

Lancashire County Council

Student Support Appeals Committee

Minutes of the Meeting held on Monday, 14th January, 2019 at 10.00 am in County Hall, Preston

Present:

County Councillor Christian Wakeford (Chair)

County Councillors

A Cheetham
J Cooney

Y Motala

1. Apologies

None

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None

3. Minutes of the meeting held on 03rd December 2018

Resolved: That the minutes of the meeting held on 03rd December 2018 were confirmed as an accurate record and signed by the Chair.

4. Urgent Business

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

It was noted that the paperwork for appeals 609861, 4570 and 4579 had only been finalised after the agenda had been circulated. As a result, the Chair had been consulted and had agreed that these appeals could be presented to the meeting under urgent business in order to avoid any delay in determining it.

Resolved: That, appeals 609861, 4570 and 4579 were circulated to the Members of the Committee, to be considered alongside other appeals at the meeting.

5. Date of the Next Meeting

The next scheduled meeting of the Committee will be held at 10:00am on Monday 11th March 2019.

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Not for Publication – Exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972.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).

Please note that due to the confidential nature of the information included in this report it will not be published on the website.

Appeals 4530

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 under the statutory walking distance of 3 miles for the age of the pupil, but was attending the school of parental preference which was over 20miles 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 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 appellant stated they were on a low income and as such were entitled 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 20.13 miles from the home address was not one of the three nearest school to the home address.

In considering the family's circumstances the Committee noted that the appellant was a single parent and stated they suffered from long term sickness problem. The appellant had requested the Committee to reconsider the outcome of the initial transport assessment.

The Committee noted the Officer's comments which stated 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 to transport policy. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend their nearest school or academy.

It was noted by the Committee that eligibility to receive transport assistance was assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the 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.

It was noted by the Committee that although the family were in receipt of a low income and qualified for free school meals, the pupil did not qualify for free home to school transport. Free transport on low income can only be granted if school in question was one of the three closest to home and the distance is between 2 and 6 miles. In this instance, the school was not one of the three closest to home and the distance exceeded the 6 mile upper limit.

The Committee noted the extra evidence provided by the appellant:

- Housing Benefit Letter
- Tax Credit Letter

The appellant had stated they had long term sickness problem but the Committee noted that no proof was provided by the appellant to support this information. 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.

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."

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4530 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 4566

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 3.86 miles from the home address 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 appeal further the Committee noted that the appellant was appealing on home to school distance ground.

The Committee noted the appellant had included maps and images to support their assertion that the distance from their home to the pedestrian entrance for the school attended by the pupil was 3.8 miles while the distance to the nearest suitable school was in fact 4.3 miles but however felt that the County Council had measured the distance from their home to the new pedestrian entrance of the nearest suitable school making this the nearer school. The appellant further explained, as noted by the Committee, that in fact this entrance was at the far end of the school's playing fields rather than the main school buildings. The appellant stated that by road, the distance between the school gate to the nearest qualifying school from their home is 3.8 miles, which is the same distance as their home from the school the pupil attends. The appellant reasoned that the school attended by the pupil was therefore the closest school to their home address. It was brought to the Committee's attention that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school. Admission information is available to all parents at the time of applying for school places. A summary transport policy is made available to all, which parents and carers are advised to check carefully, if getting their child from home to school and back is a consideration. Parents are directed to a full 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 queries. The County Council also has officers in attendance at most schools open evenings to give advice on transport eligibility and admission queries.

It was brought to the Committee's attention that as from September 2017, the nearest qualifying school opened a new pupil entrance on the opposite side of the school site to the school's main entrance for all children coming from the area where the pupil resided. This new entrance ensured the nearest qualifying school is now closer than the school attended by the pupil. This decision to open this new entrance was purely down to the school themselves and the council had no input.

The Committee also noted that the appellant states that the distance they have measured is not the same as that stated by the authority and that they have used

Google maps. The Committee were advised that the County Council uses two bespoke packages of mapping software specifically used for the accuracy of measurements undertaken for both admissions and transport purposes and both have a proven history of accuracy. These packages are used for all pupils on admissions and for transport entitlement for the whole of the authority.

The Committee have noted at the supporting information provided by the appellant marked under:

Appendix 01- Straight Line Measurements to Both Schools

Appendix 02-Maps to Main Entrance

Appendix 03-Nearest qualifying school's decision to open new entrance.

Appendix 04-School entrance

The Committee also noted that an elder sibling had attended the same school and was entitled to free transport at that time. The Committee were advised that this provision was as a result of a more generous previous policy and that this provision continued till either the pupil left school or their personal circumstances changed where they would be re assessed under the current policy.

The Committee noted the Department for Education issues statutory guidance that required changes in County Council's Home to School Transport Policy to be phased in so that children who start under one set of transport arrangements continue to benefit from them until they either conclude their education at that school or choose to move to another school. The phasing in of policy changes allows a situation to arise where an older sibling is receiving transport assistance but the younger pupil is not entitled.

The Committee were informed that free transport can only be authorised if pupil was attending the closest school to home and the distance to the school exceeded three miles. As school was not the closest to home, free transport couldn't be granted.

The Committee were advised that there is additional assistance available to low income families but only if the parents are in receipt of one of the qualifying benefits for free school meals or is in receipt of the maximum working tax credits. In order to qualify for help with travel costs, a pupil must be attending one of their nearest three schools between 2 and 6 miles. Had parent received free meals or be in receipt of the maximum amount of working tax credits, free transport would have been awarded as school is the 2nd closest to home and within the qualifying distance. No evidence had been provided to indicate family in receipt of the maximum amount of working tax credits.

Considering the Officer's comments, the Committee noted that it was 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 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 4566 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 4568

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 3.22 miles from the home address, but was attending the school of parental preference which was 4.61miles 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 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 advised they would like to maintain as much continuity as possible for the pupil due to the breakdown of the parent's marriage. The appellant had stated that prior to the break up of their marriage their home was closest to the school attended by the pupil. It was only the result of the breakdown that the pupil now lived further away but again the appellant didn't want to cause any upheaval and change in the pupil's school which will only aggravate an already difficult period for the pupil.

The Committee noted the appellant wished for the pupil to continue at the school attended as they were settled in but had to consider the transport policy and according to it the school attended by the pupil was not the closest qualifying school.

The Committee have noted the google maps sent in by the appellant showing the distance from:

Home to the school attended by the pupil marked - 4.7miles
Home to the nearest qualifying school- 3.3miles.

The Committee have considered the Officer's comments which stated it is parental preferences for a school and academies and the application of admission arrangements linked to those which informs and drives the subsequent application of the Local Authority 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 Committee noted that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school.

It was also noted by the Committee that free transport can only be authorised if a child is attending their nearest school providing the distance to get to this nearest school exceeds three miles. Appellant had validated with the maps provided that the nearest qualifying school was the closest school.

The Committee were advised that there is additional assistance available to low income families but only if the parents are in receipt of one of the qualifying benefits for free school meals or is in receipt of the maximum working tax credits. In order to qualify for help with travel costs, a pupil must be attending one of their nearest three schools between 2 and 6 miles. Had the parent received free meals or been in receipt of the maximum amount of working tax credits, free transport would have been awarded as the school is the 3rd nearest at which a place could have been offered and the distance is between 2 and 6 miles. In this instance the family are not in receipt of free school meals nor had evidence been provided of family being in receipt of the maximum amount of working tax credits. In light of this, the family do not have a statutory eligibility to free home to school transport.

The Committee noted the appellant mentioned in this case a distance to the nearest faith school being 3.3 miles. Neither the nearest qualifying school nor the school attended by the pupil had an admissions entry criteria based on faith and even if they did, the Department for Education 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.

Considering the Officer's comments, the Committee noted that it was 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.

It is also acknowledged by the Committee that there are schools closer to the home address than the one attended by the pupils and it was noted that the school the pupil was attending was the first choice as parental preference. 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 4568 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 4569

It was reported that a request for transport assistance had initially been refused as the pupil is attending a school 2.91 miles from home and which is also within the statutory walking distance of 3 miles.

The Committee noted the appellant had changed home address in August 2018. The appellant advised they were a single parent and couldn't afford to pay for travel expenses.

The appellant stated as noted by the Committee, the pupil had received free travel pass during years 8 and 9 and it would not be feasible at this stage to move the pupil to a nearer school because they had started GCSE courses. It was noted by the Committee, the Officer's comments stated the pupil was previously awarded transport assistance as the family had lived over 3 miles from the school attended by the pupil. The distance from the pupil's new home address was 2.9133 miles which is under the statutory walking distance.

In considering the appeal further the Committee noted that the appellant was appealing on financial grounds.

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 2.9 miles from the home address. However, the Committee noted that evidence was not provided to confirm that the family income was low, as defined by the law. 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.

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 4569 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 4578

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 5.65 miles from their home address, and instead would attend school which was 6.45 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 appellant, as noted by the Committee, was appealing on financial grounds, and full details of the family's income, according to the appellant has been provided on the form.

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 noted the appellant explained that for the pupil's safety, following a difficult time at school the pupil moved to present area and was home educated for the final part of the summer term 2018. In September 2018, one week into the new term, the family were able to secure a place for the pupil at the school attended. The application was made during the summer holidays but could not be confirmed until the school opened again in September. The family considered the school attended by the pupil to be the most suitable school for the pupil's safety and welfare as it offered the pastoral care they needed.

The Committee noted it is parental preferences for a school and academies and the application of admission arrangements linked to those which informs and drives the subsequent application of the Local Authority 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 appellant explained, as noted by the Committee that their morning routine began at 5am until around 9:30am so they were unable to transport the pupil 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 and from 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 safely at school and at

home at the end of the school day. When assessing home to school transport entitlement, it is not possible for there to be consideration of how the pupil might undertake the journey to school. The availability and capacity of bus services can change depending on demand and revenue from bus fares. Many public bus services and school bus services are under review.

It was brought to the Committee's attention that the appellant stated they called the Pupil Access Office to apply for a bus pass and was told an application would be sent to them within 5 working days. However, instead of the expected form, they received a letter informing them that their application had been unsuccessful, the reason given that transport assistance could only be offered to their nearest school. The appellant asserted that as no transport application form was sent to them, they were denied the opportunity to apply properly for assistance and therefore unable to submit all the information regarding their application that they felt should have been taken into consideration.

The Committee noted the Officer's comments which stated that it was noted that the appellant was not sent a transport application form. Assessments for eligibility to receive transport assistance are often undertaken based on information received over the telephone or through contact with the Customer Services Centre. The County Council's Home to School Transport Policy reflects the statutory requirements of the Department for Education in respect of an initial determination of whether a pupil is attending their nearest school. There is also further consideration if a pupil is in receipt of free school meals or the family are in receipt of the maximum amount of Working Tax Credit. As these were the only determining factors, it was felt unnecessary to ask parents to complete an application form, with a passport size photography, when a travel pass cannot be awarded.

The Committee were made aware that Officers did not have the discretion to look at the reason given by the appellant. Transport assistance could only be awarded outside the Policy by the Student Support Appeal Committee.

The appellant explained that their home sits within the catchment area for the school attended by the pupil but not for the nearest suitable school and that all the bus routes that pass through the area serve those schools but not the nearest suitable school. They stated that in the past children who already attended the nearest suitable school moved into the area and were subsequently transported to the school by taxi as there was no bus route. The appellant felt that the 'nearest school' policy was unfair, given that the catchment areas covered other schools and suggests that if they lived on the other side of the area and 2 miles nearer, they would be considered for transport assistance.

The appellant suggested, as noted by the Committee, that the rule of 'nearest school by safe walking route' does not take into consideration the catchment areas or the availability of passing school buses or school places.

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.

Additional transport assistance is a statutory entitlement for low income families but only where pupil is attending a school that is between 2 and 6 miles from their home address. The school attended by the pupil is over 6 miles from the home address.

It is also acknowledged by the Committee that there are schools closer to the home address than the one attended by the pupils and it was noted that the school the pupils were attending was the first choice as parental preference. 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 4578 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 4580

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable schools which were 1.3 miles and 1.8 miles, respectively, and within walking distance and instead attended a school which is 4.6 miles away. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The appellant had appealed to the Committee on the grounds that they had extenuating circumstances to warrant Committee in exercising its discretion and award transport was not in accordance with the Council's policy or the law. The Committee noted the appellant advised they were a single parent appealing on both financial and medical grounds. The family were currently receiving temporary transport assistance in the form of a taxi to school.

The appellant stated, as noted by the Committee, that two of the pupils had been diagnosed with health issues and explained that one of the pupil's medical condition meant they had no sense of awareness or peril either when on their own or when out with them. The pupil was dangerous near roads and would frequently run off. The pupil's illness caused them to regularly fall over and trip. The pupils were in process of being investigated for EHCP and further support from the school they attended.

The Committee noted the appellant described how settled all three pupils were at the school attended since they started there and how the school provided them with specialist help and support. The school also offered protection for the family from the appellant's partner who had been absent from their lives but periodically contacted them when not in confinement. The appellant also described how school had been one of the only safe and continuous place in their lives and the pupils would be devastated if they were no longer able to attend there.

The Committee have noted the letter from head of the school attended by the pupils, supporting the appellant's summary which includes health issues of the two pupils and support for them.

It was noted by the Committee, the appellant explained that they tried to find a school within walking distance from their home but this had been difficult as they required 3 places to be available and all the school nearby have been oversubscribed. The appellant had applied for school admission appeal but was not allowed a school place for the pupils.

The Officer's comments stated free transport can only be authorised if child is attending the closest school to home and the distance to get to this school exceeds two miles for a child up to the age of eight and three miles for a child over the age of 8. It was brought to the Committee's attention one of the nearest suitable school at 1.31miles has a place for 2 of the children, while another school at 1.81 miles has place for all 3 pupils.

The Officer's comments stated, as noted by the Committee, transport assistance had been refused as the pupil was not attending their nearest 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 Committee noted that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school. Admission information is available to all parents at the time of applying for school places.

The Committee were informed the Authority's home to school transport policy requires the Officers to provide transport assistance for a child to attend their nearest suitable school if they reside three miles or more from home by the shortest suitable walking route. For the transport assessment process the Officers would check whether places are available at a school nearer to the home address, the Officers would consider the position at the time immediately prior to school places being allocated.

The Committee noted the family had an active claim for free school meals.

The Committee have noted the following supporting evidence:

Letter from the head teacher

Two Letter from the Consultant from Child Development Centre

Copy of the school admission appeal application for one of the pupil

Notes from Pupil Access Team

Resolved: That Appeal 4580 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. How are the pupils getting to and from school at present moment.

Appeal 4610

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 2.62 miles from their home and within the statutory walking distance and instead would attend their 6th nearest school which was 8.85 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 pupil found change very difficult to cope with and the mention of changing school had upset the pupil and they were not sleeping. The appellant advised they couldn't afford to pay for the bus pass and would like the appeal to be reconsidered.

The Officer's comments stated, as noted by the Committee, pupil had been refused transport assistance as they were 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.

A summary transport policy is made available to all parents. 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 full 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 queries. The County Council also has officers in attendance at most schools open evenings to give advice on transport eligibility and admission queries.

The Committee were advised that in September 2015, the County Council removed discretionary elements of the Home to School Transport Policy. All new pupils starting at school now only receive transport assistance if they attend their nearest school and live more than three miles away. The committee were advised that when undertaking assessments there is no longer any consideration of which Geographical Priority Area or parish a pupil lives within and schools in neighbouring districts and local authorities are also considered when assessing the nearest schools to the pupil's home address.

It was noted by the Committee that the pupil was in receipt of free school meals and therefore assistance would have been provided on low income grounds if they had been attending one of their nearest three schools and should the distance be between 2 and 6 miles. Unfortunately, as the school attended is not one of the three closest schools to home and as the distance exceeded 6 miles, the pupil had no statutory entitlement to free transport.

The Committee have noted the following supporting evidence:

Letter from the appellant

Supporting letter from SEN Co-ordinator

SEN Support – Student Passport

Progress report of pupil for Autumn Term of 2017

Copy of Letter from Hospital dated 16/01/2018

Copy of Letter from Hospital dated 17/01/2018

Copy of benefit letter dated 09/03/2018

Copy of benefit letter dated 31/01/2018

Copy of benefit letter dated 16/04/2018

Copy of benefit letter dated 16/03/2018

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 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 4610 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 4614

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest suitable school, which was 0.5 miles from their home address, and instead would attend their 13th nearest school which was 5.37 miles away. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appellant's appeal the Committee noted that due to safeguarding issues, the family had moved address, involuntarily from previous address to the present one in October 2018 which is of a permanent nature and that the appellant wished that the pupils continued to attend the same school.

The family are appealing on financial grounds and education continuity grounds. It was noted by the Committee, the appellant stated that currently the school where the pupils were attending were paying for the pupils' bus passes from the Pupil Premium funds. The pupils were settled and happy in the school.

The appellant stated, as noted by the Committee, the alternative school was 0.3 miles nearer to the home, and transport would be required, so the appellant asked that the transport is provided to the school the pupils attended, to provide some continuity and support to the children, who moved from their home due to a safeguarding matter. They also stated that no agencies were offering support.

It was noted by the Committee, the appellant stated the route to the proposed school was unlit and unsafe to walk to during the winter months. The distance of 1.8 miles twice a day was unacceptable for a child of four year to walk.

The appellant explained, as noted by the Committee, that the family had no option but to move due to the housing situation and were unable to plan for changing school. As their ex-partner knew where they were living they had to move.

The Committee noted it is parental preferences for a school and academies and the application of admission arrangements linked to those which informs and drives the subsequent application of the Local Authority 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 Officer's comments stated free transport can only be authorised if child is attending the closest school to home and the distance to get to this school

exceeds two miles for a child up to the age of eight and three miles for a child over the age of 8. The committee noted that eligibility to receive transport assistance is assessed by determining the distance between a child's home and the nearest school they could attend. This measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school. Admission information is available to all parents at the time of applying for school places.

The Committee were informed the Authority's home to school transport policy requires the Officers to provide transport assistance for a child to attend their nearest suitable school if they reside three miles or more from home by the shortest suitable walking route. For the transport assessment process the Officers would check whether places are available at a school nearer to the home address, the Officers would consider the position at the time immediately prior to school places being allocated.

The Committee have noted the supporting evidence:

Email from School Business Manager supporting the appeal

Bank statement

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.

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."

Resolved: That, having considered all of the circumstances and the information as set out in the report presented, appeal 4614 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.

AOB

Appeal 4570

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 under the statutory walking distance of 3 miles for the age of the pupil. 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 had heard the appeal on 03rd December 2018 and had deferred it for the appellant to supply the following information to the Committee to enable them to give full consideration to the appellants claim.

- Details of what schools are available closer to home than the school attended with places available for the pupil.

- Evidence and reason why the appellant is unable to take the child to and from school.

The Committee heard the appeal again on 14th January 2019 and were informed that the nearest school for the pupil to attend was Ribblesdale High which is within the statutory walking distance of 3 miles.

It was noted by the Committee the appellant stated they changed their job in December 2018 for the sake of the pupil so that they could stay at the school attended as the pupil was happy and doing well. The appellant went on to state they couldn't let the pupil sit in the car for 2 and half hours or walk all the way home to the library after 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. It was noted that previously the pupil was transported by car to primary school and that the appellant now wished the pupil to travel by bus to the secondary school of choice. It was noted by the committee that the appellant did not state if the child currently travelled on the bus to and from school or if there were any issues with the pupil travelling by bus such a distance from home so were unable to establish what current travel arrangements were in place.

The Committee also noted that in the officers schedule that the Department for Education states that by law the Council only had to provide transport assistance to the nearest qualifying school and that such a school was taken to mean, in accordance with legislation, any school with places available that provides an education appropriate to the age, ability and aptitude of the child and that when undertaking the assessment the authority does not discount any school based on the school OFSTED category.

In considering the families financial circumstances the Committee noted that they were unable to determine if appellant was on a low income as defined in law. Not enough financial evidence had been supplied to suggest that the family would be unable to fund the cost of transport to get the pupil to school and back.

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 noted that at the time of application from the officer's comments that if the pupil had applied for a place at the nearer school and given a higher preference on application then a place could have been offered at one of the nearer schools had the appellant ranked their preferences differently and that some of the schools were within the statutory walking distance.

The Committee were reminded that parents do not have a right to choose a particular school for their child – parents have a right to express a preference.

If your preferences cannot be met, the local authority will allocate your child a place at an alternative school. This may be at a school that you did not even apply for, the parents do not need to accept this offer they can appeal for a place at their preferred school or ask the Local Authority to make an alternative offer of school place.

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 4570 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 4579

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 2.31 miles from the home address and within the statutory walking distance of 3 miles from the home address but was attending school of parental preference which was 2.34 miles and also located within the statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The 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 stated, as noted by the Committee, that they were a single parent working as self-employed and their pay varies so was appealing on financial grounds. They went to explain they lived alone on a busy road with no decent footpath and no street lighting and felt the route was not safe for the pupil to walk to school. The appellant went on to explain that there was no school bus near to their home and the closest stop being over a mile away along the unsafe road and no public transport that could be used as an alternative.

The Committee noted, the appellant stated, that there were students who attended the nearest suitable school living opposite their home who got a free minibus that stopped outside their house but which the pupil was not allowed to catch. The appellant felt that they and the pupil were being discriminated against because the pupil was attending a faith school and that the pupil would have to change school in order to receive transport assistance.

It was noted by the Committee, the appellant further explained that their work was in another town and they started at 7:45am. Consequently, they were

unable to take the pupil to school and collect them every day and there was no breakfast club that the pupil could attend if the appellant took the pupil to school at 7:15am. There was no family nearby to help them out. The appellant stated they couldn't afford a taxi ten times a week and was desperate.

The Committee was reminded that it is parental preferences for a school and academies and the application of admission arrangements linked to those which informs and drives the subsequent application of the Local Authority 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. Eligibility to receive transport assistance is assessed by determining the distance between the entrance of a child's home and the entrance of the nearest school they could attend. The measurement is taken from the nearest boundary entrance of the pupil's home to the nearest entrance to the school. Free transport can only be authorised if the pupil was attending the closest school to home and the distance to get to the school attended by the pupil exceeded three miles. The school attended by the pupil was not the closest to home, the pupil couldn't be granted free transport.

The Committee were reminded that it is parental responsibility for ensuring their child's safe arrival at school. In all cases, when assessing the suitability of routes, the County Council will assume that the child is accompanied, where necessary, by a parent or other responsible adult and is suitably clad. 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 and from 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 safely at school and at home at the end of the school day. When assessing home to school transport entitlement, it is not possible for there to be consideration of how the pupil might undertake the journey to school. The availability and capacity of bus services can change depending on demand and revenue from bus fares. Many public bus services and school bus services are under review.

It was noted by the Committee that there is an additional entitlement to transport assistance for low income families if parents are in receipt of qualifying benefits for free school meals or the maximum amount of Working Tax Credit. Free travel is provided if a pupil is attending one of their three nearest schools and the school is situated between 2 and 6 miles from home. Had the applicant received free school meals or been in receipt of the maximum amount of Working Tax Credits, free transport would have been awarded as school attended by the pupil was the 2nd closest to home and within the qualifying distance. It was noted the appellant had not sent in any supporting evidence of their income or benefits. It was also noted by the Committee that a summary of the County Council's Home to School Transport Policy is provided within all the admission documentation, both in the booklets and online. Parents are urged to contact their local education office if travel costs are a consideration or concern when parents are making a secondary school application. Additionally, members of the Pupil Access Team are in attendance at nearly all of the secondary school open evenings to give advice about admissions and transport entitlement.

It was brought to the Committee's attention that from September 2017, the nearest suitable school opened a new pupil entrance on the opposite side of the school site to the school's main entrance for all children coming from the direction of the pupil. This new entrance ensured the nearest suitable school was now closer than the school attended by the pupil when walking to school. The decision to open this new entrance was purely down to the school themselves and the council had no input to this decision.

The Committee have noted, the Officer's comment stated that the authority agreed that the route to get into the centre of the area had been declared "unsuitable" and as the nearest suitable school is the closest school to home, free transport would be authorised to the nearest suitable school only.

The Officer's comments stated, as noted by the Committee, that assessing a pupil's eligibility to receive transport assistance was a two part process. Firstly, a pupil's nearest school, for transport assessment purposes, is determined. This is the school that is closest to the pupil's home, measured by distance, as accepted by the County Council. The safety of the route between home and school is only considered if a pupil is attending their nearest establishment which is not the case in this instance.

The Committee were advised that in September 2015, the County Council removed discretionary elements of the Home to School Transport Policy. All new pupils starting at school now only receive transport assistance if they attend their nearest school and live more than three miles away (unless the route to get to the nearest school is deemed unsuitable to walk, then the distance can be lower).

The Committee were advised that when undertaking assessments there is no longer any consideration of which Geographical Priority Area or parish a pupil lives within and schools in neighbouring districts and local authorities are also considered when assessing the nearest schools to the pupil's home address. It was noted the County Council's Home to School Transport Policy was formerly more generous, and awarded free transport to pupils attending their Geographical Priority Area School, even when there were schools closer to the home, however since September 2015 this has not been the case.

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 also unable to determine the family's financial circumstances. 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 were 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. The Committee have noted the note the appellant had sent in email supporting their appeal.

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 4579 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 609861

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest college, which was 12 miles from their home address and instead would attend college which was 17.8 miles away.

The appeal was heard in March 2018 and refused on the grounds:

Having considered all of the appellants' comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the College/FE establishment 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 609861 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.

The Committee noted the appellant had appealed again on the grounds that they believed the nearest suitable college were not meeting the pupil's needs. The pupil's options were spread over 2/3 campuses. The appellant stated the pupil suffered from anxiety and migraines and was panicking they couldn't do all the work at the nearest suitable college and since moving from the nearest suitable college to the college of parental preference, the pupil is more settled and was doing much better. The appellant recognised that although the nearest suitable school was closer, the college of parental preference was more suitable to meet the pupil's needs.

It was brought to the Committee's attention that the appellant was stating the pupil would be more independent in a taxi as the pupil be less reliant on the appellant to get them to college on time. The pupil would also be less socially isolated travelling with peers rather than the appellant. If the pupil were to travel by taxi, rather than with the appellant, they would be in the right frame of mind for learning and the travel time to wind down and de-stress on the way home.

The Committee noted that the pupil had been assessed for a Direct Payment package and had been given emergency interim payments, which are being used to help develop the pupil's independence and relieve their social isolation. The appellant currently transports the pupil everywhere although the appellant has health issues which affects them transporting the pupil to and back from college. The appellant stated, as noted by the Committee, they had correspondence from the nearest suitable college referring to possible changes to the pupil's learning programme to meet their needs but these did not work out. The appellant stated they were awaiting a reply to their most recent correspondence to the college.

It was brought to the Committee's attention, the appellant wished for the appeal to be further considered for transport request for the pupil as it would not only help the pupil move forward but also the appellant as they were struggling to fit everything in during daylight hours. It would also give the appellant peace of mind to know that the pupil was in the right place for their education, which they were sure was at the college the pupil attended and was parental preference. The Committee noted the Officer's comments which stated they had noted the pupil was now settled well overall at the college attended by them and was in attendance regularly.

The Committee are aware of the appellant making an appeal previously which was turned down and the letter to appellant advised that the pupil was not attending the nearest college which was 12 miles away and instead was attending a college that was 17.8 miles away from home.

The Committee noted that the Local Authority had a duty to encourage, enable and assist participation of all young people with learning difficulties and/or disabilities up to 25 year of age. However, there is no automatic entitlement to free home to school transport if your child is over 16 at the beginning of academic year (1st September).

It was noted by the Committee that the college that is considered to be the nearest suitable one for the pupil had stated they would make adjustments to meet the pupil's needs.

The Committee also noted the SENDCO had not seen the correspondence from the nearest suitable college, as referred by the appellant. Correspondence sent between SEND Team and the nearest suitable college SENDCO acknowledge that the pupil was struggling at one of their campus, but they were proposing that the pupil could attend their chosen course at a different campus for 3 days a week. The Committee have been notified that both the campus were 9.3 miles and 12.1 miles respectively.

The Committee also noted the SEND case worker had enquired if there was any transport from the address the pupil lived to the college they attended and were informed that there were no transport runs taking place between the home address or nearby to the college attended by the pupil.

The Committee noted that providing a taxi for the pupil to get to the college and back would not make the pupil independent as there are other opportunities for the pupil to have his independence and be less socially isolated. It was also noted by the Committee that the pupil was received Direct Payment package which was being used to help develop the pupil's independence and relieve his social isolation.

It was also noted by the Committee that the appellant state they had health issues which they felt affected them taking the pupil to and from college but felt there was no supporting information for the Committee to consider apart from the letter from the appellant's doctor.

The Committee have acknowledged and noted the following supporting evidence in relation to this appeal:

Letter from health official dated 19 December 2018

Note about College Experience dated November 2018

Emails about transport service in area

Emails about distance for colleges

Therefore, having considered all of the appellants' comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the College/FE establishment 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 609861 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 for children and young people with special educational needs and disabilities 2013/14.

L Sales
Director of Corporate Services

County Hall
Preston