

Lancashire County Council

Student Support Appeals Committee

Minutes of the Meeting held on Monday, 5th November, 2018 at 10.00 am in CH1:15 - County Hall, Preston

Present:

County Councillor Christian Wakeford (Chair)

County Councillors

A Cheetham
J Cooney

Y Motala

1. Apologies

None received

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None were declared.

3. Urgent Business

It was noted that the paperwork for appeals 4527 & 31362 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.

4. The minutes of the meeting held on 1st October 2018

Resolved: That; the Minutes of the meeting held on the 1st October 2018 was confirmed as an accurate record and was signed by the Chair and also counter signed by CC Cheetham.

5. Date of the Next Meeting

It was noted that the next meeting of the Committee would be held at 10.00am on Monday 3rd December 2018, County Hall, Preston.

6. 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.

7. 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 23 appeals and 2 urgent business appeals against the decision of the County Council to refuse assistance with home to school transport. For each appeal the Committee was presented with a Schedule detailing the grounds for appeal with a response from Officers which had been shared with the relevant appellant.

In considering each appeal the Committee examined all of the information presented and also had regard to the relevant policies, including the Home to Mainstream School Transport Policy for 2018/19, and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

Appendix A

Appeal 4493

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 0.5 miles from their home address, and instead would attend their 13th nearest school which was 5.37 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 appellant's appeal the committee noted that the family had moved address and that the appellant wished that the pupil continued to attend the same school. The appellant went onto state that the pupil's parent had died suddenly in 2016 and left no insurance cover for the family which had resulted in the move of address.

The Policy states that transport assistance will only be applied to those children who attend their nearest suitable school that can provide suitable education for their age/aptitude etc. The Committee noted that the family stated the school attended as 1st preference and as such was awarded this school on admission.

In considering the appeal further the Committee considered the family's circumstances noted that they were not in a position to decide if the family were on a low income as defined in law. No evidence had been provided to suggest that the family were unable to fund the cost of transport to school. It was also noted that the family were not eligible for Free School Meals. The Committee

considered all evidence submitted by the appellant and did sympathise with the difficult circumstances that the family had gone through. However it was noted by the committee that the family had moved further away from the school than the previous address.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4493 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 2018/19.

Appeal 4519

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 2.08 miles from their home address, and instead would attend a further school which was 7.78 miles away from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appellant's appeal the committee noted that the pupil was looked after and that the family had moved to a larger home during the summer further away from the school attended by the pupil and that the professional and family involved in the pupil's care have stated that it would be in the pupil's best interest that they remained in the same school as the pupil was settled and the school offered stability. The Committee noted also that the pupil was as of September 2018 going into year 10 and would be starting GCSE work.

In considering the appeal further the Committee in considering the appellant's financial circumstances noted that they were not in a position to decide if the family were on a low income as defined in law. No evidence had been provided to suggest that the appellant was unable to fund the cost of transport to school. It was also noted that the family were not eligible for Free School Meals.

The Committee noted that as a looked after child that provision was available from the professional service looking after the pupil and it was at their discretion to award transport assistance in the form of a bus pass to any pupil who would not normally qualify for transport assistance.

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 preference and was not persuaded that there was sufficient reason to uphold the appeal and that provision for a bus pass would normally come in these circumstances from the professional service of the authority of the looked after child.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4519 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 2018/19.

Appeal 4523

It was reported that a request for transport assistance had initially been refused as the pupil is not attending their nearest suitable school, which is 2.72 miles from their home address and is within that statutory walking distance of 3 miles from home to school. The pupil was attending instead a school which is 3.12 miles from the home address and not within the statutory walking distance of home to school.

The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law as they do not attend the nearest school. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The Committee noted that the pupil was a looked after child and that it was decided by the appellant and professionals that the school attending was the most suitable school for the pupil, however no evidence was submitted by the appellant to substantiate these facts. The committee also noted that the pupil was awarded their 1st choice of school on admission to year 7 in September 2018. The committee also noted that there was another school also nearer to the home address than the school attended.

In considering the appeal further the Committee in considering the appellants financial circumstances noted that they were not in a position to decide if the family were on a low income as defined in law. No evidence had been provided to suggest that the appellant was unable to fund the cost of transport to school. It was also noted by the Committee that the family were not eligible for Free School Meals so extended transport provision and as such the family were not eligible.

The Committee noted that as a looked after child that provision was available from the professional service looking after the pupil and it is at their discretion to

award transport assistance in the form of a bus pass for those pupils who would not normally qualify for transport assistance.

The committee were also advised that the fostering and adoption service also confirm that the foster carers allowance also covers the first 3 miles of any journey such as to and from school. If the journey is more than 3 miles then the carer is able to claim any additional mileage expenses from the fostering service.

In considering the appeal further the Committee in considering the appellant's financial circumstances noted that they were not in a position to decide if the family were on a low income as defined in law. No evidence had been provided to suggest that the appellant was unable to fund the cost of transport to school. It was also noted by the Committee that the family were not eligible for Free School Meals so extended transport provision were not eligible.

In considering the appellant's appeal further the committee noted the appellant added they were unable to drive the pupil to school due to working hours. The committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

The Committee were advised that admissions information is available for all parents from the beginning of admission term and parents are advised to check the policy carefully if home to school transport is an important issue. Parents are also able to seek advice from the area education offices and officers are also available in most schools during open evenings to advice on transport eligibility and admission enquiries.

The Committee were advised that there is a dedicated school services which ran very close to home address with the stop from home a few minutes walk away. There would be no issue in Parent/Guardian purchasing a pass on the service (should spaces be available).

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4523 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 2018/19.

Appeal 4540

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 5.21 miles from their home address, and instead would attend a further school which was 5.80 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The Appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appellants appeal the Committee noted that the appellant stated that the reason why they chose the particular school was that they had been given advice by professionals that as they are a foster carer and that pupils of the family should not attend the same school as the foster children. The committee however note that this does not state that it is a must it is just advisable.

The committee also noted that the appellant moved their family nearer to the school of choice as an elder pupil was in attendance at the chosen school and was finding it tiring after the school day and the travelling which the appellant states was expensive made the move a more sensible option.

The committee noted that in the statement that the travel was expensive which confirmed to the panel that the appellant was aware of the entitlement to travel assistance as it was clear that the sibling was not in receipt of a free bus pass. The committee also noted that the house move took place in August 2018 and were unable to establish how the pupil had previously attended school.

The committee also noted that the appellant had stated that they knew of pupils attending the same school who are in receipt of a free bus pass, again the committee noted that no names were stated by the appellant to enable the authority to check the circumstances granted to those pupils. It was noted by the committee that the authority had done a general check on pupils from that area attending the school and it was noted by the committee that the authority found that children who were awarded assistance in the form of a bus pass was because generally those children lived closer to the school attended than the appellant and as the school was the closest to their home address and over 3 miles then entitlement was granted.

The committee also noted that the appellant states that their partner, due to nature of their job, was unable to transport the pupil to school and that the appellant was also unable to take the pupil to school as they took the foster children to school. The committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other

commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

The appellant stated in a supplementary statement that the pupil while at Primary School was systematically bullied by a group of children who they believe are now in attendance at the closest school and that they were not made aware of this till after applying for high school. However the committee note that no evidence was submitted to substantiate that the nearer school is unsuitable as no names or reports have been made to the committee in relation to bullying. The committee were advised that all schools have measures in place to deal with bullying in school and that if raised as an issue before starting or while at a school then control measures would be implemented at school to mitigate any bullying that may occur in accordance with the bullying policy of the school.

The committee also noted that the appellant highlighted that postcodes can be misleading and this was noted by the committee, however the committee were advised that it was also taken into account that most phone applications and Google Maps measure the distance that a car would drive between two points. The committee were advised that the County Council's mapping software has a proven record of accuracy based on a walking route to school. This mapping software is used when determining admissions and has proved accurate for both admissions and transport entitlement.

The Committee in considering the appellants financial circumstances noted that they were not in a position to decide if the family were on a low income as defined in law. No evidence had been provided to suggest that the appellant was unable to fund the cost of transport to school. It was also noted that the family were not eligible for Free School Meals.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4540 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 2018/19.

Appeal 4541

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 2.57 miles from their home address and within the statutory walking distance of under

3 miles and instead would attend a further school which was 5.34 miles away and over the statutory walking distance of 3 miles. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

In considering the appellant's appeal the Committee noted that the family had relocated to Lancashire and that the only school the LA were able to offer a place at was in the neighbouring village to where the family reside. The committee noted that the appellant stated that the pupil as a result had made friends with their peers and that these children would naturally move onto the school that the pupil now attended and specifically chosen by the appellants to be with the peers that they had made friends with.

The committee noted the officer's statement that the children who did attend primary school with the appellant's child would not necessarily attend the school of choice and that many children would attend other schools in the wider area.

The Committee were advised that admissions information is available for all parents from the beginning of the admission term and parents are advised to check the policy carefully if home to school transport is an important issue. Parents are also able to seek advice from the area education offices and officers are also available in most schools during open evenings to advise on transport eligibility and admission enquiries.

In considering the appeal further the Committee noted that they were not in a position to decide if the family were on a low income as defined in law. No evidence had been provided to suggest that the appellant was unable to fund the cost of transport to school. It was also noted that the family were not eligible for Free School Meals, however the committee noted that the family had applied for working tax credit but noted that the income amount stated by the appellant was over the amount that gave them full entitlement of working tax credits.

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4540 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 2018/19.

Appeal 4543

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 0.78 miles from their home address, and under the statutory walking distance of 3 miles and instead would attend a further school which is 2.2 miles from the home address and also under the statutory walking distance of 3 miles.

The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The appellants 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 were advised to note that the family had made a late application for admission to year 7 and had been offered their third choice of school.

In considering the appeal further the Committee noted that the appellant were appealing on financial and medical grounds. The family were eligible for Free School Meals and as such did qualify for extended transport provision. The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to one of their three nearest schools. For your child to receive free transport, the school must be between 2 and 6 miles away from your home. The committee noted that the school the pupil attended was the 5th nearest school to the home address and as such did not qualify for extended transport provision.

The committee noted that an elder sibling attended the same school and was entitled to free transport. The committee were advised that this provision was as a result of a more generous previous policy and that this provision would continue till either the elder pupil left school or their personal circumstances changed where they would be re assessed under the current policy. The Committee were advised that during the application process parents are reminded that if travel to and from school is a consideration then all parents are directed to LCC's website to view the full policy and to check with the area education office to check individual eligibility.

The committee noted the appellant stated that because of their college attendance they were unable to take the pupil to and from school and that the partner was also unable also to accompany the pupil to and from school as they have a disability and cannot walk. The committee also considered the statement that the appellant states that the pupil suffers from ADHD and is vulnerable and impulsive and has not travelled on a bus unaccompanied. The committee acknowledged the statement made by the appellant that the pupil has ADHD but no evidence was submitted to confirm to the panel how this impacted on the pupil and their ability to get to and from school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note

that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

The committee acknowledged evidence had been submitted of confirmation that the partner was in receipt of Employment Support Allowance, unfortunately no further evidence was submitted to establish that due to their disability they were unable to walk. The committee also noted that the appellant states they are unable to accompany the pupil to school because they attend college, again the committee noted that no evidence was supplied to support this.

The committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

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

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4543 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 2018/19.

Appeal 4554

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 0.63 miles from their home address, and instead would attend a school which was 0.94 miles away. Both schools were under the statutory walking distance of 2 miles for the age of the pupils. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the families' appeal the committee noted that the family were requesting that a taxi was arranged to take the pupils to and from school. The pupils live under the legal walking distance of 2 miles and both children are classed as from a low income and receive free school meals so are entitled to extended transport provision.

In considering the appeal further the Committee noted that the appellant was currently in receipt of temporary taxi provision but this can only be authorised for 12 weeks. The committee also noted that the appellant stated that due to personal circumstances that the family have found themselves in financial difficulty.

The committee note that the appellant is in receipt of a disability car but cannot drive themselves but has every intention to learn to drive so that they are able to transport the pupils to school as the appellant has medical/mobility difficulties that they state prevents them from doing this on foot as the area they lived at meant that the walk would involve walking up inclines which the appellants states would be almost impossible. The committee note that the appellant was in receipt of PIP.

Resolved: That Appeal 4554 be deferred in order to obtain:

- i. Financial evidence in relation to the appellant's household income and any benefit allowances the family are in receipt of in full and up to date.
- ii. Further details of the Disability car supplied, cost to family per month, any tied in agreement the family are subject to in relation to the car and if the family still have the car.
- iii. Evidence that the appellant has applied for their provisional licence and details of any lessons booked.

Appeal 4556

It was reported that a request for transport assistance had initially been refused as the pupils are attending their nearest suitable school which was 1.82 miles from the home address and under the statutory walking distance of 3 miles from home to school for children aged over 8 years. The pupils are therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant was appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal further the Committee noted that the appellant was appealing on financial grounds. The committee noted that the appellants had an active claim for free school meals and the authority do accept that the family are classed as being on a low income.

The committee were advised that the family did qualify for extended transport provision. The policy states that if you have a low income and your child is in

Year 7 to 11 in secondary school, we may be able to provide free transport if they go to one of their three nearest schools. For your child to receive free transport, the school must be between 2 and 6 miles away from your home. The committee noted that the school the pupils attend was the nearest school to the home address and was 1.82 miles from the home address and was under the extended provision made for families on a low income, as such the pupils did not qualify for extended transport provision.

The committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school. No evidence was supplied to state that the pupils were unable to walk to and from 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 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 4556 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 2018/19.

Appeal 4559

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 0.31 miles from their home address and was within the statutory walking distance, and instead would attend a school which was 2.21 miles away and over the statutory walking distance for a pupil of this age.

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 further the Committee acknowledged the medical difficulties of the appellant. The committee noted that the appellant states that their medical difficulties prevented them from walking the pupil to and from school. However the committee noted that the evidence submitted by the appellant to substantiate this claim only gave details of an appointment at the

ENT clinic for September 2018 with no further evidence submitted giving details of any diagnostic outcomes. It was also noted by the committee that the appellant had also submitted a letter dated July 2013 giving results from the ENT clinic, however the committee noted that this letter was over five years old and may not be a true reflection of the appellant's health in 2018.

The appellant stated that a bus takes the elder sibling to school and that the elder sibling would be able to take care of the younger sibling on the school bus, however the committee noted that the elder sibling will only be at school until July 2019.

The committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school who are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

In considering the appeal further the Committee in considering the appellants financial circumstances noted that they were not in a position to decide if the family were on a low income as defined in law. No evidence had been provided to suggest that the appellant was unable to fund the cost of transport to school. It was also noted that the family were not eligible for Free School Meals.

The Committee were advised that admissions information is available for all parents from the beginning of admission term and parents are advised to check the policy carefully if home to school transport is an important issue. Parents are also able to seek advice from the area education offices and officers are able to advice on transport eligibility and admission enquiries.

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

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and any 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 4559 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 2018/19.

Appeal 4560

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 2.65 miles from their home address and was within the statutory walking distance and instead would attend their 2nd nearest school which is 2.75 miles away, both school are under the statutory walking distance from home to school.

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

In considering the appeal further the Committee acknowledged the medical difficulties of the appellant and the pupil as outlined in the appeal form and the supplementary evidence submitted. The committee noted that the appellant had previously been entitled to free transport as the family were classed as on a low income, however the appellants financial earning have now gone over the qualifying figure that no longer qualifies the appellant for this assistance so is asking the committee to consider the claim now on medical grounds.

The committee noted that the evidence submitted was in relation to a car accident that had occurred five years previously in 2013. The committee read all the evidence both for the appellant and the pupil but felt that the information submitted did not give a true reflection of the medical difficulties currently affecting both the appellant and the pupil. The committee did sympathise with both the appellant and the pupils medical issues but concluded that the evidence did not warrant the committee in exercising its discretion and award transport assistance. .

The committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school who are unable to transport children to school. The committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school. The committee also noted the officers statement that secondary school children are normally deemed to be capable of making their own way to and from school unaccompanied.

The committee noted that the family's entitlement had changed but noted that no evidence had been provided to suggest that the appellant was unable to fund the cost of transport to school. The Committee considered all evidence submitted by

the appellant and did sympathise with the difficult circumstances that the family had gone through.

The school attended by the pupil was contacted by the authority who confirmed that no adaptations had been put in place in relation to mobility for that pupil, they were however aware that they did hold medical information in relation to the pupil.

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

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and any 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 4560 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 2018/19.

Appeal 4565

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 2.72 miles from their home address, and was within the statutory walking distance of 3 miles, and instead would attend a school which was 2.80 miles from the home address and also within the statutory walking distance of under 3 miles.

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

In considering the appellant's appeal, the committee noted that they state that because they lived in a rural area that they consider the school attended to be the nearest school to the home address and that they consider that the walking route to school unsafe. The appellant stated that the pupil would be walking alone as there are no siblings, relatives or friends to accompany the pupil to and from school. The appellant adds that they were unable to drive the pupil to school due to working hours.

The appellant stated that they have checked the mileage by car and that they recorded that the school was 2.85 miles whereas the authority state that the mileage is 2.7 miles from the home address. The appellant states that the bus stop is within the village and this would add another mile onto the journey.

The Committee was advised that admission information was produced for all parents from each September with a summary of the transport policy. Parents were advised to check the policy carefully if getting their child from home to school and back was an important factor in their considerations for transfer into secondary education. Furthermore, parents were also advised to seek advice from the Local area education office.

The committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school. There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

The Committee was informed that the Council's bespoke measuring software had been enhanced to recognise unsafe routes when plotting routes to schools. The Committee therefore felt that there was no evidence to suggest that the nearest school as identified by the Council was not the nearest and that the suitability of the walking route to the school attended could not be taken into consideration as the pupil would not be attending their nearest suitable school.

In considering the family's financial circumstances the Committee noted that the family was not on a low income as defined in law. No evidence had been provided to suggest that the family were unable to fund the cost of the bus pass for the pupil.

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

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and any 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 4565 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 2018/19.

Appeal 4567

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 5.45 miles from their home address, and instead would attend a further school which was 9.38 miles from the home address. Both schools are over the statutory walking distance of under 3 miles from the home address.

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

The Policy states that transport assistance will only be applied to those children who attend their nearest suitable school that can provide suitable education for their age/aptitude etc. The Committee noted that the family stated the school attended as 2nd preference.

The Committee were advised that the pupil was awarded a place at the school attended in June 2018 as a result of an admission appeal and the place was awarded under "Case Not Made, " the Committee were advised that the school had not made a strong case and as such all pupils appealing for a place at that school as a result had been awarded a place. However the Committee were advised that unfortunately awarding a place on appeal does not come with an award of transport assistance.

In considering the appeal the Committee noted that the appellant was not prepared to send the pupil to the nearest school due to concerns about reports that they had heard locally. The appellant reported that their partner was unable to drive due to their health problems and that they also worked part time. In addition the appellant reported that due to full time employment commitments they too was unable to assist with the school run. In considering the appeal further the Committee noted that no evidence had been provided to evidence the health issues of both the appellant and their partner.

The Committee noted that the family were appealing on financial grounds. The committee were informed that the family currently have an active claim in for Free School Meals and as such did qualify for extended transport provision. However the committee were advised that the policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to one of their three nearest schools. For your child to receive free transport, the school must be between 2 and 6 miles away from your home. The committee noted that the school the pupil attended was 8.70 miles from the school to the home address and as such did not qualify for extended transport provision awarded to families of a low income.

The committee also noted that the appellant was unable to transport the pupil to school and that their partner was also unable to take the pupil to school as they

are unable to drive due to a medical condition. The committee noted that it is the responsibility of the parent/carers to ensure that children arrive safe at school.

There is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

The Committee were reminded that admissions information is available for all parents from the beginning of admission term and parents are advised to check the policy carefully if home to school transport is an important issue. Parents are also able to seek advice from the area education offices and officers are also available in most schools during open evenings to advice on transport eligibility and admission enquiries.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and any 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 4567 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 2018/19.

Appeal 4570

Resolved: Appeal deferred as the information submitted was incomplete.

Appeal 4573

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 2.33 miles from their home address and within the statutory walking distance of under 3 miles from home to school. Instead the pupil would attend a further school which was 9.72 miles from the home address. The appellant also states that the school chosen was deemed suitable as the child had safeguarding needs.

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

The appellant states that the pupil has been placed with the family under a fostering arrangement and that the social worker deemed the school attended to

be the most suitable for the pupil and as places were available in the year group a place was offered to the pupil. The committee were advised that there were a number of nearer schools with places available which could have accommodated the pupil. The committee noted that the pupil is currently under assessment for SEN and that the pupil may be awarded an EHC plan.

The committee were advised that the authority delegates a significant amount of money to all school to enable the schools to provide learning support to those children with additional needs to fully access the curriculum. All school have a duty of care to safeguard all pupils in their care and to follow measures in school and liaise with all parties to make sure all measures are put in place and carried out. However the Committee noted that no evidence or report was submitted as evidence to the Committee to outline the pupils/foster carer's circumstances for consideration.

In considering the appeal further the Committee in considering the appellant's financial circumstances noted that they were not in a position to decide if the family were on a low income as defined in law. No evidence had been provided to suggest that the appellant was unable to fund the cost of transport to school. It was also noted that the family were not eligible for Free School Meals.

The Committee noted that as a looked after child that provision was available from the professional service looking after the pupil and it is at their discretion to award transport assistance in the form of a bus pass for those pupils who would not normally qualify for transport assistance from the Local Authority who had made the placement.

The committee were also advised that the Fostering and adoption service also confirm that the foster carers allowance also covers the first 3 miles of any journey such as to and from school. If the journey is more than 3 miles then the carer is able to claim any additional mileage expenses from the fostering service.

The committee noted the additional evidence submitted by the appellant that related to children in care only being placed in school where schools that are considered good or above at Ofsted. The Committee were advised that there were a number of schools closer to the home address than the school attended by the pupil who were classified by Ofsted as "good" that could have been considered to place this pupil.

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

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and any 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 4573 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 2018/19.

Appeal 4574

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 2.69 miles from their home address and under the statutory walking distance of 3 miles. Instead the pupil will attend a further school which was 4.59 miles away and over the statutory walking distance.

The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee 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 officer's schedule confirms that there are a further 2 schools closer to the home address than the school the pupil now attends and that the pupil had transferred mid-year to the school because of issues within the family.

In considering the mother's appeal the Committee noted that the pupil had recently moved to the chosen school following allegations made about the appellant's partner, now ex-partner from their own child which had been removed from the appellant's partner's care at their request.

The committee noted that the appellant states that the child removed is alleged to have bullied the appellant's child and this is the reason why the pupil was removed and placed in the school now attended. The committee also note that there was involvement with both Social Services and the police but no further action was taken. In considering this the committee noted that there was no evidence submitted from the appellant that confirmed that any bullying took place, the committee are not doubting the difficulties surrounding the incident but claims are evidence based and as such the Committee are unable to validate these claims for consideration. The Committee also note that there are no details of the other pupil who is alleged to have bullied the pupil so any consideration in relation to catching a bus from the bus station cannot be established as no evidence has been submitted to the committee for them to fully establish any risk of further bullying.

The committee were advised that the appellant was appealing on financial grounds. The Committee in considering the appellant's financial circumstances noted that they were not in a position to decide if the family were on a low income as defined in law. No evidence had been provided to suggest that the appellant was unable to fund the cost of transport to school. It was also noted that the family were not eligible for Free School Meals or in receipt of the maximum amount of working tax credit which would entitle the family to extended transport rights if the school attended was between 2 and 6 miles and was one of the three nearest schools to the home address.

The committee noted that the school attended was not one of the three nearest schools and as such would not be entitled to extended rights under low income grounds.

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

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was not persuaded that there was sufficient reason to uphold the appeal and provide travel assistance for the pupil.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4574 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 2018/19.

Appeal 4576

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 2.47 miles from their home address and was within statutory walking distance of 3 miles and instead would attend a further school which is 5.26 miles away.

In considering the appellant's appeal the committee noted that the appellant was claiming transport assistance on financial and medical grounds. The appellant stated that the family relocated to the current area to escape domestic abuse and were placed initially in a refuge and have now been rehomed. The committee noted the appellant's prescription and that they had involvement with social services. The prescription however did not really give any medical diagnosis of the appellant's medical issues and that the financial information provided only gave page one of four. The committee therefore only had limited information in relation to a pending free school meals claim.

The Committee were reminded that all New Year 7 appellants choosing a place at secondary school were advised that if transport was an issue they would need to contact the area Education office who would confirm entitlement. As the pupil is in receipt of free school meals then extended provision does apply if the pupil is attending one of the nearest three schools between two and six miles from the home address. The committee noted that the place was awarded on appeal and that a sibling was in attendance at the school but unfortunately places awarded through admissions appeal do not come with an award of transport.

However the Committee noted that this provision only applies if the pupil is attending one of the three nearer schools to the home address and that unfortunately as the pupil is attending their 4th nearest school does not qualify for extended transport assistance under the current policy.

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 temporary travel assistance for the pupil.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4576 awarded for a temporary period on the grounds that the reasons put forward in support of the appeal did warrant 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 2018/19.

- i. Transport to be awarded temporarily up to the end of the summer term (July) 2019 only.

Appeal 4577

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 3.38 miles from their home address, and instead would attend a further school which was 3.91 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law.

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

The Committee were informed that when the pupil commenced year 7 that the pupil had an SEN Statement which stated the school attended as the school most suitable for the pupil, the committee noted that the pupil had made great progress and was now subject to a school support programme of which now does not entitle the pupil to free transport. The appellant states that the pupil is again due

to undergo a further operation that will mean the pupil is unable to wear hearing aids that will make the pupil vulnerable travelling to and from school.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that there was sufficient reason to uphold the appeal on the information provided and award temporary transport.

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4577 be temporary allowed on the grounds that the reasons put forward in support of the appeal did merit the Committee exercising its discretion to make an exception and award temporary transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2018/19.

- I. Temporary Transport assistance is awarded up to the end of the summer term (July) 2019 only.

Appeal 4570

Resolved: Appeal deferred as the information submitted was incomplete.

Appeal 4583

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 is 0.80 miles from their home address and within the statutory walking distance of 3 miles from home to school and instead the pupil would attend a further school which was 1.33 miles away, both schools are within the statutory walking distance of 3 mile from home to school. The committee noted that there was also another school closer to the home address also under the statutory walking distance of 3 miles from the home address that the pupil could attend.

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

In considering the appeal further the Committee noted that the appellant was appealing on financial and medical grounds. The Family were eligible for Free School Meals and as such did qualify to extended transport provision. The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to one of their three nearest schools. For your child to receive free transport, the school must be between 2 and 6 miles away from your home. The committee noted that the school the pupil attended was one of the 3 closest schools to the home address but under 2 miles and within the extended statutory walking distance to the home address and as such did not qualify for extended transport provision.

The committee also noted the additional evidence from the optician that confirms that the pupil does have restricted eyesight. However no evidence was submitted to prove that the child is unable to walk the distance from home to school. The committee acknowledged the statement made by the appellant however there is no dispensation for parents or carers who due to work commitments or other commitments i.e. taking other children to school are unable to transport children to school, the committee note that in these instances that parents/carers are expected to make suitable arrangements to ensure that pupils in their care arrive safe at school.

The committee acknowledged the statement that that the appellant has a tribunal pending for DLA, unfortunately no further evidence was submitted to establish that due to the appellant's disability they were unable to walk.

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

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4583 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 2018/19.

Appeal 4584

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, at 0.74 miles from their home address and within the statutory walking distance of 3 miles from home to school and instead the pupil would attend a school 4.50 miles from the home address and over the statutory walking distance from the home address of 3 miles.

The appellant was appealing to the committee on financial grounds and the suitability of the nearer schools in their area, Ofsted reports of the school in the area and faith commitment. The committee were advised that a supplementary form had been submitted that the child attained a place at the school attended on faith grounds and that the primary school attended was not a faith school and that there is primary schools in the area of that faith the closest being 1.02 miles from the home address.

The committee also noted that the school attended was 1st preference and of C of E faith and that the 2nd school listed as a preference was a Catholic School with the closest school being listed as 3rd preference and of no faith.

The committee were advised that with regard to the comments made by the appellant in relation to the Childrens act the committee noted that 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 advised that admissions information is available for all parents from the beginning of admission term and parents are advised to check the policy carefully if home to school transport is an important issue. Parents are also able to seek advice from the area education offices and officers are also available in most schools during open evenings to advice on transport eligibility and admission enquiries.

In considering the appeal further the Committee considered the family's circumstances noted that they were not in a position to decide if the family were on a low income as defined in law. Some evidence had been provided but this states that the family are not on the maximum amount of working tax and that extended transport assistance could not be applied in this instance, extended rights for families on a low income states that if a child attends one of their 3 nearest schools and that school is between 2 and 6 miles then transport assistance will be awarded. The committee were advised that there are 4 nearer schools to the home address and that 2 of these schools also have a "Good" Ofsted rating and as the school attended.

It was noted by the committee that the family were not eligible for Free School Meals or on the maximum amount of working tax credit. The Committee considered all evidence submitted by the appellant and did sympathise with the difficult financial circumstances of the family and the point the appellant makes of giving a good example to the pupil by working.

However in considering the appeal further the Committee considered the family's circumstances and noted that the family were not on a low income as defined in law. No evidence had been provided to suggest that the family were unable to fund the cost of transport to school. The Committee considered all the evidence submitted by the appellant and did sympathise.

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

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4584 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 2018/19.

Appeal 4585

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 is 4.6 miles from their home address and over the statutory walking distance of 3 miles from home to school and instead the pupil would attend the 10th nearest school which is 10.05 miles from the home address and over the statutory walking distance from the home address of 3 miles.

The appellant was appealing to the committee on financial and medical grounds. The committee noted the letters from a medical profession detailing the appellant's condition. The committee also noted that although a sibling had attended the nearer school and the appellant had been pleased with the sibling's results the appellant stated that a pupil from primary school was attending the nearer school who had bullied the pupil and that the appellant had made the decision to send the pupil to the further away school as a result.

In considering the appeal further the Committee noted that the appellant was appealing on financial and medical grounds. The Family were eligible for Free School Meals and as such did qualify to extended transport provision. The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to one of their three nearest schools. For your child to receive free transport, the school must be between 2 and 6 miles away from your home. The committee noted that the school the pupil attended was the 10th nearest school to the home address and as such did not qualify for extended transport provision.

The committee also noted the officer's statement that highlights that when assessing transport on medical grounds of the parent that the assessment was based on a number of factors. The committee noted that the officer states that they in considering the medical grounds of the parent would consider if the pupil would normally be expected to travel unaccompanied at that age. The committee also noted that the officer confirmed that there was a bus stop close to the home address and there was no reason to suggest that the pupil was unable to travel to and from school independently.

The committee note that no evidence was submitted to substantiate that the nearer school is unsuitable as no names or reports have been made to the committee in relation to bullying. The committee were advised that all schools have measures in place to deal with bullying in school and that if raised as an issue before starting or while at a school then control measures would be implemented at school to mitigate any bullying that may occur in accordance with the bullying policy of the school.

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

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4585 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 2018/19.

Appeal 4594

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 is 2.19 miles from their home address and within the statutory walking distance of 3 miles from home to school and instead the pupil would the 6th nearest school which is 3.19 miles from the home address and over the statutory walking distance.

The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee 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 appellant's appeal the committee noted that the appellant stated that they were on benefits due to health issues and that supplementary evidence had been submitted to confirm the health issues. The committee also noted that the appellant states that their ex-partner did not contribute towards the pupil's upbringing. The committee were uncertain if this related to parenting or financial assistance as nothing further was stated by the appellant.

The Policy states that transport assistance will only be applied to those children who attend their nearest suitable school that can provide suitable education for their age/aptitude etc. The Committee noted that the appellant stated the school attended as 1st preference and as such was awarded this school. The committee also noted that the school attended by the pupil was also the chosen school previously for their elder sibling.

In considering the appeal further the Committee considered the family's circumstances and noted that the family have an active claim for free school meals going through. The committee noted that the family were eligible for Free School Meals and as such did qualify to extended transport provision. The policy states that if you have a low income and your child is in Year 7 to 11 in secondary school, we may be able to provide free transport if they go to one of their three nearest schools. For your child to receive free transport, the school must be between 2 and 6 miles away from your home.

The committee were advised that the school attended was the 6th nearest school from the home address and therefore did not qualify for extended provision under low income.

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

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

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4594 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 2018/19.

Appendix B

Appeal 948281

It was reported that a request for transport assistance had initially been refused as the pupil would be attending their nearest suitable school which is 1.1 miles from their home address and within the statutory walking distance of 3 miles from home to school.

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 appellants appeal the committee noted that the family member stated that the pupil now resides with them and that they were unable to walk the child to school because of their own health. Another family member did assist with the run to school in the car but they were elderly and had a serious operation and was not always able to assist with the school run due to their own health.

In considering the appeal further the Committee considered the family's circumstances fully as disclosed on the application form and the Schedule.

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 there were sufficient circumstances to warrant the committee exercising their discretion and award temporary transport.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 948281 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 school SEN Policy for 2013/14;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the summer term 2018/19 academic year only to be reviewed.
- iii. If the appellant requires further assistance or circumstances change then the appellant will be reassessed, if refused then the offer of a further appeal can be made to the Committee.

Any Other Business

Appeal 4527

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 is 2.28 miles from their home address but over the statutory walking distance of 2 miles from home to school and instead the pupils would the 2nd nearest school which is 2.56 miles from the home address and over the statutory walking distance of 2 miles from the home address as both pupils are under 8 years old..

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 appellants appeal the committee noted that that the elder pupil had been awarded their 1st preference school and the younger pupil had submitted a late submission but had been allocated the 1st preference on the late admissions application. The committee noted that the family were appealing on the grounds of educational continuity.

The committee noted that when transport assistance for the younger pupil was assessed the authority noted that due to a school relocation that the school attended was now not the nearest school to the home address and therefore transport assistance under the current transport policy would not be awarded.

The Policy states that transport assistance will only be applied to those children who attend their nearest suitable school that can provide suitable education for their age/aptitude etc. The Committee noted that the family stated the school attended as 1st preference for both children.

The committee were advised that during the application process parents are reminded that if travel to and from school is a consideration then all parents are directed to LCC's website to view the full policy and to check with the area education office to check individual eligibility.

In considering the appeal further the Committee considered the family's circumstances fully as disclosed on the application form and the Schedule. The committee noted that the authority had incorrectly assessed that the school attended was the nearer school. The committee were advised that the home to school transport policy states:-

What happens if you allow my child to travel for free by mistake?

If your child is going to school and we find that we are allowing them to travel for free by mistake, we will let you know that we have made a mistake and we will advise when we will stop providing free transport. Your child will be permitted to travel free of charge for the rest of the term.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, Policy, application form and supplementary evidence the Committee felt that there were sufficient

circumstances to warrant the committee exercising their discretion and award temporary transport.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 4527 be temporary 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 Mainstream Home to school Transport Policy for 2018/19 due to the error made by the authority in assessing the nearest school to the home address.
- ii. The transport assistance awarded in accordance with i. above be up to the end of the summer term (July 2019) 2018/19 academic year only for both pupils.

Appeal 31362

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable College and instead attend a further college from home to school.

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 further the Committee considered the family's circumstances fully as disclosed on the application form and the Schedule.

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 there were sufficient circumstances to warrant the committee exercising their discretion and award temporary transport.

Resolved: That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 31362 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 school SEN Policy for 2013/14;

- ii. The transport assistance awarded in accordance with i. above be up to the end of the summer term (July 2019) 2018/19 academic year only.
- iii. If the appellant requires further assistance or circumstances change then the appellant will be reassessed.
- iv. The appellant must provide full details if they choose to re-apply for assistance and this must contain the following information as evidence and must be current and up to date.
 - Full Details of the Family Make up and Circumstances
 - Full and up to date information on the financial Circumstances of the family.
 - What support is the family are receiving in relation to the Pupil.
 - Details of PIP Awarded to the Pupil.

L Sales
Director of Corporate Services

County Hall
Preston