

**Lancashire County Council**

**Student Support Appeals Committee**

**Monday, 29th February, 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 18 January 2016** (Pages 1 - 24)

**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 the 25<sup>th</sup> April 2016 in Room B15b at 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 25 - 88)

(Not for Publication – Exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972.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Please note that due to the confidential nature of the information included in this report it will not be published on the website.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

## Lancashire County Council

### Student Support Appeals Committee

**Minutes of the Meeting held on Monday, 18th January, 2016 at 10.00 am in Room B15b, County Hall**

**Present:**

County Councillor Sue Pryn (Chair)

**County Councillors**

A Cheetham  
C Dereli

D Stansfield

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

None were disclosed.

**2. Minutes of the meeting held on 8 December 2015**

**Resolved:** That; the Minutes of the meeting held on the 8th December 2015 be confirmed as an accurate record and be signed by the Chair.

**3. Urgent Business**

It was noted that the paperwork for appeals 3925, 3987 and 3991 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 3925, 3987 and 3991 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 29th February 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 13 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 3799**

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

"That Appeal 3799 be deferred in order for the Committee to receive dated professional medical evidence to demonstrate how far the pupil was able to walk."

In considering the appeal further the Committee that the mother had provided dated medical evidence from September 2015 from the pupil's GP which confirmed the pupil's health problem and indicated that walking short walking distances could enhance the pupil's symptoms. However, the Committee concurred with the Council's view in that the evidence did not specifically state that the pupil's health problem was so severe that walking a short distance would prevent them walking to and from school.

The Committee noted the mother's point that the pupil was walking to and from school but ended up having time off due to them needing medical assistance and hospitalisation due to walking that distance on a daily basis. However, there was no indication in the medical evidence as when the pupil was hospitalised or on how many occasions to enable the Committee to determine the full extent of the pupil's health problem. The Committee also noted that the medical evidence had stated that the pupil has had to take a significant amount of time off school as a result of their health problem. However, the only information received from the school on this point referred to "health reasons that are affecting their attendance and progress". No evidence had been provided from the school that quantified the level of absence. Furthermore, the Committee noted that the mother made reference to the pupil taking their PE kit to school. The mother had provided the Council with an update since the appeal was submitted to state that the pupil was not permanently excused from PE lessons and that they took part when they could and that the mother sent in notes when they couldn't take part. The

Committee noted there was no information from the school to outline what support they had in place for the pupil.

In considering the pupil's health problem further the Committee noted that according to the mother the pupil was under a paediatrician. However, no evidence had been provided from them to corroborate the mother's claims. The Committee felt that if the pupil's health problem was so severe they must be under a specialist and that this should have been evidenced. The Committee noted the pupil's current prescription and that the mother was in receipt of DLA between November 2014 and November 2016 for the pupil. However, the Committee noted that from the limited information provided by the mother in respect of her DLA claim that the pupil was not entitled to assistance with getting around (mobility component).

However, the Committee noted that whilst it had awarded transport on appeal to the end of the 2014/15 academic year, it was reported that transport in the form of a taxi had continued from the start of the 2015/16 academic year. The Committee felt that whilst it only had limited evidence, they should make a temporary award until the end of the current academic year but in the form of a bus pass instead of a taxi. The Committee also felt that should the mother reapply for transport in readiness for the next academic year then she should provide the Committee with dated medical evidence from the pupil's paediatrician/specialist which demonstrates exactly how far the pupil can walk along with information from the school and the level of support they provide to the pupil.

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 in the form of a bus pass for the pupil up to the end of the current academic year 2015/16 to support them in the interim. However, the Committee felt that when the mother reapplies for transport assistance for the 2016/17 academic year, she should provide the Committee with medical evidence which demonstrates exactly how far the pupil can walk as well as information from the school attended detailing the support provided.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3799 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 in the form of a bus pass 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 3891

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 2.78 miles from their home address and was within the statutory walking distance, and instead would attend their 7th nearest school which was 5.12 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 mother's appeal the Committee noted that the family were unaware of the change to the Council's Home to School Transport Policy and that the family selected the school attended as they felt it was their closest Lancashire school to their home. In addition, the brochure published by the school now attended stated that "pupils within the catchment area who lived over three miles from the GDA [GPA – geographical priority area] school" would be entitled to free bus passes. However, the Committee was informed that the schools brochure was incorrect in its statement and that this was regrettable on the schools part. It also appeared that at the time officers compiled the appeal schedule the school did not appear to have updated their information in relation to the Council's new transport policy.

Whilst the Committee noted that it would cost the family £1080 per annum for the pupils to travel on the school bus they felt that many families who had more than one child would be in similar position as well. The Committee was informed that the Council was able to offer the family spare seats on the school bus which operated to the school upon payment of the appropriate fare. There was no evidence to suggest that the family was 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 school transport.

In considering the appeal further the mother had stated that if travel passes were not awarded the family would experience difficulty with the school run as they had a younger child who attended a primary school. The father was unable to assist with the school run due to work commitments. The Committee noted that the younger child was currently in year 4 and that it was hoped they would join their elder siblings at the same school. The Committee acknowledged the difficulties the mother might face with the school run. However, there was no evidence to suggest whether the family could make use of before and school club provision at the primary school to alleviate the situation. Furthermore, there was no information to corroborate that the father was unable to assist with the school run.

The Committee also noted that each year the Council provided information to assist parents when making their decisions on school choices in the Admissions Booklets it produces and that the impending changes in the Council's transport policy regarding GPA schools were made clear within the booklets prior to parents making their choices for transfer.

In considering the appeal further the Committee noted that the family were unaware that out of County schools would be considered against their application and did not consider specific schools as they were in different boroughs and the family did not live in the catchment area. The mother stated that the family paid their Council Tax to Lancashire and therefore felt that the pupils were entitled to attend a secondary school in Lancashire. The Committee also noted that the family would not send their children to the nearer specific faith school.

The Committee was informed that the Council's Admissions Booklets and literature explained that families were free to express a preference for any school regardless of local authority boundary. The Committee noted that paying Council Tax to a specific Local Authority did not have a bearing on transport assessments nor which schools families could express a preference for.

Whilst the Committee acknowledged the mother's point in that she would not send her children to the nearer faith school in Lancashire, the Committee was informed that non faith pupils could attend the school. In addition, the Committee noted that out of the two preferences expressed by the family at the time of application for school places for transfer the nearer faith school was the family's second choice.

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 pupils would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3891 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 3951**

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 0.27 miles from their home address and was within the statutory walking distance, and instead would attend their 18th nearest school which was 2.01 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's elder sibling was entitled to free transport to attend the same school but that this pupil was not. Whilst the mother had acknowledged that there were nearer schools which could offer the pupil concerned a place, the mother was of the view that it

had taken a long time for the pupil to settle in to school and that it would be detrimental to their education and welfare if they had to change schools. The Committee also noted that it would not be possible for the mother to take both pupils to and from different schools.

The Committee acknowledged that the elder sibling's entitlement to free transport as at the time they were due to start primary school and having submitted a late admission application the school now attended was the only school that could offer a place at that time. The Committee also acknowledged that when the elder sibling had turned eight years of age, they were still entitled to free transport as in the intervening period the family had become eligible for free school meals and the School attended met the distance criteria as set out in law. In addition, at that time it was still the only school that could offer the elder sibling a place. The Committee was informed that when the pupil concerned in this appeal commenced their education the mother did not express a preference for their nearest school which was 0.27 miles away but made a parental preference to attend the same school as the elder child.

The Committee was advised that since the pupil concerned had started school they had used the same taxi service as their elder sibling without submitting a formal application to travel on this vehicle and that the mother was now appealing for the pupil to travel on the taxi with their elder sibling. The Committee was informed that the pupil could continue to travel on the taxi subject to the mother meeting the daily cost of the transport which was £2.55p per day. However, the mother had stated that she was unable to meet this cost as she was on a low income. Whilst the Committee noted that the mother was on a low income as defined in law, no evidence had been provided to suggest that she was unable to fund the cost of £2.55p per day.

The Committee in considering the appeal further noted the mother's comments in relation to the difficulties the children had in settling in at their school and that these difficulties would be hastened if the pupil concerned had to transfer to a nearer school. However, the mother had not provided any supporting information from the school to substantiate this point. It was however, reported that officers had since spoken to the school to ascertain the level of support provided to the pupil. The school had informed the Council that there was no special educational need and no learning needs but the pupil was on the vulnerable pupil register. The Council had also further advised that they were waiting on further information from Children's Social Care but to date nothing had been received.

The Committee felt that if the pupil was to change school, and from the information provided in the appeal there should be no issue with the school run as the elder child could continue to use the taxi to the school attended and the nearest school was only 0.27 miles away from the family home. The Committee acknowledged that many parents face issues with the school run with their children attending different educational establishments.

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. However, the Committee felt that if the mother could provide financial evidence to demonstrate that she was unable to meet the cost of £2.55p per day, along with information relating to partner/family/friendship support then she should be allowed to have a re-appeal on this basis. The Committee also felt that if the mother is allowed a re-appeal on this basis, then officers from the Council should investigate the level of support provided to the pupil at the school attended along with any information from Children's Social Care.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3951 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 3977**

It was reported that a request for reimbursement of bus fares had initially been refused as proof of being on the appropriate benefit (maximum working tax credits) was not received until mid-October 2015. The Committee noted that the Council could not issue a bus pass on low income grounds until this information was received.

In considering the mother's appeal the Committee noted that she was late handing in all the documentation required for the processing of the pupil's free bus pass, as she was waiting for her new Tax Credits statement to be issued. The mother claimed that she had been put on a crisis list as her eldest child's details had been removed on her Tax Credits Statement for September. When the pupil commenced the new academic year, the mother saved all the bus tickets in order to be refunded by the Council once the bus pass was issued. However, the Committee was informed that although the bus pass was issued the Council had refused to reimburse the pupil's bus fares incurred for the period from the beginning of September 2015, until mid-October, as proof of being on the appropriate benefit was not received until mid-October. The mother was claiming that due to her low income her bank account was overdrawn due to the amount she had to pay for the bus fares. The Committee noted that the total amount incurred came to £105.20p.

However, in considering the appeal further the Committee noted that it was the Council's understanding that HMRC re-issued Tax Credit Award Notices from 1st May each year. The Committee noted that the Tax Credits Award Notice provided to the mother was dated 14th October 2015. The Committee felt that this corroborated the mother's claims since the Tax Credits Award Notice should have been dated on or around the 1st May 2015.

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 reimbursement of the bus fares incurred.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3977 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 which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16 and reimburse the cost of the bus fares incurred;
- ii. The reimbursement awarded in accordance with i. above be to the value of £105.20p as incurred and evidenced by the mother.

### **Appeal 3981**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 0.9 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 that she was requesting taxi transport to take the pupil to and from school due to their health problems as outlined in the appeal. In addition the family's G.P. was in support of the appeal. The Committee also noted the mother's point that the bus service to the school attended did not fit well with the school opening and closing times and did not go on the road where the school was situated.

Whilst it was noted that the mother had appealed to the Committee on two previous occasions and what those outcomes were, the Committee noted that the mother had moved house again. No information or evidence had been provided to substantiate the reasons for all the house moves in order for the Committee to assess the full impact this was having on the family. It was reported that from the latest address the school attended is the 5th nearest school, but that it was currently the nearest school that could offer the pupil a place. The Committee was informed the Council was unable to make an award of travelling expenses, since even as a pupil from a low income family, the distance of 0.9 miles was within the statutory walking distance of two miles.

The Committee in considering the medical evidence provided felt that it was not specific in demonstrating that the pupil was unable to walk the distance because of their health problems, or what benefits a taxi would provide over and above the bus service. Officers from the Council had recently spoken with staff at school attended where they confirmed one specific diagnosis. However, school had stated that there was no evidence the pupil had soiled themselves during school.

In considering the mother's point regarding the bus service to school, the Committee was advised that there was a bus service which operated to the lane where the school was situated and that this service could get the pupil to school on time with bus stop provision being close to both the mother's address and 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 was not persuaded that there was sufficient reason to uphold the appeal from the information provided.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3981 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 3982**

It was reported that a request to allocate a season ticket on the school bus had initially been refused as there was no spare capacity on the bus and that the pupil would not be attending their nearest suitable school, which was 2.4 miles from the home address and was within the statutory walking distance, 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 mother's appeal the Committee noted that the pupil preferred the school now attended in part due to it being a smaller school than the nearest school. The Committee noted that the pupil struggled during primary school due to their health problems and that they displayed characteristics of a specific condition. The Committee was informed that even the thought of attending the nearest school upset the pupil and that during an open day there the pupil had to leave early because they were distressed by the number of people and the level of noise. The Committee noted that the pupil had been assessed by an Educational Psychologist.

The Committee was informed that the Council was unable to accede to the mother's request to purchase a season ticket on the bus service as the bus was already full of other non-statutory pupils who had previously purchased season tickets to travel on this service. It was reported that there were 53 passes issued for a 53 seater bus. In considering the mother's appeal for a place on the bus on the basis of the pupil's special needs, the Committee noted that the pupil did not have a Statement of SEN or an Education, Health and Care Plan (EHCP). In addition the Educational Psychologist's report did not make any specific reference to indicate that the school attended was the more appropriate school

for the pupil to attend. The Committee acknowledged the mother's comments in relation to the school attended and the split site provision between the main school and the sixth form site. However, the fact remained that there was no space available on the school bus. The Committee felt that from the information and evidence provided they were not persuaded that there was sufficient reason to uphold the appeal on the basis of the pupil's needs.

In considering the appeal further the Committee noted that the pupil was having to walk a mile alone into the village where the family resided to catch a bus due to the school bus being full. The mother stated that this was causing the pupil upset in addition to the discomfort of walking in winter weather. Whilst the mother was not requesting free transport for the pupil, she was requesting a place on the school bus which stopped near her home for which she would be happy to pay. However, the Committee noted that there was no information or evidence to suggest that neither the mother nor the father could take the pupil to the bus stop instead. The Committee did note that the mother had another child "who is going to" the nearest school and that it would have been easier if the pupil went there then she would have both children in the same school "but surely education is not about what's convenient it's about making sure your child achieves the best [they] can with the potential [they have] and if that means the right environment the(n) so be it". The Committee noted that according to the Council's records the other sibling was in year 5 at primary school. It was not clear how the pupil travelled to school and back. Therefore the Committee could not fully determine the extent of the school run the family faced.

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 3982 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 3983**

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 0.08 miles from their home address and was within the statutory walking distance, 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 mother's appeal the Committee noted that both she and her partner were full time students and were finding it difficult to fund the pupil's bus fares to the school attended. The mother also stated that the school attended was the best school for the pupil given their anxiety issues. The mother felt that the pupil should be eligible for a free bus pass on these grounds. Furthermore, the mother stated that she was getting behind with payments which were exacerbating her health problems.

However, in considering the appeal further the Committee noted that there was no financial evidence had been provided in order for the Committee to assess the full extent of the family's situation. Neither was there any indication to suggest that the family was on a low income as defined in law. It was not clear how much longer the mother and father had left to go in their respective educational courses. The Committee noted that the mother had made reference to the point that she did not know she could claim free school meals. The Committee suggested that the mother should apply for them as if they became eligible the family would be entitled to free transport as the school attended was one of their three nearest schools and was between two and six miles from the home address.

In considering the pupil's anxiety issues, no evidence had been provided to corroborate this statement. The Committee noted that the mother had stated she had evidence from the Doctors at a specific medical practice. However, nothing was supplied in the appeal. The Committee could therefore not determine this point.

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 on the information provided.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3983 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 3984**

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 2.09 miles from their home address and was within the statutory walking distance, and instead would attend their 4th nearest school which was 6.3 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 that the appellant was the pupil's Aunt and guardian who had the care of the pupil for some time, with social services involvement. The Committee noted the circumstances relating to the pupil's birth parents. The Committee also noted that the family had to move from their previous residence to their current address due to the need for a larger house as the appellant had two children of her own. The appellant was unwilling to change the pupil's school, but was finding it difficult to fund the bus fares.

The Committee in considering the appeal further felt that due to the pupil's vulnerability and the social worker's comments in the appeal, they should make an award to support the pupil for their remaining time at secondary school. Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide travel assistance for the pupil up to the end of 2017/18 academic year to support the pupil.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3984 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 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 2017/18 academic year (Year 11) only.

### **Appeal 3988**

It was reported that a request for transport assistance had initially been refused as the pupil who was in year 7 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 15th nearest school which was 4.7 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 other children in the area where the family resided received free travel to the school attended. Furthermore, the father claimed that schools situated in a particular city were further from the family's home than the school attended. In addition, if the pupil attended two particular schools the pupil would be required to catch two buses. The Step-father felt that if the pupil attended those schools the pupil would be late for school each day and furthermore, did not wish for the pupil to be left on the bus station at night time.

The Committee was informed that those pupils living in the vicinity of the family who qualified for free transport to the school attended were likely to be older pupils who like this family qualified for statutory extended provisions which were made for pupils from low income families which allowed the Council to consider the three nearest schools and that these pupils would live in the easterly part of the city whose addresses were closer to the school attended. For these non year 7 pupils, the Council's previous more generous transport policy allowed the Council when determining the three nearer schools, to discount those with religious affiliations, which meant that those non year 7 pupils would have placed the school attended as one of their three nearest schools. The Committee was informed that even if the policy of discounting the faith schools was applied in the pupil's case they would still not qualify as this would place the school attended as the 8th nearest school instead of it being the 15th.

The Committee was advised that the father was incorrect in stating that the school attended was closer than two particular schools to the family home. It was reported that school attended was 4.71 miles from the home address, whereas the two schools as referenced by the father were 3.49 and 4.03 miles away. The Committee noted that there was no information to suggest that the father had changed the pupil's school and could therefore not determine the father's point regarding the bus station or having to catch two buses.

Whilst the Committee noted that the family was on a low income as defined in law no evidence had been provided to indicate that they were unable to fund the cost of home to school travel.

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 3988 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 3989**

It was reported that a request for transport assistance had initially been refused as the elder sibling would not be attending their nearest suitable school, which was 1.9 miles from their home address and was within the statutory walking distance, and instead would attend their 2nd nearest school which was 3.7 miles away.

Similarly, a request for transport assistance had initially been refused as the younger sibling would not be attending their nearest suitable school, which was

0.3 miles from their home address and was within the statutory walking distance, and instead would attend their 12th nearest school which was 4 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 mother's appeal the Committee noted that the family were forced to move to their present address in December 2014 due to problems with the landlord at their previous property which was in close proximity to both schools. The mother did not wish to change schools for both the pupils as she felt this would have an emotional effect on them since the sudden death of their father in 2013. The Committee also noted that the mother was unable to transport the children to school as she was required to travel to different locations for her work. The mother was on a low income and was finding it difficult to fund the pupil's bus fares to school. The mother felt that it was too far for the pupil's to walk to their respective schools. The Committee noted that the pupils were in year 10 and year 6.

The Committee felt that given the circumstances it should award temporary transport until the end of the current academic year to support the pupils. However, the Committee also felt that if the mother chose to apply for transport again she should provide the necessary financial evidence to demonstrate that she would be unable to fund the cost.

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 3989 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 10 for the elder sibling and Year 6 for the younger sibling) only.

### **Appeal 3993**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 2.8 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 appeal the Committee noted that the mother felt the distance from home to school measured via a particular route was more than three miles and was surprised when her application for a travelpass had been refused, especially as other pupils who lived in the area where the family resided received free travel to the school attended. The mother had also provided copies of routes she had obtained from the internet giving details of routes measured at 3.1 and 3.3 miles. The mother felt that one particular map was the same as the Council's map and could not understand why there was a difference in the distance measurements. Furthermore, the mother had also checked the route to school "as the crow flies" and felt that this would be impossible to undertake by foot, cycle or car and was therefore not an option for the pupil.

The Committee was advised that in order to determine distances to schools the Council was statutorily obliged to measure using the shortest walking route. The Council had its own bespoke measuring software which measured the shortest route at 2.8 miles. The Committee was also advised that even when calculating the distance using a longer route the distance was 2.87 miles which was still less than the statutory walking distance threshold of 3 miles. The Committee was reminded that online measuring tools measured distances using post codes, whereas the Council's bespoke software programme measured from the gate of the property to the nearest school entrance. It was confirmed that the shortest route as measured by the Council was measured using the rear entrance of the school. The Committee also acknowledged that many routes used for walking would entail shorter distances as often there are shorter ways to get to a destination than driving in a car.

The Committee acknowledged the mother's point in that there were other pupils attending the school who boarded the bus at the same point as the pupil when they caught the bus. However, the Committee was informed whilst this was likely to be possible, since the distance to the school attended was close to the three mile qualifying limit, those eligible pupils would walk to the same bus stop. It was reported that officers had checked the Council's records and confirmed that other pupils boarding the bus at the same bus stop as the pupil all lived more than three miles from the school and were therefore entitled to free travel.

The Committee was informed that the pupil had been travelling to school by bicycle, but this was not possible during the recent severe weather conditions. Furthermore, the mother felt that a particular road was very busy and dangerous. The Committee was informed that the Council's shortest route did not utilise the particular road the mother had referred to in her appeal. However, the Committee noted that the pupil had previously cycled to school using the shared path which ran parallel to the road the mother referred to.

The Committee also noted that the pupil's elder siblings received free transport to school. Also, the Committee noted that both the mother and father worked full

time. The Committee was advised that the pupil's elder siblings attended a different school that which was more than three miles from the family home and were therefore entitled to free travel to school. The school attended by the pupil was not suitable for the elder siblings.

In considering the financial circumstances of the family, there was no information to indicate whether the family was on a low income as defined in law. Furthermore, no evidence had been provided to indicate that the family were unable to fund the cost of the pupil's bus fares 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 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 3993 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 3996**

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 0.5 miles from their home address, and instead would attend their 3rd nearest school which was 0.8 miles away. Both schools were within statutory walking distance. 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 that the mother was a single parent with serious health problems which greatly impacted on her ability in getting the children to and from school. The Committee noted the mother's health problems which affected her mobility and that walking was proving more painful and difficult. The Committee also noted that the mother received help with her daily living and that social services were providing necessary equipment to support her. A copy of a letter from the Occupational Therapist was also supplied in the appeal.

The Committee recalled the previous appeals it had considered in respect of this family and that transport had been awarded to the two siblings until the end of the 2014/15 academic year. However, the Committee noted that taxi transport was re-instated for the academic year 2015/16 pending this further appeal being submitted.

In considering the medical evidence provided in the appeal the Committee felt that it was not specific enough in confirming that the mother was unable to accompany the children to and from school given that the school was 0.8 miles away. Whilst the mother had not provided any information regarding other family or friends who might be able to assist with the transport arrangements, the Committee noted that the medical evidence stated that the mother "required increased assistance with washing from her partner". The evidence was dated 27th November 2015. The Committee also noted from the same piece of medical evidence that the mother had stated "she struggles with mobility and transfers into and out of the car". The Committee was advised that the mother had verbally advised the Council that her partner was able to help out with domestic duties but did not have access to a car. Furthermore, the mother did not own or drive a car. However, from the evidence in front of the Committee they felt there was some contradiction in what was being claimed.

The Committee acknowledged that the family was on a low income as defined in law. However, no evidence had been provided to suggest that the family was unable to fund the cost of transport.

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 pupils would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3996 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 487511**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 1.38 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 appeal the Committee noted that the mother's initial appeal application submitted on 20 August 2015, was centred around the pupil concerned and their younger sibling who was due to start school at a mainstream primary establishment in September 2015 and that getting both children to their respective educational establishments would cause considerable difficulties. The mother anticipated that one of the pupils, and probably the pupil concerned in this appeal would be regularly late for school and that the mother would experience

similar difficulties at the end of each school day. The Committee also noted that the younger sibling had additional needs which meant that delivering them to school would not be a simple matter of dropping them off at the gates. The mother stated that both children were quite vulnerable and needed a lot of attention and support. The mother felt that the school run would cause the pupils unnecessary distress. The Committee noted the mother had stated that her family was in receipt of tax credits and the higher level of disability living allowance.

In considering the mother's appeal further the Committee noted that the mother had submitted additional points on 10th December 2015 to support her appeal. The Committee noted the information provided in relation to the timings of the school run and the issues the mother faced. The Committee also noted that the mother did not feel she could leave the younger sibling at breakfast club due to their anxiety and sensory issues with staff who they were not familiar with until they overcame their issues. The Committee noted the help the younger sibling was receiving for their health problems.

However, the Committee also noted in the additional points submitted on 10 December 2015 that the pupil had another younger sibling who was nine years old and attended a different school than the two siblings referred to in the mother's initial appeal submitted in August. The mother stated that the nine year old was dropped off before the youngest sibling was dropped off at their school.

In considering the appeal further, the Committee was advised that the pupil did have special educational needs (SEN). However, they did not have any gross motor difficulties which meant they would be provided with transport on SEN grounds. The pupil's Education Health and Care Plan (EHCP) was for moderate learning difficulties and identified that they had mild hearing loss and wore glasses for close up work in school. The Committee was also advised that whilst the family were not on free school meals – a normal indicator of low income, the family were in receipt of Tax Credits. The pupil concerned was in receipt of the middle rate disability living allowance (DLA) and the pupil's youngest sibling was in receipt of the higher rate of DLA.

However, in considering the issues the family faced with the school run, the Committee noted that there was no information or detail in relation to the middle sibling and how they got to school or who was dropping them off. The Committee also noted from the map provided in the documentation that the two schools attended by the pupil's younger siblings (middle and youngest) were in close proximity to each other. The Committee noted that the middle sibling's school opened at 8:55am.

The Committee noted that the mother dropped the youngest sibling off at 8:30am and that she claimed it took a further five or ten minutes depending on whether she needed to speak to the teacher about anything relevant to the youngest sibling's needs. However, there was no evidence supplied in relation to this sibling's needs for the Committee to fully determine this point. The Committee noted that they did not have a Statement of SEN or an EHCP. Neither was there any information to suggest that the school they attended could make any reasonable adjustments to accept the pupil any earlier. However, the Committee

did note that the youngest sibling was in reception and that the school accepted reception children earlier than the usual 8:40am start, being 8:30am and that the mother appeared to be making use of this flexibility. The pupil concerned in this appeal was dropped off at around 8:50am.

The Committee noted the Council's suggestion of using a number of extracurricular activity clubs at the youngest sibling's school along with the mother's concerns in relation to this. However, as there was no evidence or information relating to the youngest sibling the Committee could not determine this point. The Committee noted that the pupil's school did not have any breakfast or after school club provision but did have after school activity clubs held on Monday through to Thursday.

The Committee was advised that the father had his own business and worked nights between 4pm and 4am in another town. The Committee was also advised that the father could assist with the afternoon pick up but that it was the morning drop off that was causing the most problems. However, the Committee noted that the mother had commented in her application for free travel that she had limited access to a car. The Committee felt that it did not have the complete picture regarding the school run and the issues faced by the family. Furthermore, the Committee felt that the father would perhaps be in a better position to assist with the morning drop off than the afternoon pick up given that there would be a lot of activity in the household early in the morning in getting ready for school. In addition, there was no information to suggest whether the family had any support from other family members or friends who could assist with the school run. The Committee noted in the pupil's EHCP that they had several uncles, aunties and grandparents who live nearby and that in an emergency

The Committee noted that there was no evidence to suggest that the pupil was unable to walk the distance to school which was within the statutory walking distance. 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 487511 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 3925**

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

"That Appeal 3925 be deferred;

- i. In order for the Committee to receive medical evidence in relation to the pupil's health problems;
- ii. For information on what family support network the mother has particularly in relation to the father and whether the mother drives;
- iii. To ascertain the school attended by the pupil's sibling and how they travel to school; and
- iv. 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 that the mother had verbally advised that the pupil was seen by their GP in relation to their health problems. However, since starting school the problem had gone away and the pupil was unwilling to visit their GP again. The Committee also noted that from the information obtained from the mother it appeared that the pupil had not seen their GP regarding the alleged anxiety issues they suffered whilst attending their previous high school, although it was reported that the two ailments were a consequence of each other. However, the Committee noted that whilst there was no medical evidence in respect of the pupil's health problems, there was also no evidence from the school previously attended to confirm the circumstances of the pupil's removal from that school. The Committee could not determine this point.

The Committee in considering the family support network and the issues the mother faced with the school run noted that she had advised the Council that she had no family/friend support network who could help with transport. It was reported that the mother was caring for her mother and advised that her father was no longer on the scene. However, no evidence had been supplied to confirm that the mother was the main carer for her mother. The Committee noted that the mother had a brother and that she was a named driver on her brother's car and that she did not own a car herself.

Whilst the Committee noted that the brother worked in a nearby City and was unwilling to let the mother have the car for home to school journeys on a regular basis, there was nothing to suggest that the pupil had been struggling to get to their current school since January 2015, neither was there any information from the school now attended to suggest that the pupil was regularly late or had poor attendance as a consequence of the mother's inability to assist with the school run. And whilst the Committee noted that the mother was a single parent there was no information to suggest that the father of the two siblings contributed to the family's financial situation. The Committee noted that there was a handwritten note on the appeal documentation stating the pupil's father worked on the rigs. No reference was made to the youngest sibling on this matter. The Committee noted that the pupil's younger sibling was two years old and did not attend school yet. No financial evidence had been provided to suggest that the mother was unable to fund the cost of home to school transport. However, it was noted that she was in receipt of free school meals. Furthermore, the mother in her original appeal stated that she could not afford the £3.50 per day. The Committee felt that it could only presume that the pupil was getting to school via the bus/school bus. The Committee could therefore not fully determine the issues the mother faced with the school run or whether she was unable to fund the cost of the bus fares.

In considering the reasons for the house move, the Committee noted that the mother had stated that she moved to their current location to be closer to family.

No evidence had been provided to corroborate the house moves to confirm this reason. Whilst the Committee had noted the officer's comments in the original appeal schedule in that the family had lived at several different addresses in two specific areas, it was reported that according to the Council's records the pupil had previously lived at the same address in one village where the school attended was situated on two separate occasions and that two out of the three addresses in the town where the family currently resided were on the same road. As no information had been provided to substantiate the reasons for the house moves the Committee could not determine 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 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 3925 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 3987 and 3991**

The Committee was informed that the pupils in respect of Appeals 3987 and 3991 were siblings, whereupon it was suggested that the two appeals considered together. The Committee agreed that two appeals should be considered simultaneously.

It was reported that a request for transport assistance had initially been refused as the pupil in respect of Appeal 3987 would not be attending their nearest suitable school, which was 0.3 miles from their home address, and instead would attend their 5th nearest school which was 1.93 miles away. Both schools were within statutory walking distance.

Additionally, it was reported that a request for transport assistance had initially been refused as the pupil in respect of Appeal 3991 would not be attending their nearest suitable school, which was 0.2 miles from their home address, and instead would attend their 3rd nearest school which was 0.7 miles away. Both schools were within statutory walking distance.

Both pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law. The Committee noted that the pupils had been in receipt of discretionary transport since April 2015.

In considering the appeals the Committee noted that both siblings resided with their grandmother who had a Special Guardianship Order (SGO) due to the issues as outlined in the appeal and that both pupils were considered vulnerable and known to Social Services. However, the Committee was informed that the grandmother was unable to accompany the pupils to their respective schools due to a number of health problems which affected their mobility. Furthermore, the Committee noted that the younger sibling (3991) had learning difficulties and was not able to go to school on their own and was known to the Council's Educational Psychologist. The Committee noted that the pupils were in year 8 (3987) and year 6 (3991).

The Committee was advised of the incident which occurred in February 2015 which involved the father of the siblings and that a discretionary taxi was originally provided in April 2015 as the Council had been advised that it would not be appropriate for the eldest pupil to walk or catch the bus to school as they might come into contact with their father. The Council had further understood that the father frequently used the same bus service for reasons as set out in the appeal. The Committee was further advised that the Council felt it was difficult to ascertain from the information provided in the appeal as to whether the father still posed a risk to the pupils to prove whether there was still a valid reason for the continued taxi provision. The Council's records showed that the pupils had been living at their current address since 2009, when the SGO was made. However, the Council understood that the father still lived in close proximity to the pupil's home. A map was presented to the Committee to show where the father was currently thought to be living in relation to where the pupils resided.

In considering these circumstances further the Committee noted that a specific uncle had acted on behalf of the pupils in the past but had since advised the Council verbally that he was no longer able to assist with the transport arrangements as he worked. No information had been provided to substantiate this point or as to when he started work as in the CAF assessment there was a reference to him driving and taking the pupils to school.

Furthermore, the Committee was informed that the school had advised that this uncle no longer resided at the grandmother's property with the pupils "but was only around the corner". Whilst the Committee noted this uncle had advised the Council that as the SGO was granted to the grandmother, he felt this should absolve him of the responsibility to assist with the transport provision, the Committee noted that according to the CAF Assessment for the elder sibling, it was noted under the 'reason for assessment' field that both siblings lived with maternal uncle and grandmother subject to an SGO. The Committee also noted that in the same document under the headings 'basic care' and 'family and social relationships' that both siblings lived with their maternal grandmother and maternal uncle subject to an SGO being granted in 2009. The Committee felt that these wordings were stated in a manner as to suggest that both the uncle and the grandmother had been granted an SGO for the pupils. However, the Committee was unable to confirm this as there was no copy of the SGO provided in the paperwork. In addition, the Committee did not have sight of the CAF assessment report for the youngest sibling. The Committee felt that it should defer the appeal in order to obtain the SGO and the CAF assessment for the younger sibling.



The Committee noted that whilst the uncle felt he should be absolved of his responsibility to assist with the school run, he appeared to continue to support the pupils and their needs as the uncle had attended a Team Around the Family (TAF) meeting with the secondary school as recent as the 6th January 2016. Furthermore, the school had referred to the uncle in the TAF report that he was the carer. School had also reported that whilst the grandmother was taking care of the pupils, the uncle was going round to the house usually when the pupils arrived home from school and staying until bedtime. The Committee recalled that the uncle had previously stated he was no longer able to assist with the school run. The Committee also noted that the TAF report had stated that it had been agreed to close the CAF for the elder sibling as it was felt all needs were now being met and the pupil and the uncle were coping much better and were much happier. The Committee again felt that they should have sight of the SGO in order to clarify uncle's responsibilities in relation to the pupils.

In considering the appeal for the younger sibling, the Committee noted that they too were provided with discretionary transport and that the grandmother was appealing on the same grounds as for the elder sibling except that additionally the younger sibling had learning difficulties and was not able to go to school on their own and was known to the Council's Educational Psychologist. The Committee noted that the school was currently in the process of trying to obtain an Education Health and Care Plan (EHCP). A copy of the Educational Psychologist's Report was included in the appeal documentation. The Committee acknowledged the report. However, in considering the contents it was noted that the uncle was stated in the report as being the "uncle and main carer" for the younger sibling. The Committee was again felt that it was not clear what level of responsibility had been assigned to the uncle and felt that again it should defer the appeal and request a copy of the SGO. The Committee was advised that as the pupils were already accessing discretionary transport that this would continue until the appeal was brought back to the Committee's next scheduled meeting in February 2016.

In considering the grandmother's health problems and her ability to assist with the school run, the Committee acknowledged the information provided in the medical letter from the GP. However, it did not go into any specific detail about how far she could walk. The Committee noted that both schools attended by the pupil were within statutory walking distance and that the school attended by the youngest pupil was 0.7 miles away. The Committee in referring to the CAF assessment for the elder sibling noted that under the header 'Other household members' there was reference to four uncles. The Committee noted that one had an address in a City in another part of the Country and that besides the uncle referred to throughout this appeal had now moved "round the corner", the Committee also noted that according to the secondary school a third uncle as listed in the CAF assessment no longer lived at the family home and had not done for quite some time. However, there still remained one other uncle who according to the CAF assessment resided at the property with the pupils. The Committee noted the uncle's statement in the appeal that the other uncles did not take an interest in the pupils.

In considering the family's financial circumstances, the Committee noted that the grandmother was in receipt of free school meals and that as a low income family

she might find it difficult to fund the cost of taxi transport on a daily basis. The Committee noted that both siblings did not meet the denominational criteria for admission to their respective schools and that they would not meet the extended provisions which are made for pupils from low income families in law. However, in considering the financial circumstances of the family further, no evidence had been provided to demonstrate that they were unable to fund the cost of transport to school. Furthermore, the Committee in referring to the CAF assessment noted that the house was immaculate and that an extension had recently been completed with new bedrooms and study room for the pupils. In addition it was noted in the CAF assessment that the uncle had stated that the family managed on their budget and were not in debt.

Therefore, having considered all of the grandmother's and uncle's comments and the officer responses as set out in the Appeal Schedules, application forms and supplementary evidence the Committee felt that the appeals should be deferred until the next scheduled meeting of the Committee on 29th February 2016 in order to obtain the SGO that had been in place since 2009, the CAF assessment for the younger sibling and financial evidence.

**Resolved:** That Appeals 3987 and 3991 be deferred until the next scheduled meeting of the Committee on the 29th February 2016 in order to obtain the Special Guardianship Order from 2009, the CAF assessment for the younger sibling (3991) and financial evidence.

I Young  
Director of Governance, Finance  
and Public Services

County Hall  
Preston

# Agenda Item 7

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