if the pupil had to attend the same school

as the perpetrators. Whilst the Committee acknowledged the mother's account of the bullying allegations no evidence or information had been provided from the primary school where the incidents had occurred. Neither was there any information or evidence to support the mother's case from the primary school where the pupil was transferred to and received help with their therapy. The Committee noted that the allegations related to incidents that occurred in 2012, and that the mother had specifically named the perpetrators in her supplementary information. The Committee felt that it should have received information from the school previously attended.

The Committee noted that the appeal application form had been signed on the 3rd September 2015 and that the appeal schedule had been signed on 18th December 2015. The Committee felt that given the amount of time that had passed, the mother should have had the opportunity to provide the necessary evidence to support her case. However, there was no information to suggest why the appeal had taken so long to be processed. The Committee was reminded that it was the parent's responsibility to substantiate their case. Therefore the Committee could not determine the bullying allegations/incidents from the information provided.

The mother had also stated that the distance to the school attended was 4.7 miles from the family home whereas the school attended by the perpetrators (according to the mother) was only 4.5 miles away. In addition the mother thought that the school attended by the perpetrators was the nearest secondary school from her home. The Committee was advised that this school was not the nearest school and that the nearest school was 3.22 miles away. Furthermore, the school attended by the perpetrators was determined as being 3.99 miles away. The Committee noted that the mother in her appeal had written on the schedule that her third preference of school for transfer into secondary education, being the same school as where the perpetrators attended was only "ticked due to it being a third school available at the time "NOT" because it was an option". The Committee was advised that no parent at the time of expressing their preferences would know where places were available in ranking order. Furthermore, the admissions process did not function in this way.

In considering the appeal further the Committee noted that the family wished for the Committee to consider their financial situation. The mother had claimed that their predicament was one of desperation and that she had spent her last money on petrol (today) and that she had no means of paying school transport costs to get the pupil to school (tomorrow). The mother also claimed that she had to apply to the food bank. The Committee noted again that the mother had signed the appeal application form on 3rd September 2015. The Committee noted the mother's breakdown of her incomings and outgoings. Whilst no evidence had been provided to substantiate the figures provided in the typed up list, the mother had indicated that she budgeted for the cost of fuel on a weekly basis. The Committee felt that the mother's claims contradicted what she had claimed in her appeal application form. Furthermore, the Committee felt that if the mother was paying for fuel for her car, then she must also be paying the insurance, car tax and other bills associated with running a car as well. The Committee noted that

the pupil was in receipt of free school meals – a normal indicator of a family on a low income. However, no information or evidence had been provided to substantiate the mother's claims in respect of her financial situation to enable the Committee to determine the family's predicament.

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 3911 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 3938**

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 miles from their home address and was within statutory walking distance, and instead would attend their 4th nearest school which was 3.2 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 reason the family made the school attended the pupil's first preference was because an elder sibling attended the school also. The Committee also noted that the pupil and their elder sibling had a rare health problem which put them at serious risk of infection. The mother stated that both siblings had been in hospital on numerous occasions. Furthermore, the school attended were aware the siblings health problems and their need for medication. In addition the mother stated that because of the school's understanding it made taking the siblings out of school to attend appointments easier to manage and "had less of an impact on their education as they are picked up/dropped off at the same school". The Committee noted the letter from the consultant.

The Clerk informed the Committee that the mother had submitted additional information in an email dated 21st February 2016. Copies of which were handed out to members at the meeting.

The Committee noted that the pupil's elder sibling had a free bus pass since they started at the school and that the pupil concerned in the appeal also caught the

same bus for which a pass had already been paid for. The Committee was advised that the elder sibling was entitled to a free bus pass on the basis that there were no places at the nearest school when they transferred and that this was not the case for the pupil concerned in this appeal.

In considering the pupil's health problems for which the elder sibling was also diagnosed with, the Committee concurred with the Council's view that the nearest school would not be unsuitable for the pupil to attend. The Committee was advised that had the pupil attended the nearest school, strategies would have been put in place to deal with the pupil's condition. The Committee noted that the nearest school was down as the family's second preference for transfer into secondary education. And whilst there was no guarantee that the pupil would have got a place at the school attended, the pupil might have been given a place at their second preference. The Committee also noted that only two preferences were expressed at the time of application for school places. Had both the preferences been unable to offer a place for the pupil the Council would have co-ordinated an offer for a place at any school. Whilst the Committee acknowledged the letter from the Consultant Paediatrician, no evidence had been provided to suggest that the nearest school was unsuitable for the pupil to attend.

The Committee noted the information provided in the supplementary email relating to the family's circumstances. 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 suggest that the family were unable to fund the cost of the transport. Furthermore, the mother had already stated that she had paid for the transport for the pupil to get 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. The Committee suggested that if the mother wished to have a re-appeal based on low income grounds then she should be allowed the opportunity to have a re-appeal but to submit the relevant evidence to demonstrate that the family was on a low income as defined in law or any information/evidence to demonstrate that they were unable to fund the cost of transport.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3938 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 3990

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 3.29 miles from their home address, and instead would attend their 21st nearest school which was 9.27 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. The Committee noted that the pupil was on discretionary transport.

The Clerk informed the Committee that the foster carer had submitted a supporting email dated 20th February 2016 and a copy of the bus timetable had been supplied by the Council since the agenda was posted to members. Copies of the additional late evidence were handed out to all members at the meeting.

In considering the foster carer's appeal, the Committee noted that the fostering arrangement had been in place since July 2015 and that the foster carer was also responsible for the pupil's elder sibling and their new born child. The foster carer had advised in their appeal that they were the only foster carer who could cater for all three individuals and that it was paramount that they remained together. The Committee also noted that prior to the fostering arrangement being put in place the pupil already attended the school as their previous home was situated in the same city. The foster carer also stated that they were reassured at the time before accepting the placement that a taxi would be provided to transport the pupil to and from school as this would be a major deciding factor as to whether they could accommodate the placement. The foster carer advised that she was told by the pupil's team manager and fostering team manager that they had agreed that a taxi would be put in place for the pupil. However, the taxi was due to be withdrawn. The foster carer felt that it was unacceptable to threaten to withdraw this support so far into a placement as if the taxi were to be withdrawn the pupil would have to be re-accommodated. The Committee noted that the pupil's placement was not expected to be long term as the foster carer was classed as a short term task centred foster carer and that changing schools would not be appropriate at this time. The foster carer advised in their appeal that if it became necessary to seek a long term placement for the pupil then a foster carer in the city where the school attended was situated would be sought. The Committee noted that both the allocated social worker and the foster carer wished for the pupil to remain the school attended as it was the only aspect of the pupil's life which was secure at the moment and that they were happy there.

The Committee was advised that officers only had the authority to provide short term taxi arrangements (discretionary transport) and that this was why the Council had now required the foster carer to appeal for continuance of the taxi for the pupil. The Committee noted that the Council had been unable to establish who advised the foster carer that taxi transport would be permanent. In reading the additional email sent by the foster carer, the Committee noted that the pupil would be remaining in long term foster care and that the plan was for the elder

sibling and baby to return to a specific country as soon as possible. The foster carer could not give an exact date in relation to court proceedings and timescales. However, the foster carer stated that once the elder sibling and their baby left the country they would be able to transport the pupil to school. The Committee noted that discretionary transport had been extended until 11th March 2016. It was not clear in respect of the foster carer's status as a short term task centred foster carer whether the pupil would continue to reside with them in the future.

The Committee was informed that the Council was not aware of the permanency of the present arrangement to consider whether the foster carer should look towards securing a place at a nearer school for them. In addition the Council had received no support from the pupil's school to establish whether the current school was the most appropriate placement for them. The Committee noted that the siblings came to this country in February 2015 and resided with a guardian where the school attended was 0.5 miles away.

In considering the appeal further the Committee was informed that the pupil's elder sibling and their new born child had daily appointments both in the mornings and in the afternoons which meant that the foster carer was having to transport them everywhere. The foster carer was of the opinion that the elder sibling was not capable of ever being able to sort out their own transport arrangements to appointments or to be left in the house alone which restricted the foster carer's own movements. It was reported that the elder sibling had a learning difficulty and was undergoing intensive parenting assessments involving professionals regularly visiting the foster carer's home as well as dealing with the elder sibling's own needs out in the community. The foster carer also stated that they were up regularly during the night and every day having to watch the clock constantly to be where they needed to be with the elder sibling and their new born child. The foster carer reiterated in their appeal that knowing this would be the situation with the placement from the outset, the taxi arrangement was and still is essential to the placement of the pupil concerned in this appeal.

In considering this aspect of the appeal the Committee, whilst noting the additional supporting comments in the email dated 20th February 2016, noted that no evidence had been provided to demonstrate when, where or how regular the appointments were. The foster carer had stated that their partner could not be relied upon to provide regular support and that fostering was mainly their role. The Committee noted that the partner was in employment.

The foster carer had reported that their fostering allowance did not include school transport and that foster carers who transport children to school made separate claims for mileage which the appellant did not. Furthermore, the foster carer felt that it was absurd to hint that they might fund the taxi as all the fostering allowance would be spent on this. In addition the foster carer stated that they spent many hours and much petrol money transporting the elder sibling and their new born child which they were not reimbursed for as the mother was not considered to be of a specific status.

However, the Committee was advised that the foster carer would be in receipt of a fostering allowance from the Council for the pupil, their elder sibling and the new born child and that a component part of any allowance was to be used on aspects such as home to school transport. No evidence had been provided to substantiate that the cost of school transport alone would take up all the foster carer's allowance neither had any evidence been provided to substantiate the amount of money the foster carer had spent on petrol in relation to the elder sibling's appointments. The Committee was advised that the foster carer was in receipt of an allowance in accordance with a tier based system for all the foster children. No evidence had been provided to demonstrate that the foster carer was unable to fund the cost or contribute towards the cost of school transport when the discretionary transport was removed. The Committee was informed that foster carers can claim transport costs for any journeys over the distance of three miles.

In considering the foster carer's appeal further the Committee noted that they lived in a semi-rural location and on a narrow country lane with no pavements or grass verges to walk on. The foster carer felt that the walk to the nearest bus stop was unsuitable for the pupil to use. In addition there wasn't a bus stop close to the home. The Committee was informed that the nearest bus stop was 1.3 miles away from the home and that there was a regular bus service which operated to the City where the pupil attended school. Details of where the pupil would need to alight were provided in the appeal and that the pupil would be required to walk 0.6 miles from the bus stop to the school and that the reverse would apply for the homeward journey. The Committee felt that there was no evidence to suggest that the foster carer could not drop the pupil off at the nearest bus stop leaving the pupil to catch the bus or to collect them from the nearest bus stop at the end of the school day.

Therefore, having considered all of the foster carer'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 3990 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 3997**

It was reported that a request for retrospective reimbursement of travelling expenses had initially been refused as the Council needed to be satisfied that the appellant had made an application for free home to school transport.



In considering the mother's appeal the Committee was informed that since December 2013, the mother was unemployed and was still not working due to her health problem and was subsequently claiming Employment and Support Allowance (ESA) from this time. The mother in her appeal stated that around this time she advised the Council of her circumstances but was informed that she still had to pay for the pupil's bus pass. At this time the pupil was in receipt of free school meals. The mother was now appealing for reimbursement of the bus pass since September 2013.

The Committee was informed that when the pupil commenced their year 7 in September 2012, they were not entitled to free transport as the school attended was not the nearest. The family at the time did not meet the criteria as a low income family as defined in law and subsequently purchased a season ticket in order to travel on the school bus to the school attended. In considering the appeal further the Committee noted that the mother had alleged she contacted the Council's Season Ticket issuing team in January 2014 to advise them of her change in circumstances and that the pupil would be in receipt of free school meals which would also make the pupil entitled to free home to school transport on the extended provisions made for pupils on low income grounds as the pupil was attending one of their three nearest schools which were between two and six miles from the family home. The Committee had already noted that the mother alleged she was advised that she would still have to pay for a season ticket. The Council had reported that the Season Ticket issuing team was not based in the Children's Services Group whose responsibility it was to assess pupils' entitlement to free home to school transport. In addition the Council was unable to ascertain what was said to the family at the time as no information of the telephone call was recorded and that none of the team members who were working in that team at the time no longer worked for the Council. The Council was of the opinion that team members should have been knowledgeable to advise on who to contact to check entitlement for free home to school transport.

The Committee noted that the Council had put the pupil on free school meals following the District Council FSM Project in January 2014. The Committee also noted that the pupil was issued with a free bus pass on low income grounds from September 2015 following receipt of an application form. The Committee was informed that this was the normal method for parents to use to apply for their entitlement and that the mother was therefore requesting reimbursement of bus fares. The Committee was advised that if they were to accept that the mother had made a formal application for free transport in January 2014, then this would be the earliest point at which the Council would consider granting a retrospective reimbursement.

Therefore, in considering the appeal the Committee felt that there was no evidence to substantiate what had actually happened in January 2014 from both parties and felt that it should grant reimbursement.

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 award a retrospective reimbursement calculated from January 2014 up to the end of the 2014/15 academic year as this was when the Council had placed the pupil on free school meals.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3997 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 a retrospective reimbursement which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16;
- ii. The retrospective reimbursement be calculated from January 2014 up to the end of the 2014/15 academic year only.

### **Appeal 3999**

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 0.3 miles from their home address and was within statutory walking distance, and instead would attend their 7th 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.

The Clerk informed the Committee that the mother had submitted an email response on 25th February 2016. A copy of the email was handed to all members present at the meeting.

In considering the mother's appeal the Committee was informed that when applying for secondary school places in readiness for the transfer, the mother applied for the school now attended as the pupil was living with their father up until 14th September 2015. In addition it was in the pupil's best interests to transfer to the same school as their fellow pupils. However, since starting at the school now attended the pupil wished to live with their mother instead due to the mother's health problems as stated in her appeal. The mother also stated in her appeal that the pupil wished to spend more time with their mother and their siblings.

The Committee noted that the email response from 25th February 2016 had stated that the mother had sent confirmation of her health/medical condition by post for the Committee to consider. Up until the Committee meeting commenced no evidence had been received by the Council in order for the Committee to consider. The Committee felt that it should have sight of this evidence in order to determine the full extent of the mother's health problems and that the appeal should be deferred in order to receive this information.

The Committee was informed that the pupil's elder sibling was a young carer for the mother and was under the guidance of a mentor in the young carer's team in the town where the family resided. The mother also stated that the pupil concerned in this appeal also helped out when the elder sibling needed them to and that the pupil might need to apply for a pass. It was not clear in the appeal what pass the mother was referring to in her appeal. The mother also stated in her appeal that she would provide evidence in relation to her points.

In considering the email response again the Committee noted that the pupil was not registered as a young carer and whilst their elder sibling was, the mother had stated that the pupil would be once the elder sibling started university. However, there was no information or evidence from the Carer's Team to confirm the family's circumstances and the support provided to the elder sibling and how this might impact on the pupil if they took over as a young carer. Whilst the Committee noted that the elder sibling left secondary education in the summer of 2015, they felt that the appeal should again be deferred in order to obtain evidence from the Carer's Team. The Committee also felt that it should have sight of financial evidence from the family including details relating to a carer's allowance.

In considering the appeal further the Committee noted in the email response that the pupil had been travelling on two buses to school and that the mother had provided bus tickets presumably along with the medical evidence. The Committee noted that these had not been received by the Council in order for the Committee to consider. The Committee also felt that it should have information relating to the availability of a car and to see whether school attendance had been affected since the pupil came to live with their mother. Therefore, it was;

**Resolved:** That Appeal 3999 be deferred in order to obtain:

- i. Evidence from the Carer's Team to confirm the family's circumstances and the support provided to the elder sibling and how this might impact on the pupil if they took over as a young carer;
- ii. Medical evidence in relation to the mother's health problems;
- iii. Financial evidence in relation to the mother's household income and carer's allowance;
- iv. Availability of a car and evidence of bus tickets;
- v. Details of school attendance for the pupil since September 2015.

### **Appeal 1162121**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 0.6 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 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 diagnosis, how this affected them in their life and that they had a reduced sense of danger when walking along a road. The mother also stated that the pupil's parents had described the pupil as having severe learning difficulties and that the pupil would not be able to walk to school on their own. Whilst the pupil attended their nearest special school, the mother felt that the roads between home and school were busy main roads and that the pupil was obsessed with buses and was likely to run in to the road. The mother stated that she had recently had surgery which meant that she had a reduced ability in holding the pupil back if they ran off. Also, if the pupil was tired they would sit down which meant that the mother would struggle to lift the pupil back up.

The mother claimed that she did not drive and that they walked to school and back together. The Committee noted that the mother collected the pupil half an hour before the end of each school day in time for her younger child coming back from school. The mother stated that she was finding it more difficult to walk to school and back and that the pupil was tired before they arrived at school. The mother felt that the pupil would therefore not be in the best state to learn. In addition they were missing two and half hours of education each week.

A copy of the Educational Psychologist's Report from 16th April 2015 was handed out to Councillors at the meeting as this had been omitted from the paperwork.

In considering the appeal further the Committee noted the difficulty the mother was having in managing the pupil on the school run. However, no medical evidence had been provided to substantiate the mother's health problems. In considering the issues the mother faced with the school run, the Committee felt that it was not clear why existing transport arrangements could not continue as the pupil had been travelling in someone else's car. The Committee noted the comment that the mother did not drive. However, there was no information for the Committee to determine the full extent of the problems with the school run especially as the pupil's older sibling (and not younger sibling) was attending the same more distant school that the pupil previously attended. It was not clear how they got to school. Neither was it clear whether the father provided support during the school run. The Committee also noted that the mother could make use of the pavement and footpath network from the family home via the park to the school attended rather than using the main roads.

The Committee in considering the pupil's Statement of SEN felt that it should defer the appeal in order to receive information from the school on how compliant the pupil was with instructions during school hours and to confirm the mother's claims that she was collecting the pupil 30 minutes earlier each day. Therefore, it was;

**Resolved:** That Appeal 1162121 be deferred in order to obtain:

- i. Medical evidence in relation to the mother's health problems;

- ii. Information on who takes the elder sibling to school and why the father can't assist; and
- iii. Information from the school attended to ascertain how compliant the pupil is with instructions when at school and to confirm the reasonable adjustments made for the mother to collect the pupil 30 minutes earlier school each day.

### **Urgent Business Appeals**

County Councillors Prynne and Dereli left the meeting in order to attend the funeral of County Councillor R Newman-Thompson. The Committee expressed their condolences. The Clerk informed the Committee that as two Councillors remained in the room, the Committee was quorate and asked for a Chair to be elected for the remainder of this meeting only. It was therefore;

**Resolved:** That, County Councillor Cheetham be elected as Chair to the Committee for the remainder of this meeting only.

### **Appeal 3961**

At its meeting held on 8th December 2015, the Committee 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."

In considering the appeal further the Committee noted that the father had provided a typed up statement detailing his employment, financial situation and background information on the circumstances surrounding the pupils' movements. Copies of the father's payslips between July and December 2015 had also been provided.

In considering the circumstances for how the pupils came to live with the father at such short notice, the Committee noted there were no Court Orders relating to the children coming to live with the father as the matter was dealt with by the consent of all parties concerned and that his solicitor had advised him that no further Court intervention was required.

In considering the circumstances surrounding the availability of school places, the Committee noted that the father had received information from the nearest school to indicate that places were available at the school, but that it appeared the father had chosen not to take advantage of this due to the late notification by the school that places were available. Whilst the Committee acknowledged why the father had perhaps chosen not to accept the places at the nearest school, it was reported that from the Council's perspective places were available at the school.

Furthermore, had the pupils moved during the summer holidays they would have had to wait until school resumed in September in order to secure places. The Committee also noted that many school admission appeals are conducted throughout the summer holidays and beyond.

In considering the family's financial situation, the Committee noted that some of the payslips demonstrated that adjustments had been made in relation to sickness. The father had also mentioned that he was now in receipt of child benefit since October 2015. A breakdown of the father's outgoings was also provided in the appeal documentation. However, no other evidence was provided to substantiate the father's claims in relation to the family's financial situation. From the information provided the Committee noted that the father had spare income even after paying the bus fares for the pupils and that the family was not on a low income as defined in law. Furthermore, the father had stated that under no circumstances would he expect his new partner to have to contribute financially to the pupils' upkeep and that this was his responsibility and his former partner's. The Committee noted that the mother still resided in a different County and did not work. The father had also stated that the mother's financial contribution was minimal. No details or evidence was provided in relation to this point. The father's new partner worked full time but was not in a position to help with the school runs.

Therefore, having considered all of the father's comments and the officer responses as set out in the Appeal Schedules, 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 3961 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 3799**

It was reported that the mother was unhappy about the outcome of her appeal which was considered by the Committee at its last meeting in January. The Committee recalled that it had awarded the pupil temporary assistance until the end of the current academic year in the form of a bus pass. However, the mother in her appeal had initially requested transport in the form of a taxi. The mother had therefore requested that a re-appeal be submitted on the basis that she had new additional evidence to support her case and to warrant the Committee in exercising its discretion to amend the award previously granted.

In considering the re-appeal it was suggested by the Council in the appeal schedule that the Committee at its last meeting had offered the mother a further appeal if the following pieces of information could be provided:

1. Information relating to the number of occasions the pupil had been hospitalised due to their medical condition;
2. Information relating to the pupil's attendance at school and how this was affected by their health problem;
3. Information relating to what additional provisions the school made for the pupil's condition; and
4. Information from the pupil's paediatrician and/or specialist confirming their medical condition and their ability to walk to school or to the bus stop.

The Committee noted that there was no offer of a re-appeal but that the above points were raised to identify what was missing from the mother's appeal. In addition the Committee had actually suggested that when the mother reapplied for transport assistance for the 2016/17 academic year, she should provide medical evidence which demonstrated exactly how far the pupil could walk as well as information from the school attended detailing the support provided. However, as the mother had submitted the above pieces of information and evidence the Committee felt that it should consider the re-appeal as requested by the mother.

In considering the re-appeal, the Committee noted that the mother had not provided any evidence as to the number of times the pupil had been hospitalised due to their health problem. The mother stated that she did not know how to find out how many hospitalisations the pupil had needed but that she did know the pupil had been to accident and emergency twice in the last three weeks. The Committee felt that all this detail would be on the pupil's record at their GP and should be easily obtainable to support their case.

The Committee noted that the mother had provided information relating to the pupil's absences at school. The information related to the period 2nd September 2015 to 3rd February 2016, which indicated that out of a possible 184 sessions, the pupil had attended 148 sessions. The Committee was informed that this was the equivalent to 80% attendance and acknowledged that this was quite low and intermittent. The Committee was informed that the pupil missed 32 sessions due to illness. The Committee noted that the information also showed the pupil missed four sessions due to attending medical appointments. However, whilst the mother had stated that all of the pupil's absences were due to their health problem, there was no evidence to corroborate this point. The mother had also stated that the pupil's paediatrician did not know what the Council or the Committee wanted in a letter from them as they didn't spend time watching the pupil walking day to day to know how many feet they could or could not walk and had to go off what the mother and the pupil's PE teacher told them.

In considering the appeal further, the Committee noted the mother had provided a copy of the pupil's Individual Health Care Plan which the school were aware of. Whilst the Committee also noted that this document was now 12 months old, there were two lots of handwritten comments that were unaccounted for. The Committee felt that had these handwritten amendments been done by the medical professional involved with the plan they should have been initialled,

dated or even signed by the professional to corroborate it was their amendments. Furthermore, no reference was made at the end of the plan to any amendments being made before the document was signed by all parties concerned.

The Committee noted the additional problem that the pupil suffered from and how this also impacted on their health in conjunction with their other health problem all year round. However, given the evidence provided including that which indicated that the pupil took part in PE, the Committee did not feel it unreasonable that the pupil walk 200 yards to the bus stop. The Committee also noted that it was parental responsibility to ensure that the pupil gets to school. There was no evidence to suggest that the mother could at least not walk with the pupil to and from the bus stop.

The Committee noted the contents of an email sent by the mother relating to a recent event where the pupil had to walk back home in the cold weather, which affected them badly, as the school bus had drove past them. The email was sent that same day at 9:03 in the morning to the Council. The Committee noted from the pupil's Individual Health Care Plan that the pupil stored medication in their bag/pocket and that it was also available from the school office. There was no information to suggest whether the mother was in employment which meant that she could not assist the pupil with the school run. However, the Committee noted that the pupil was claiming free school meals. The Committee also noted that there was a grandmother noted on the pupil's Individual Health Care Plan. However, there was no further detail about this relative. Neither was there any other information to suggest that there were any other family members or friends who could perhaps assist with the school run. The Committee recalled that the mother in her original appeal as considered by the Committee on 9th March 2015, had been paying the pupil's friend's father to take them to school and pick them up and that the mother was unable to afford this. No other information was provided to state why this was not sustainable. No financial evidence had been provided to suggest that the mother could not fund the cost of home to school transport. The Committee also recalled that in respect of the mother's DLA claim for the pupil was not entitled to assistance with getting around (mobility component).

The Committee noted the information provided by the School Pastoral Officer which indicated the provision the school made for the pupil during PE lessons. The Committee was informed that the handwritten note on the letter had been written by the mother from a phone conversation she had with the school. Whilst the Committee noted the PE teacher's concerns for the pupil, reference was made to the pupil's ability in that they could do more in a badminton lesson than circuits or running lessons due to the recovery time between bursts of exercise and that the pupil would always try to participate in PE lessons depending on the content. The Committee noted that there was no information relating to walking and felt that the pupil would probably walk some distance during the course of the school day going from classroom to classroom and during break times.

The Committee noted the letter dated 17th February 2016 from the pupil's paediatrician confirming their health problem but did not reference the other



problem as noted in the Individual Health Care Plan. The Committee noted that the letter appeared to re-iterate what the mother had told the paediatrician and did not make any reference to the pupil's ability to walk either the 1.2 miles to school or the 200 yards to the bus stop. The letter made no reference to the seasonal nature of the pupil's other health problem.

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 it was reasonable to offer assistance with the transport in the form of a bus pass but was not persuaded that there was sufficient reason to uphold the appeal to have the assistance amended to the provision of a taxi. The Committee noted that the previous temporary award it had granted to the mother at its meeting on 18th January 2016 would remain in place until the end of the current academic year (2015/16) only and that the mother could reapply for transport assistance prior to the start of the 2016/17 academic year.

**Resolved:** That,

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3799 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 amend the transport assistance as previously awarded by the Committee in the form of a bus pass to a taxi that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16; and
- ii. The temporary award granted at the Committee's meeting held on 18th January 2016 would remain in place until the end of the current academic year (2015/16) only.

I Young  
Director of Governance, Finance  
and Public Services

County Hall  
Preston