

Lancashire County Council

Student Support Appeals Committee

Minutes of the Meeting held on Monday, 23rd April, 2018 at 10.00 am in CH1:13 - County Hall, Preston

Present:

County Councillor Christian Wakeford (Chair)

County Councillors

A Cheetham
J Cooney

Y Motala

1. Apologies

No apologies were received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

Case 4456 – CC Anne Cheetham non pecuniary interests.

3. Minutes of the meeting held on 12 March 2018

Resolved: That; the minutes of the meeting held on the 12th March 2018 was confirmed as an accurate record and was signed by the chair.

4. Urgent Business

4338d

5. Date of the Next Meeting

The next scheduled meeting of the Committee will be held at 10.00 am on the 4th June, 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.

7. Student Support Appeals

Not for Publication – Exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interests in disclosing the information).

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 16 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 2017/18, and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

Appeal 4344d

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 0.24 miles from their home address and within the statutory walking distance, and instead would attend their 54th nearest school which was 5.07 miles away. 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 appellant is querying the fact that their eldest child was eligible for a bus pass and their younger child, the pupil, was not. There were also logistical difficulties should it be necessary to collect children from different schools. Both children were looked after children. The appellant would find it hard to afford an extra £17.00 to cover the pupil's bus pass as well as their own.

The Committee also noted the Officer's comments which stated both of the family children were Looked After by the Local Authority. The Social Worker confirmed that the elder sibling struggled at the previous school and was transferred to another school on a managed move. They were, therefore, given assistance in the form of a bus pass to enable them to settle in the new school. The Social Worker supported the appeal for transport assistance for the pupil.

It was noted by the Committee that the family had not supplied evidence of low income, however the pupil and their sibling are eligible for free school meals, and the Social Worker confirmed that a significant chunk of the family finances were spent on transport to school.

The Committee noted that the appellant had applied for housing in the area where the pupil was attending school as it would be better for the family, however no further progress on this front had been reported.

It has been brought to the Committee's attention that the elder sibling was in the last year of their school and would be transferring to high school in a different area from present one, as of September 2018.

The Committee have noted the email sent by the Social Worker supporting the appellant's claim.

It was brought to the Committee's attention that the appellant had been asked to supply further evidence on income; wages, bank statements, benefits, but has not supplied any details.

Therefore, having considered all the appellants' comments and family circumstances the Committee felt that it should make a temporary award to assist the family in the interim. The Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of 2018/19 academic year (July 2018) to support the family.

Resolved: That;

- I. Having considered all the circumstances and the information as set out in the report presented, appeal 4344d 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 with Home to Mainstream School Transport policy.
- II. The transport assistance awarded in accordance with I. above be up to the end of 2017/18 academic year (July 2018)

Appeal 4388

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 2.61 miles from their home address and within the statutory walking distance, and instead would attend their 3rd nearest school which was 6.00 miles away. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted the appellant's summary which stated that the younger pupil had a health issue and they believed the older pupil was unable to go to school on their own. At the moment, the appellant was taking both pupils to school. The appellant explained that if the younger pupil was to feel poorly or have a health issue emergency on the school bus, the older pupil would be with them and would know what to do, and they would be on a bus that could stop if necessary.

The appellant further explained as noted by the Committee, that two schools were identified by the County Council as being closer to their home. One of the schools was over 2miles and too far for the younger pupil to walk unaccompanied unassisted and the other school was 5 miles away.

It was noted by the Committee, that the appellant stated the school of their choice was 6 miles away but the older pupil and friends went there so the younger pupil

had support. This gave the appellant peace of mind. In addition, the younger pupil did not cope with change well due to their health and changing schools could make their health worse.

The Committee noted the Officer's comments which stated that transport assistance was refused as there was a nearer qualifying school they could attend. It is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. The DfE guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

It was noted by the Committee, the Officers stated, that the family relocated to the county in 2016 and the appellant enquired about transport assistance for the older pupil at that time and was informed that they did not qualify for transport assistance as there was a nearest qualifying school closer to the home than the one the parent had chosen. The appellant, was therefore, aware of Home to School Transport Policy when the younger pupil commenced at school.

The Committee have noted that the County Council does offer discretionary transport assistance for pupils with long term medical needs. Where it is apparent that a pupil is physically unable to walk to school, transport provision may be considered where a pupil attends their nearest suitable school.

It was brought to the Committee's attention the contents of the letter provided by the younger pupil's health profession which recommended that the younger pupil should not walk to school unless accompanied, adding that it would be preferable for the younger pupil "to be provided a pass to use public transport".

It has been brought to the Committee's attention that the following information was further requested from the appellant and that further information was not submitted.

- Why can the appellant not continue to take the pupils to school?
- Why did the appellant send the younger pupil to a further school if they were aware of the transport policy when previously they applied for assistance for the older child and which was refused?
- Up to date income details requested – wages, benefits and bank statements,
- Appellant had stated that the pupils are in receipt of free school meals but the Officer stated that the pupils are not – contradiction of information.
- Any further evidence from the appellant to support their case.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4388 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 2016/17.

Appeal 4400

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest qualifying school, which was 9.83 miles from their home and instead would attend their 2nd nearest school which was 11.2 miles away. 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 family moved house in June 2017. The appellant stated that the move to this location was on the understanding that the school the pupil attended was the nearest school and within the catchment area. This was confirmed, according to the appellant, by property search and estate agents in the area. They stated that their address did not feature in the catchment area of any other school in the area. The appellant considered the school they had chosen, as their nearest one where both their children attended, to be 7.239 miles away. They stated that they were not in the catchment area for the school the Council considers the closest and that it was 7.578 miles from their home. It was noted by the Committee that the appellant further stated that the family moved to the present rural location to support the pupil with health issues and remove them from outside influences from the previous area they lived at. They added that they could provide evidence of appointments and meetings if required. The appellant's intention was to give the pupil the best opportunity to complete their final year at school without "the distractions on their doorstep".

The appellant explained, as noted by the Committee, that as a single parent earning a low wage they received the maximum amount of working tax credits. Both their children received pupil premium and were in receipt of free school meals. They stated that their older child had received a free bus pass from their address to the school they attend presently and that paying for a bus pass for the pupil would put the family under financial pressure.

The Committee noted the Officer's comments which stated that transport assistance had been refused as the pupil was not attending their nearest qualifying school.

It is parental preference for schools and academies and the application of admission arrangements linked to these which informs and drives the subsequent application of the Local Authority's home to school transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. The DfE guidance confirms that parents do not enjoy a specific right to have their child educated at a school

with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

The Committee were reminded that from September 2015, the County Council removed discretionary elements of the Home to School Transport Policy and all new pupils starting school now only receive transport assistance if they attend their nearest school and live more than the statutory walking distance. The previous policy was much more generous and previous awards were granted to pupils who attended one of their nearest 3 schools, these pupils will continue to receive the award until they complete their secondary education. The committee were also reminded that staff from Local Education Authority were available to discuss transport issues at most schools and that at the time of applying for places parents were advised that if transport to and from school was an issue to check the policy or ring the area education office where they would check entitlement to transport.

The Officer stated, as noted by the Committee, that it was not known how the appellant, had determined the distance between their home and the schools. It is noted by the Committee that the County Council has two bespoke packages of mapping software specifically purchased for the accuracy of measurements undertaken for both admission and transport purposes and both have a proven history of accuracy of measuring the road route between home and school.

The Committee have noted that there is an additional entitlement to transport assistance for low income families and for families in receipt of the qualifying benefits for free school meals or the maximum amount of working tax credit. It was brought to The Committee attention that the appellant states they are in receipt of maximum amount of Working Tax Credit noted in the parental statement however no evidence was submitted and the Local authority confirms that they do not have a record of the pupil being entitled to free school meals and as such extended provision for travel cannot be considered. It was also added that the appeals are evidence based and it is parental responsibility to provide supporting information. Free travel is only provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles. The school of parental preference is over 11 miles from the pupil's home address.

The committee were also unable to determine the family's financial circumstances and noted that they were not in a position to decide if the family were on a low income as defined in law and noted that the family are not in receipt of free school meals. No evidence had been provided by the appellant to confirm the claim of being on a low income

It was recognised by the Committee that it can be very difficult for a pupil to move schools in Year 11. When schools use different examination boards this can mean that different topics for the same subject may be covered in a different order. Pupils can find themselves with a lot of catching up to do and may even have to drop a subject. The pupil changed address in June 2017. It would have been easier if the school transfer had been done at the same time when family moved to new home address.

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

criteria. The County Council is not holding any documentary evidence that the appellant was in receipt of the maximum amount of Working Tax Credit. It has been brought to the Committee's attention that the following information was submitted by the appellant:

- Copy of Admission policy for school of parental preference
- Print out from nearest qualifying school website showing admission policy.

The Committee had been informed that further information was requested from the appellant:

- Proof of income; wages, bank statements and benefits
- Evidence of hospital admission, CAMHS appointments and meetings
- Why is appellant claiming now and not in September 2017 when pupil moved in year 11?

Therefore, having considered all of the parent'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 4400 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 2016/17.

Appeal 4456

It was reported that a request for transport assistance had initially been refused as the pupil was not attending their nearest suitable school which was 1.1 mile away, and was within the statutory walking distance of from home to school (2miles) and instead would attend the school of parental choice which was 1.9 miles away and within the statutory walking distance. The family are 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 have noted that the appellant was applying for free travel for the pupil to the school of choice on the grounds of low income and the pupil's health problems.

The Officer's comments stated, as noted by the Committee, that low income families had extended rights to free travel to the three nearest schools within 2 – 6 miles of the home. However, in this instance the walking distance to the school attended, the third nearest, is at 1.9 miles, under the statutory qualifying distance of 2 miles. Further, there were two schools closer to the family home, including the geographical priority area school, which was attended by an elder sibling in the family. The Committee noted that as the pupil was in receipt of free school

meals, it was recognised that the family would have a limited income and the appellant was on benefits.

The Committee was reminded that transport appeals are evidence based, so it is essential that appellant include with the form any other documents which can help their case. The notes of guidance provided with the appeal form do state that if a parent is making a case on medical grounds then it is essential that the fullest detailed documentation is provided from a doctor or other health professional. This evidence should explain whether the pupil's health impacts on their ability to walk or catch a bus to school.

The Committee noted that the pupil had previously attended a school of faith and the nearest qualifying school is also of faith which the pupil could attend and is also nearer to the home address.

It was also brought to the Committee's attention that the school had confirmed the pupil had a health issue and held medication for pupil at school. It was also noted by the committee that the pupil was hospitalised in February. The committee noted that no medical evidence was provided by the appellant.

The committee were also unable to determine the family's financial circumstances and noted that they were not in a position to decide if the family were on a low income as defined in law as no family financial evidence was provided, however it was noted that the pupil in question is in receipt of free school meals.

It was noted that no evidence had been supplied by the appellant to support their claims.

It was noted that the officer had tried contacting the appellant for further information and the following information was requested, the committee noted that no evidence had been provided by the appellant.

- Appellant claims pupil has health issues - what arrangements have been made in school for pupil.
- Why can't father accompany the pupil to school since he is on ESA
- What about mother? Is she not able to accompany the pupil to school?
- A request for up to date proof of income; benefits, wages, bank statements had been requested.

Therefore, having considered all of the parent'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 4456 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 2016/17.

Appeal 4463

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest qualifying school, which was 4.9 miles from their home address, and instead would attend their 6th nearest school which was 7.1 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.

It was noted by the Committee that the appellant was a family member applying on behalf of the parent. They advised that, following the parents' separation the pupils had a very unsettled life with one of the parents while living in another town, changing houses and schools several times. The pupils then moved in with the other parent and extended family and were enrolled at the school which they currently attend. The family felt that it would not be in the pupils' interests, educationally and emotionally to face further upheaval.

The appellant had stated as noted by the Committee, that the pupils are very reliant on the extended family members who are aged and on a limited income. The parent who the pupils live with did not receive the child benefit which was still going to the other parent. It was also added that the appellant is trying to obtain this. In these circumstances, both travelling to and from school, and financing this travel was a problem.

The Committee noted that according to the family member, there was no public transport in the area and pickups for other schools closer than 3 miles but there was a school bus, to the school the pupils attended, from the village that the pupils could travel to.

It was noted by the Committee that the family member had stated it was a mistake to state that the school the pupils attended was 6th nearest school and the first school shown on the form to be the closest school was full and all the other closest schools were over the river and not easy to get to due to traffic over the bridge.

The family member had written, as noted by the Committee, that the pupils need the stability of the friendship that they had recently made and also the fact that they liked the school.

The Officer's comments stated, as noted by the Committee, that according to their records, the pupils attended a primary school in the area where they live at present. They commenced at the school they currently attend in 2016. They were at that time living on a farm in a different area. The school which they currently attend was their nearest school and it was more than 3 miles away, they were entitled to transport assistance on the grounds of distance. The pupils have since moved approximately 9 miles to another area and do not attend their nearest school.

The Committee noted that the older child was entitled to transport assistance until the end of year 11, but the siblings are not as there was a nearer school with places available for the pupils to attend.

The Officers acknowledge, as noted by the Committee, that the family did not wish to unsettle the pupils further and that the family members were at a time of in their life when these duties of care, on a daily basis, might not be sustainable. It was noted by the Committee, that the officers have confirmed that the nearest pickup for the nearest qualifying school was 2.6 miles away and there was limited public transport in the area, however there was a dedicated school bus to the school where the pupils attend.

The committee were also unable to determine the family's financial circumstances and noted that they were not in a position to decide if the family were on a low income as defined in law and noted that the family are not in receipt of free school meals, no financial information was submitted to the Committee to state that that the appellant is unable to afford the cost of a travel pass to the chosen school.

It was also noted that the officer had tried contacting the appellant for further information as the appeals are evidence based and the below information was requested but not received.

- Up to date proof of income - benefits, wages, bank statements to demonstrate that you are unable to fund the cost of transport yourself.

The Committee was reminded that it is appellant responsibility to provide any supporting information which can help their case.

Therefore, having considered all of the parent'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 4400 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 2016/17.

Appeal 4464

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest qualifying school. The committee noted that there was a school available for the older pupil which was 0.52 miles from the home address and the younger pupil could have a place available at a school at 0.58 miles. The committee noted that there is also a school 1.25 miles walk that could accommodate both siblings. The distance to the school of parental choice is 2.1 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.

The Committee noted the appellant advised that both pupils were settled at the school of choice. That they were a single parent on a low income and were currently spending £112 per week on transport which they couldn't afford. The appellant states that the schools offered by the County Council were not near the home and the suggestion that the pupils attend different schools was not practical.

The family had a social worker who was supporting this appeal as noted by the Committee.

It was also stated by the appellant, as noted by the Committee, that the older pupil had health issues and was on medication for this. Walking in bad weather was not good for the pupil and the appellant did not drive. The Committee acknowledged the letter from the doctor confirming medication list however no medical evidence was submitted to inform the Committee about walking difficulties.

The Committee noted the Officer's comments which stated request for transport assistance had been refused due to there being schools closer to the home than one attended.

The committee noted that the family are in receipt of Free School Meals and acknowledge the recent benefit letter from the appellant.

The committee were advised that there is additional assistance available to low income families but only if parents are in receipt of one of the qualifying benefits for free school meals or the maximum working tax credits. For a primary aged child, free transport is provided if the child is attending the nearest school and the walking distance to get to the nearest school exceeds 2 miles. Although the family did meet the low income criteria, there were closer schools with spaces than the school currently attended which means that the family did not qualify for assistance under the low income criteria. The Committee noted that there are numerous schools closer to the pupils' home than the school of parental preference.

The Committee had noted that the family lived at an alternate address from 2015 to 2016 and that the appeal had a supporting letter from the social worker. They also understand that the pupils had to endure disruption in their lives and that the older pupil was on medication.

It was noted by the Committee that that the school the pupils were attending presently was the 3rd nearest school from the family's previous home. The older pupil's other preferences for school were further away. The younger pupil's only preference was the school they are presently attending.

The Committee have noted that the extra supporting evidence attached with the application which includes:

- Supporting letter from the Social Worker which was not dated.
- Letter stating benefits appellant is currently in receipt of, dated February 2018.
- Older pupil's medication information dated March 2018.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and

supplementary evidence the Committee felt that the school the pupils would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4464 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 2017/18.

Appeal 4467

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest qualifying school, which was 2.9 miles from their home address, and instead would attend school which was 3.05 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.

The Committee noted that the appellant advised that all three pupils attended the school of their preference. Transport assistance had been refused on the grounds that the nearest qualifying was closer to the home, however the appellant had researched this using various mapping systems, and had concluded that both schools were exactly 3 miles away. The Local Authority uses a bespoke measuring system and is satisfied of its accuracy. It was noted that the authorities system shows a 100 meters difference between the nearest school and the school of parental preference. Further, their understanding was that the school which the Council considered the closest school, was due to close which would mean that the pupils would then be attending the school where they are currently attending as that would be considered the closes and would be exactly 3 miles away.

It was noted by the Committee, that the pupils lived in a different area when they transferred to the school attended and at that time the school of parental preference was the nearest school.

The appellant stated, as noted by the Committee, that it was expensive paying for three children to travel on the bus to school, as the appellant had changed jobs and was no longer able to do school runs. The Committee was reminded that it is parental choice of school that the pupils attended. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy. It was also added that the eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend and this measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school.

The Officer's comments did state as noted by the Committee, that it was true that the County Council was consulting on the possibility of closing the nearest qualifying school. However this closure had not yet occurred and it until it did, it remained the nearest school to the pupils' home. From the previous address, the school of parental preference was the closest school for the pupils, however, they moved to their present address in January 2017, according to our records, over 12 months ago.

The committee were also unable to determine the family's financial circumstances and noted that they were not in a position to decide if the family were on a low income as defined in law and noted that the family are not in receipt of free school meals, no financial information was submitted to the Committee to state that that the appellant is unable to afford the cost of a travel pass to the chosen school for the pupils.

The transport appeals are evidence based, so it is essential that the appellant include with the form any other documents which will support the case. Therefore, having considered all of the parent'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 4467 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 2016/17.

Appeal 4469

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest qualifying school, and instead would attend school which was 7.0 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 the appellant advised that the pupil was unable to settle at the school which they had chosen as their first choice at the time of application for school places. There was trouble with other pupils, the pupil's school work was suffering and when they were diagnosed with health issues a referral to CAMHS was made.

The appellant stated, as noted by the Committee, that there were no places at local schools and that it was determined that the pupil should transfer to the school they were presently attending on a managed move. This was not the easiest school to access from the area they lived at but it was the decision of the panel, and the appellant felt that it would not be in the pupil's best interest to remain at the school they were previously attending.

The Committee noted the Officer's comments which stated the request for transport assistance had been refused due to there being several closer schools to the home than the one attended.

It was noted by the Committee that a letter from the school the pupil attended previously confirmed that there were difficulties between the pupil and their peers, and that "the only school which was deemed appropriate" by the panel, was the school the pupil was attending now. They therefore transferred to that school.

The Officer has acknowledged, as noted by the Committee, that the pupil was happily settled in the school they were presently attending but transport was a problem and they felt that if the Council provided transport assistance in the form of a bus pass, this would be beneficial to the family, and would support them in assisting the pupil getting to school on time.

The Committee have noted the Officer's comments which stated that in the light of the child meeting "fair access" admission criteria (in cases of significant low attendance or significant behavioural issues or other issues linked to requiring significant additional support within school), it was deemed the only route to obtain a place an alternate school was through a pupil placement panel. The pupil placement panel has representatives from all schools in the area and they decide if it is appropriate for a child to be admitted to their school. This isn't just linked to circumstances surrounding the child but other factors within the school too, such as if they already have children through the "managed move" route as well as if the school in question has a higher proportion of "managed move"/vulnerable children than any other school in the area (to ensure fairness on school resources in the area).

The committee were also unable to determine the family's financial circumstances and noted that they were not in a position to decide if the family were on a low income as defined in law and noted that the family are not in receipt of free school meals, no financial information was submitted to the Committee to state that that the appellant is unable to afford the cost of a travel pass to the chosen school.

School transport appeals are evidence based, so it is essential that the appellant include with the form any other supporting documents or information.

The Committee have taken note of the supplementary evidence supplied by the appellant which consisted of:

- Letter from the previous school attended by the pupil – dated 22 February 2018.
- Letter from one of the schools stating they have no space available for the pupil at their school dated 23 February 2018.

Therefore, having considered all of the parent'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 4469 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 2016/17.

Appeal 4471

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 0.2 miles from the home address and within the statutory walking distance of 3 miles and instead attended the school of parental choice which is 9.01 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee have noted that the appellant advised that they and the pupils were obliged to move to the present area as a result of their partner's ongoing bail conditions. The pupils had been through a very traumatic time; they had been assessed by a children's hospital for trauma and were subject to an order. Keeping the pupils at their school with their friends had given them much-needed stability and the school had been able to offer a great deal of support. Changing schools at this time would have a detrimental effect upon their mental and emotional wellbeing and undo all the work which had been done to help them recover.

It was noted by the Committee extended members of the family had helped by providing transport for the past two years but they were elderly and had health issues so it was no longer possible to make the hour long round trip every day to pick the pupils up from school.

The Officer's comments stated, as noted by the Committee, that the Head of the school the pupils had been attending since Reception, had provided further information, although due to the ongoing investigation, details were not disclosed to the committee. However, they could confirm that the appellant had been granted custody of the pupils and that they had to leave their family home and move out of the area to the present address, where the appellant's extended family resided. The committee noted the Schools letter stating the importance of the support provided by the school the pupils are presently attending and that the school determined that they should remain there.

The Committee noted the officer's comments which stated that for two years the appellants paternal parent had driven the pupils to and from school but this was no longer sustainable due to age and health issues. A taxi to collect them is therefore being requested.

The Officer's comment stated, as noted by the Committee, the County Council was sympathetic to this family, but couldn't offer assistance under the Home to School Transport Policy. The Student Support Appeals Committee would have to

approve assistance if they considered the circumstances such that an exception to the policy was justified.

The committee were also unable to determine the family's financial circumstances and noted that they were not in a position to decide if the family were on a low income as defined in law and noted that the family are not in receipt of free school meals, no financial information was submitted to the Committee to state that that the appellant is unable to afford the cost of a travel to the chosen school.

School transport appeals are evidence based, so it is essential that the appellant include with the form any other supporting documents or information.

It was also brought to the Committee attention that when the pupils lived at their previous home address, the school they are currently attending was their nearest school. The older pupil will be transferring to High School in September 2018 and it is within walking distance of the home.

The Committee acknowledged below supplementary evidence supplied by the appellant;

- A letter from Head Teacher of the school the pupils currently attend,
- Letter from Social Worker

No further evidence was provided.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary statement the Committee was not persuaded that there was sufficient reason to uphold the appeal on the information provided.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4471 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 School Transport Policy.

Appeal 1350382

It was reported that a request for transport assistance had initially been refused as the pupil was attending school which was 1 miles away from the home address and was within the statutory walking distance. 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 have noted that the appellant was applying for free travel for pupil to school on the grounds of low income, and the pupil's ill health. It was also noted by the Committee that Acorns is a specialist school located within walking distance from the appellant home address.

The appellant had stated, as noted by Committee, that the pupil is of small stature and unable to walk at a normal rate. The pupil is visually impaired, they are short sighted in both eyes and unable to see properly without their glasses. It was also noted that it is a challenge to keep their glasses on.

The pupil was unaware of danger and does not know road safety unless accompanied by an adult. The pupil required transport as the appellant had to pick them up early as they needed to collect them and then collect their sibling from another school.

The Committee noted the Officers comments which stated that the medical advice received for the Educational Health and Care Plan indicated that the pupil was of small stature. There was no information supplied about physical needs that would affect walking.

The Committee were reminded that transport appeals are evidence based, so it is essential to include with the form any other documents which will support the case.

It was noted by the Committee that advice provided showed that the pupil had a visual impairment that required them to wear glasses. Stairs and slopes should be contrasted so they are clear for them. There was no advice supplied with regard to levels of awareness of danger, however the pupil was a young child with developmental delay.

The Committee noted that the pupil was currently taken to school by the appellant. And they were collected early so the appellant can collect their sibling from another school. The Head teacher at the school attended had stated that early collections cannot continue when the pupil is of statutory school age and this would come into effect at the start of the Summer Term 2018.

However, as noted by the Committee, the current Transport Policy for Children and Young People with Special Educational Needs and Disabilities states that the decision to provide transport was based on the pupil's needs. It was not therefore possible to take into account parents' work and other commitments or attendance by siblings at other schools.

It was brought to the Committee attention that the appellant did not state if there is anyone in the household who can help with transport to from school for the child in question. It was also added that it is the appellant's responsibility to send the fullest possible information to support their appeal in writing as it is not possible to attend the Committee in person.

The Committee acknowledged the supplementary evidence supplied by the school for the panel to consider. The Head Teacher stated that they were concerned that the pupil was losing 2 and half hours per week of their education due to the appellant having to pick up a sibling from another school. This meant they picked the pupil half an hour earlier every day – this was due to heavy traffic on the route the Head Teacher was concerned that the pupils missed education equates to nearly 4 weeks!

It was noted by the committee that the appellant paid for breakfast club for the pupil's sibling each morning, however there were no available after school clubs for either child.

It was stated that the Head teacher appreciated that the appellant was doing all they could, they had no other adults who could pick up or drop off their children. The head was concerned that this arrangement was having an impact on the pupil's expectations, behaviour in school and rate of progress. The pupil turns 5 at the end of the month whereupon it would be school's duty to pursue full time

attendance. However the committee noted that in the EHC plan it clearly stated that the appellant and the children live with the grandparents, the committee notes that the appellant does not state what assistance grandparents contribute to childcare.

The committee noted the request that the Head teacher was hoping the appeal for transport can be looked at favourably.

The Committee acknowledged also EHC plan from May last year and noted that it is due to review in May this year 2018.

The committee were also unable to determine the family's financial circumstances and noted that they were not in a position to decide if the family were on a low income as defined in law and noted that the family are not in receipt of free school meals, no financial information was submitted to the Committee to state that the appellant is unable to afford the cost of a travel pass to the chosen school.

It was also noted that the officer had tried contacting appellant and SEN Support Worker for more information as the appeals are evidence based but no further evidence was supplied.

The Local authority was sympathetic to this family, but couldn't offer assistance under the Home to School Transport Policy. The Student Support Appeals Committee would have to approve assistance if they considered the circumstances such that an exception to the policy was justified.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary statement the Committee was not persuaded that there was sufficient reason to uphold the appeal on the information provided.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 1350382 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 School Transport Policy.

UB - Appeal 4466

It was reported that a request for transport assistance had initially been refused as the pupil was not attending their nearest qualifying school which was 3.7 miles away, and was attending their 2nd nearest school which was 4.2 miles away from the home address. The family are 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 have noted that this was a re-appeal following the appellant's complaint to the Local Government Ombudsman, their previous appeal on behalf of the pupil having been heard but not allowed on 2nd October 2017.

The appellant argues, according to the Committee, that the school of their preference was the nearest qualifying school for the pupil, due to the school the Council considers as the nearest school to be an unsuitable school because of religious character. The statutory guidance for home to school transport stated that "where local authorities use their discretionary powers to make travel

arrangements for children on the basis of their parents' religious beliefs to schools designated with a religious character, the equality implications should be considered, to facilitate parents who wish their children to be educated in accordance with their philosophical beliefs". Further, that "beliefs means any religious or philosophical belief and a reference to belief includes a reference to lack of belief".

It was noted by the Committee that the appellant argued that they were not a religious family, none of them having ever been christened, baptised or married. They did not attend church and did not even attend an open day at the school considered nearest by Council as they did not consider it a suitable school.

The appellant commented, as noted by the Committee, that although the pupil attended a faith primary school, this was a decision "based on community engagement and not religious preference". Indeed their experience at the school had led to them determined not to progress to a faith secondary school.

The Committee noted all the officer's comments which stated that all of the previously submitted material had been included as part of the case, as had the previous decision letter and the subsequent LGO's report and findings. From September 2018, there will no longer be discretionary denominational transport assistance available from the County Council. The consideration of transport assistance to people of no faith will also therefore be removed.

It was noted by the Committee, that transport assistance had been refused as, in line with the Lancashire County Council's home to school transport policy, the pupil was not attending their nearest qualifying school.

It was brought to the Committee's attention that the County Council did ask for guidance from the LGO in respect of how to evidence non-religious philosophical beliefs but this was not forthcoming. The Council does provide discretionary transport assistance for a number of pupils in certain circumstances. The provision of transport however is always based on documentary evidence. It was also added that it is essential to include with the form any other documents which the appellant feels will support the case.

The Committee noted, that the County Council did not doubt the appellant's statements in respect of none of the family being baptised, christened or married but there was no means of confirming this state of affairs. For this reason, it was felt appropriate that Student Support Appeals Committee needed to determine whether provision could be made in this case.

As noted by the Committee the pupil's elder sibling also attended a faith primary school. In the case of both siblings, it was their only preference of primary school. The family's 2nd nearest primary school was a community school, without religious affiliation. Had the family wished to avoid faith schools at the primary stage of their children's education, it would not have been difficult to do so.

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

As stated previously, The Committee was reminded that Since September 2015 , levels of subscription at Ripley St. Thomas CE Academy, the nearest qualifying school, have meant that applicants were able to secure places at the school without scoring any points against the academy's admission criteria or where an applicant is awarded 2 points for attendance at a COE primary school. Having attended COE primary school, the pupil would have secured a place at nearest qualifying school had this school been one of his preferences.

A refusal letter was issued to appellant on 20th July'17, refusing transport assistance, but did make reference within the letter to possible entitlement if the family were in receipt of the maximum amount of qualifying benefit, and to contact Education Authority if this applied to parent/guardian. As of Wednesday 20th September'17 no contact was made by the appellant.

The committee were reminded that the admission information which is available for all parents from each September provides a summary transport policy. Parents are advised to check the policy carefully if getting their child from home to school and back is a consideration. Parents are directed to a fully copy of the Home to School Transport Policy on the Lancashire County Council website and to seek advice from the area education office if they have any enquiries. The County Council also has officers in attendance at most secondary school open evenings to give advice on transport eligibility and admission queries. The Committee was also reminded that transport appeals are evidence based, so it is essential to supply supporting evidence. If the appeal is on medical or other grounds on which you have sought professional advice, it is essential that the appellant include current written evidence from doctor or other health professional. If the appeal is on financial grounds it is essential to provide the fullest detailed documentation to demonstrate that the appellant is unable to fund the cost of transport.

The committee were also unable to determine the family's financial circumstances and noted that they were not in a position to decide if the family were on a low income as defined in law and noted that the family are not in receipt of free school meals, no financial information was submitted to the Committee to state that that the appellant is unable to afford the cost of a travel pass to the chosen school.

The Committee acknowledged a copy of email from the school informing that the child in question has a full year 7 curriculum and is exempt from NO subjects. The child studies; Maths, English, French, History, Geography, Biology, Physics, Chemistry, Art, Drama, Music, Games and PE. It was also added that RE is part of the curriculum too.

In the summary of the appeal The Committee were reminded that the definition of religion or philosophical belief applied equally to a lack of religion or philosophical belief. The evidence showed that despite the families claim they were not religious, they had in fact sent two children to the CE school for the whole of their primary education and there was no evidence that either had been withdrawn from religious education or collective worship as is the parents' rights. On balance therefore the panel members considered the choice of the school was in fact based on parental preference and not in consideration of any religious belief or lack thereof.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary statement the Committee was not persuaded that there was sufficient reason to uphold the appeal on the information provided.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4466 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 School Transport Policy.

L Sales
Director of Corporate Services

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