

# **Lancashire County Council**

## **Student Support Appeals Committee**

**Minutes of the Meeting held on Monday, 3rd September, 2018 at 10.00 am in CH1:15 - County Hall, Preston**

### **Present:**

County Councillor Christian Wakeford (Chair)

### **County Councillors**

A Cheetham

Y Motala

### **Co-opted members**

#### **1. Apologies**

CC J Cooney

#### **2. Disclosure of Pecuniary and Non-Pecuniary Interests**

None

#### **3. Minutes of the meeting held on 02 July 2018**

Resolved: That the minutes of the meeting held on 02<sup>nd</sup> July 2018 was confirmed as an accurate record and signed by the Chair.

#### **4. Urgent Business**

4511, 4512, 4515, 4526, 4545

#### **5. Date of the Next Meeting**

The next scheduled meeting of the Committee will be held at 10.00am on the 01st October 2018 in Room CH1:15 (first floor, Pitt Street Entrance) County Hall, Preston

#### **6. Exclusion of the Press and Public**

The Committee is asked to consider whether, under Section 100A(4) of the Local Government Act 1972, it considers that the public should be excluded from the meeting during consideration of the following item of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 12A to the Local Government Act, 1972 as indicated against the heading of the item and that in all the

circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information

## **7. Student Support Appeals**

Not for Publication – Exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972.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

Please note that due to the confidential nature of the information included in this report it will not be published on the website.

### **Appeal 4486**

It was reported that a request for transport assistance had initially refused on the grounds that the pupil was not attending their nearest suitable school which was 0.249 miles from home and within the statutory walking distance and instead attended their 54<sup>th</sup> nearest school which was 5.07 miles away. The appellant had appealed for transport assistance and the Committee had agreed on a temporary bus pass until the end of school term, July 2018.

The Committee noted, that the appellant was appealing for continuous transport assistance in the form of bus pass, to be agreed by the Committee and for it to continue from September 2018.

The appellant had stated that both the children were looked after children and that the family were living on even less benefits than before and that they would find it hard to afford an extra £17.00 to cover the pupil's bus pass. It was noted that the pupil was happy and settled at the school attended.

The Officer's comments stated, as noted by the Committee, that an appeal on behalf of the pupil was approved by the Committee in April 2018 until the end of the 2017/18 academic year, i.e. July 2018. The appellant was now re-appealing. The Committee noted, as stated by the Officer, that both of the children of the appellant are Looked After by the Local Authority. The Social Worker confirmed that the elder sibling struggled at their previous school and was transferred to the present school on a managed move. They were, therefore, given assistance in the form of a bus pass to enable them to settle in the new school. The Social Worker continued to support the appeal for transport assistance for the pupil, noting that they were on a full care order which made the Local Authority a corporate parent with parental responsibility.

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

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

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

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

It was brought to the Committee's attention that the appellant had been asked to supply further evidence on income which had been supplied by the appellant. The Social Worker was also asked to send in evidence of Full Care Order and obtain further evidence on income, but had not sent in evidence.

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 4486 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 4492**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest qualifying school, which was 3.6 miles from their home and instead would attend school which was 7.2 miles away. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The appellant stated, as noted by the Committee, that they were in a difficult relationship and moved from the previous area to the present area to provide the family with a new start. The application for a school place for the pupil was submitted late due to moving house and the appellant stated that since moving in to the new area, other pupils from the school who had been considered closest had bullied this pupil, so they would be afraid to attend that school. On the other hand the pupil had made friends with pupils from the school that they attended and it was argued that this would help their confidence to attend there.

The Committee noted that the appellant suffered from health issues and was on strong medication which meant that they often couldn't drive. They also stated that the children had a CAF in place.

The Officer's comments, as noted by the Committee, stated that the family lived in a different area and moved to the present area in November 2017.

The Committee noted, the Department for Education statutory guidance required the Council to assess transport eligibility by considering whether a place could have been allocated in the normal admissions round if the appellant had included the school as a preference. It was noted that the appellant was able to apply for a school place from early September 2017 to 31 October 2017. No application was

made during this time. Had an application been submitted whilst the family were living at their previous address and then a late application made immediately after the family had moved to the new area, then the Council would have considered the application if it was on time. This would have meant that a place would have been offered at the nearest suitable school, which was the family's first preference.

As noted by the Committee, due to the only application for a school place for the pupil was the one that has been submitted late, the council were unable to offer them a place at any of their preferences, even their nearest school. The pupil was subsequently offered a place at the nearest council school that had a place available at that time.

The Officer stated, as noted by the Committee, following the school offer day on 1 March 2018, the school the pupil currently attends was full so the pupil's name was added to the reserve list for this school at the appellant's request and an appeal was submitted. The school appeal was heard in May 2018 and the pupil was successful in being offered a place at that school.

As noted by the Committee, the Officer stated that in June 2018, a place became available from the reserve list for the pupil at the nearest suitable school, which was initially the appellant's first choice. This place was turned down as the family were happy with the offer of the place where the pupil currently attends.

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 was brought to the Committee's attention that the nearest suitable school would be considered for transport purposes for the pupil. As the distance to this school was greater than three miles, the pupil would be entitled to transport assistance. The Committee noted that there is a statutory requirement for all schools to have an anti-bullying policy. Secondary schools are very experienced in separating peers who may cause each other anxiety during school hours.

The Committee noted that the family are in receipt of Free School Meals. 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. The Council acknowledged that even though the family were on a low income, unfortunately the school attended by the pupil was 7.2 miles from the home so transport could not be provided in these circumstances.

It was noted by the Committee that the officer stated that the house the family lived in was a new build and did not appear on their system for measuring distance from home to school. When measured from a nearby house, it was approximately 850 metres (0.5 miles) to the primary school that the pupil attended.

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

- Statement by the appellant

- Copy of benefit award statement dated 16<sup>th</sup> January 2018
- Copies of bank statements
- Copy of PIP appointment letter for appellant's partner.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, the 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 4492 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 4494**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending any of the two nearest qualifying schools from the home and instead would attend school which was 2.82 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 appellant stated, as noted by the Committee, that the family had lately moved to the area as the pupil's sibling suffered from health problems which were worsening, and needed to live near a cardiology unit. At their previous address, the pupil was entitled to free transport to school. The family were therefore surprised when their request for transport assistance was refused. The appellant's family had been told that they earn £93.00 per annum more than the minimum amount which would qualify them for this benefit (the maximum amount of Working Tax Credit).

The Officer's comments stated, as noted by the Committee, that the family had recently moved from another County.

The Committee noted the Officer's comments which stated if the parents were claiming the full amount of Working Tax Credit, then the pupil would be entitled to extended rights to free travel to any of their three nearest schools which were between 2-6 miles away. This would include the 3<sup>rd</sup> nearest school with a place available at the time of the move, and met the distance criterion. However, the family appear to be over the minimum income by a few pounds.

The Committee noted that the appellant had not provided any financial evidence. It was also noted the pupil was not claiming free school meals.

The Committee have acknowledged and noted the email from the officers enquiring about school place availability in the nearest suitable schools and have noted that the officer had stated that there were places available in 2 of the schools for the pupil.

The Committee have also acknowledged and read the appellant's email supporting their reasons for appealing against the decision made not to provide free travel to the pupil.

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

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4494 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 2018/19.

### **Appeal 4495**

It was reported that a request for transport assistance had initially been refused on the grounds that there are several schools closer to the home that the pupil could attend. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and that they could award transport assistance that was not in accordance with the Council's policy or the law.

The appellant stated, as noted by the Committee, that the pupil suffered from a health issue which had been exacerbated by a high profile incident, which tragically impacted upon their friendship group. They had attended a small school, and it was argued that it was important for the pupil's confidence and emotional wellbeing, that they be transferred with a friend, to the school of parental preference which their siblings and other members of extended families also attended.

The Committee noted, the appellant stated, other schools may be closer to the home but they were not suitable for the pupil as they were not of the same faith as the closer schools was of and the pupil would not know anyone at those schools. Nor would it be likely that the pupil would have been offered a place at these schools.

The Officer's comments stated, as noted by the Committee, that they understood the family's reasons for preferring the school of parental choice for the pupil. However, transport assistance could not be provided by the authority under the Home to School Transport Policy as there were several schools closer to the home.

The Committee have noted that the appellant, despite there being a number of places available at a closer school, felt that the nearer school would not be a suitable option because of their faith. The Committee have been informed that since 2011, 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 DfE guidance confirms this. The County Council retains a discretionary element to the Home to School Transport Policy where transport assistance is provided when a child attends their nearest faith school and they are admitted under the denominational admission criteria.

The Committee noted that the appellant stated that the pupil would not have been offered places in one of the nearest schools, but there was no evidence to state the appellant had contacted these schools or the schools had refused a place for the pupil.

It was also noted by Committee that the pupil was not on free school meals.

The Committee have noted the following supporting evidence:

- Schools' Service Summary of Involvement
- Letter from School Social Worker
- Letter and email from appellant
- List of Schools stating entrance and distance

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4495 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 2018/19.

### **Appeal 4496**

It was reported that a request for transport assistance had initially been refused on the grounds that the pupil would not be attending the nearest suitable school which was 0.36 miles from the home address and would instead attend at school which was 8.57miles from home. 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 advised, as noted by the Committee, that the pupil was to attend what the family consider to be their nearest suitable school. The pupil suffered from health issues and found it difficult to cope with change. Their transfer to the school was likely to prove as challenging, however they had visited the school of parental preference, had formed a very positive view of the school and was looking forward to attending. The school of their choice would be able to offer the nurture and support which were vital to the pupil's emotional and educational

wellbeing. The pupil had been placed on a TAF plan and was receiving counselling.

The Committee noted the pupil was allocated a place at one of the schools which was 4.7 miles from home which they visited but had felt anxious and intimidated there; the appellant was not happy with the special needs provision offered.

It was noted by the Committee, that the appellant had two other children of primary age who need to be taken to and from school and an older child with special needs who attends a residential school in a different town who is picked up on a Monday morning and dropped off on Friday afternoons. The appellant, therefore, couldn't drive the pupil to and from the school they would be attending. The Committee noted the Officer's comments which stated that although the pupil did not have an EHCP, they noted that the pupil did have a diagnosis of health issues and that the transition from a small village primary school to secondary school would present challenges for them.

The Officer's comments stated, as noted by the Committee, that the pupil lived just across the road from the nearest suitable school. During the initial admission round the pupil was not offered a place at their only preference school and therefore went on the reserve list for two of the nearest schools, of which they were offered a place at one of them. However, the family preferred to take the offer of a place off the reserve list in preference for a school which was situated 8.5 miles away.

The Committee noted that although the pupil and the appellant were not happy with the school allocated by the authority, it did not follow that there were no schools closer to them than the one of parental choice which could offer the pupil the appropriate support.

The closest suitable school, according to the Committee, was within easy walking distance and there was a dedicated school bus service to the geographical priority area school which passes along the road near the family home. There does not appear to be any direct transport to the school of parental choice.

It was noted by the Committee that the pupil's younger sibling attended a school which was 0.8 miles away, while the elder sibling attending a residential school for pupils with special needs in the area.

The Committee noted that they were not in receipt of free school meals.

The Committee noted the officer's comments which stated that the pupil had been refused transport assistance as they were not attending their nearest suitable school. The school chosen was one of parental preference and it is the application of admission arrangements linked to these applications which subsequently drives the 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 have noted the following supplementary evidence supplied:

- Letter from family G.P
- Letter from Headteacher of school previously attended
- Supporting evidence from appellant

The Committee was unable to determine the family's financial circumstances and noted that they were not in a position to decide if the



family were on a low income or not as defined in law. No financial information was submitted to the Committee to state that the appellant is unable to afford the cost of a travel pass to the chosen school.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, the application form and the 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 4383 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 4497**

It was reported that a request for transport assistance had initially been refused on the grounds that the school attended by the pupils, which is the nearest suitable school would be within the statutory walking distance of 3 miles from the home address.

The appellant advised, as noted by the Committee, that they expected to be medically discharged from the army in September 2018, after which date they would have no income. In July, the appellant was expected to move from Army camp to the new home address. The new home address would be 2.5 miles from the school attended by the pupils and therefore would not qualify for free transport to school.

The Committee noted that the appellant stated their partner would also lose their job when the family moves to the new area as their partner worked locally in the area where they previously lived and was unable to drive.

The Officer comments stated, as noted by the Committee, they were sympathetic to the family.

It was brought to the Committee's attention, that there was a special arrangement whereby pupils living on Army Camp Barracks were allowed free travel to school that the pupils attended, although it was not the nearest school. The elder pupil had benefitted from this but when the family left the Army Camp Barracks and moved to the new home address, it would no longer apply. The new home address would be 2.5 miles from the school.

The officer's comments have stated, as noted by the Committee, that had the family been classed as in receipt of a low income, the pupil would not have qualified for free home to school transport as the minimum walking distance would in such a case become 2 miles. In this instance the family are not in receipt of free school meals and therefore not entitled to extended transport provision. No evidence had been provided from the appellant confirming that they are in receipt of the maximum amount of working tax credits or entitled to free school meals. In light of this, the family did not have a statutory eligibility to free home to school transport on low income grounds.

The Committee have noted the Officer's comments which stated, that they recognize that it may be some time before the appellant's financial affairs are

settled. The date of discharge from the Army was given as 14<sup>th</sup> September 2018. Prior to this, the appellant was considered to be employed. After 14<sup>th</sup> September 2018, it would seem that the appellant would be entitled to a medical discharge pension.

The Committee have acknowledged that the pupils are not claiming free school meals at the present moment. They have also noted a copy of a letter provided from Occupational Pensions Branch, Army Personnel Centre dated 14<sup>th</sup> March 2018 and a letter from the Personnel Recovery Unit North dated 11 December 2017.

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 was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupils up to the end of 2017/18 academic year to support the family in the interim.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4497 be allowed until the end of current academic year (end of July 2019) 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 transport assistance that would not normally be in accordance with the Home to Mainstream School Transport Policy for 2018/19.

### **Appeal 4500**

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 1.4 miles from their home address and within the statutory walking distance. Instead they would attend a school which was 5.5 miles away from home. 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 the appellant's summary which stated that the family moved house in 2017 as an urgent move. The appellant thought criminal damage to the property had been caused by a family member; the police were involved but there had been no proof of this. The appellant rented through a housing association and the property the family moved to was the first available property and was accepted due to the urgency of the required move.

The appellant stated, as noted by the Committee, that the pupil currently travelled to school using a free bus pass. This was due to end in 2018. The appellant stated they were in receipt of benefits and were a single parent with four children and had difficulties with money.

The appellant also stated, as noted by the Committee that they suffered from multiple health issues, they had a health consultant, care co-ordinator and care worker and that they were undergoing further tests.

The Committee noted that the appellant explained that the older pupil had a case worker at the school who had been supporting them through issues regarding difficulties with the family member. The younger pupil too had issues and would be accessing counselling at the school of parental preference.

The Officer's comments stated, as read by the Committee, that they have taken note of the information provided by medical professionals and other bodies involved with the family. Transport assistance was granted on a temporary basis only to assist the family. Long term, it had been refused as the pupils were not attending their nearest suitable school.

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. The Committee was reminded that 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.

It was noted by the Committee that a discretionary bus pass was issued on a short term basis by the Pupil Access Team for the older pupil in light of the situation, as described. An appeal on behalf of the older pupil was approved by the Committee in June 2018 until the end of the academic year (July 2018). The younger pupil would be joining the older pupil at the school of parental preference with effect from September 2018.

It was noted by the Committee that although the family were classed as low income and qualified for free meals, there are three or more schools closer to home with available places than the school the pupil attended and in light of this, the pupil had no statutory entitlement for free home to school transport.

The Committee have noted the family were in receipt of free school meals. They have also noted the supplementary evidence supplied by the appellant to support their application.

The Committee have noted that no evidence was supplied by the appellant in relation to the criminal damages referred to.

The Committee have acknowledged that other schools would have case workers who would be able to support the pupils with issues affecting them.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, the application form and the 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 4500 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 4503**

It was reported that a request for transport assistance had initially been refused as the pupil was not attending their nearest qualifying school, which was 0.6 miles from their home and within the statutory walking distance. The pupil was instead attended a school which was 1.6 miles away and was also within the statutory walking distance of the home. 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 advised, as noted by the Committee, that the whole family were subject to stress due to the needs of the pupil's elder sibling who had severe health issues and other complex needs. The elder sibling needed constant supervision and this impacted on the pupil.

The Committee noted, that the appellant stated that the family would have three children at three different schools. Further, the parents were in poor health at the time.

It was acknowledged by the Committee the Officer's comments which stated that they noted information provided about the pupil's family situation and were sympathetic. The Officer advised that the pupil was not offered a place at their first preference school and their appeal for a place there was not allowed. The pupil would attend their 2<sup>nd</sup> preference school which was also within the statutory walking distance of the home. It was slightly further from the home than the primary school they attended. Their sibling was in higher education at a different school. The sibling had a full statement of disability.

The Officer's comments stated, as noted by the Committee, that while they did not doubt the account of the appellants' ill health and the stress the family were under, they would advise that daily taxi transport for the pupil's elder sibling was provided by the Council to the school attended by the sibling. The Social Worker was incorrect in stating that the appellants' had to take three children to three different school. The appellant, however, had advised that they would take the pupil to school after the taxi had collected the elder sibling at 8:30am. The pupil was very nervous and was not used to travelling on their own.

It was noted by the Committee, the second sibling was in Year 11 at a different school, 1 mile from the home. Unfortunately, as stated above, the pupil was refused a place there.

The Committee have acknowledged that the pupil was eligible for free school meals. The pupil used to attend primary school which was 1.1 miles away. They have acknowledged a letter from Social Worker as supplementary evidence.

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.

The officer's comment stated as noted by the Committee, request for transport assistance had been refused due to the school being within the statutory walking distance of the home (3 miles). Further, there was one school closer to the home than the one attended, all with places available. The Council has no statutory duty to provide transport assistance in circumstances where pupils do not attend

their nearest school or academy. It is parental preference for the schools and academies attended and the application of admission arrangements linked to these which then informs the parent of 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 have noted the supporting letter issued by Social Worker dated 2<sup>nd</sup> July 2018.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, the application form and the 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 4503 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 4505**

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 2.9 miles from their home address and instead would attend a school of parental preference which is 4.9 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 appellant advised, as noted by the Committee, that the pupil was due to join their elder sibling at the school of parental preference in September 2018. The elder sibling received free transport to school, but the pupil had been refused. The family had been advised that there was a nearer suitable school for the pupil in a different borough. The appellant raised various objections why that particular school would not be suitable for the pupil - different school holidays than the Council schools and no dedicated school bus. They stated they would not be happy letting the pupil stand at a public bus stop and raised the issue of what would happen if a public service bus broke down.

The Committee noted the appellant also raised the matter of the family's finance and had included a tax credits award notice.

It was also noted by the Committee that the pupil's younger sibling would be joining the pupil in September 2019 and the appellant was seeking clarification on the younger sibling's travel to school situation.

The Officer's comments stated, as noted by the Committee, that they advised the appellant that the Home to School Transport Policy was at one time more generous and allowed free transport for pupil's to their nearest County school, if the distance criterion was met. However, that discretionary aspect of the policy has been discontinued.

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 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. Transport is now only awarded to the nearest school when it is not within the statutory walking distance of 3 miles. There are many schools closer to the home than the school attended. The Committee noted, the Officer acknowledged that there was a dedicated school bus to the school of parental preference, while this did not appear to be the case for the nearest suitable school; the school bus and the public service buses pick up at the same bus stops. The Committee have noted and acknowledged proof of this.

It was also pointed out to the Committee that the nearest suitable school was within the statutory walking distance of the home (3 miles) which was set by central government, not by the Council.

The Officer's comments stated, as noted by the Committee, that families who met the low income criteria (children eligible for free school meals or parents in receipt of the maximum amount of Working Tax Credit) are entitled to extended rights to free travel to their three nearest schools. However, the appellant's families are not on the maximum amount of Working Tax Credit.

In considering the appeal further, the Committee noted the Appellant's financial circumstances and 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 are not on maximum benefits and were not eligible for Free School Meals

It was brought to the Committee's attention that the pupil's younger sibling had not yet applied for a secondary school place. It was also noted the pupil was not claiming free school meals.

The Committee stated that the choice of school as parental preference had been respected.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, the application form and the 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 4505 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 4506**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending any of the three nearest suitable schools, of which two are under 3 miles, the closest being 2.3 miles from their home address and instead would attend the 5<sup>th</sup> nearest school which was 5.6 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 appellant advised, as noted by the Committee, that the pupil had to change schools due to serious health problems and on the recommendations of their medical professionals. Following the parents' divorce, the pupil's relationship with one of the parents broke down and later they discovered that the parent was in a relationship with a member of staff from the school that the pupil attended. The pupil's health issues culminated in them being hospitalized and was now supported by CAMHS.

The Committee noted that the CAMHS manager recommended that the pupil transferred to another school.

It was noted by the Committee that, the appellant stated the pupil was entitled to a bus pass to the previous school they attended which was only 2 miles further away than one of the nearest suitable school, the school which the Council now considered the pupil's nearest suitable school. However, there was no bus service to that particular school, whereas there was one to the school the pupil attended.

The Officer's comments stated, as noted by the Committee, that they were sympathetic to the pupil's situation and noted that the pupil would begin Year 11 in September 2018. They have also noted the information provided by their medical professionals.

The Committee noted the pupil had previously qualified for free transport under the previous/older version of the Council home to school transport policy which was more generous and included eligibility linked to living in selected foundation parishes and out of area schools were not included in the assessment.

It was noted by the Committee, that at the point of changing school or address, a new transport assessment was carried out based on the home to school transport policy at the point of receiving the application form for transport.

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 (2 miles for anyone under the age of 8). 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 along with faith schools.

The Committee have noted that the Department of Education issues statutory guidance that requires changes in the 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 change school or home address. The phasing in

of policy changes allows situation to arise where some pupils in one locality receive assistance whilst others do not.

It was acknowledged by the Committee that as the family did not meet the qualification to be classed as low income (or at least no evidence had been provided to quantify this) the Officers could only authorise transport if the school attended was the school closest to the home and the walking distance to school exceeded 3 miles. In this instance, there were four schools closer to home than the school attended, two of which on paper had spaces for Year 11 with effect from September 2018. One of these schools was within the 3 miles qualification mark for statutory entitlement to free transport.

The Committee have been informed that the Council does have a discretionary element to the transport policy where assistance is given to pupils who move home once they have started their GCSE courses. The assistance is only available where a pupil has been attending their nearest suitable school and where the family meet the low income criteria.

It was acknowledged by the Committee that as the family did not meet the low income criteria, as the pupil was not attending the closest school to home even if this school change was a result of a house move, the appellant did not have any entitlement to this discretionary entitlement within the home to school transport policy. It was also noted the pupil was not on free school meals.

The Committee had noted details of supporting evidence:

- Copy of letter from the Senior Nurse Practitioner .
- Copy of letter from CAMHS Case Manager

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, the application form and the 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 4506 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 4507**

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 2.1 miles away and within the statutory walking distance. The pupil would instead attend their 31st nearest school which is 9.9 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family had appealed to the Committee on the grounds that they had extenuating circumstances to warrant Committee in exercising its discretion and award transport which was not in accordance with the Council's policy or the law. The appellant stated, as noted by the Committee, that without a travel pass the family would have great difficulty in getting the pupil to school as they were on a



low income. The alternative is that one of the parents, who is the only driver in the family, takes the pupil to school. This cannot be guaranteed as the parent has a disability and was often in so much pain they cannot move.

The Officer's comments stated, as noted by the Committee, that the Council's Home to School Transport Policy was formerly more generous and allowed free travel to the pupil's geographical priority area school, even if it was not the nearest school to the home. However this discretion had now been removed. The Committee were advised that prior to September 2015, pupils living in the area received travel assistance to the school of parental choice if they lived in the Geographical Priority Area for the school as the previous policy was more generous. The Department for Education issues statutory guidance that requires changes in the 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 there is a change in circumstances.

The Committee have acknowledged that the pupil is eligible for free school meals.

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

The Committee have noted that no other financial or supporting evidence was provided by the appellant to support their claim.

Therefore, having considered all of the parent's comments and the officer responses as set out in the Appeal Schedule, the application form and the 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 507 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2016/17.

### **Appeal 4508**

It was reported that a request for transport assistance had initially been refused as the pupil was attending a school which was 2.2 miles away from the home address and was within the statutory walking distance of the home. 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 advised, as noted by the Committee, that the pupil was taken into local authority care when they were a toddler due to family issues. The pupil lived with two different sets of foster carers before being adopted by the appellant. The impact of this chaotic early life was still impacting the pupil and they had ongoing emotional and behavioural issues.

The Committee noted that the Social Worker had recommended a stable and predictable routine and would in addition support the award of a bus pass as a means of encouraging the pupil's independence while providing a sense of safety for their journey to a larger school.

The Officers, as noted by the Committee, have noted the information provided. The Committee have noted the supporting evidence from the appellant and the Social Worker.

The Committee have noted all the above and felt that there was no valid reason why the pupil was not able to walk the distance of 2.2 miles to school or why the appellant was not able to accompany the pupil to school if there were concerns. The Committee noted the officer's comments that it is the parents' primary responsibility for ensuring their child's safe arrival at school and 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 dressed. The County Council's Unsuitable Routes Policy considers routes to be safe if there is a footway, verge, walkable roadside strips or footpath. Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, the application form and the 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 4508 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 2018/19.

### **APPEAL 4513**

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 7.08 miles from their home address and instead would attend school which is 8.14 miles away and is the 1st parental preferences for the pupil. 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 claimed, as noted by the Committee, that the school of parental preference was the nearest suitable school to the home. They noted that other children living in their area transferred to the school and travelled on a dedicated school bus: this had been the situation for years. It had been a shock for them to

be informed that the pupil's nearest school was the one considered nearest suitable by the council and that they must pay for the pupil to travel on the school bus to this particular school.

The Committee noted that the appellant stated that the rural roads around they area where they lived were very dangerous with no footpaths. It would take the pupil hours to walk to the nearest suitable school on these unsuitable roads. As other children in their home area did not attend the nearest suitable school, it would cost the County Council to provide transport for the pupil to that school. It was noted by the Committee that the family ran a small business and received some working tax credits, and couldn't afford to pay for the pupil's travel pass to the school of parental preference.

The Committee noted the Officer's comments which stated that the area where the family lived was a remote rural area. According to their bespoke measuring system, the school that is 7.08 miles away was the nearest suitable school while the school of parental preference was 8.14 miles away.

The Officer commented, as noted by the Committee, that the pupil lived more than 3 miles from their nearest suitable school and therefore was entitled to free transport to that school.

The Committee noted, as note by the Officer, previously that the County Council had previously had a more generous Home to School Transport Policy and allowed free travel to the geographical priority area schools even if it was not the nearest to the home; however, in order to save money, this discretion has now been removed.

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

The Officer stated, as noted by the Committee, that they would be obliged by law to provide free travel for the pupil if they attended the nearest suitable school even though the distance is 7.08 miles as that school was the only one that was the nearest and suitable in the area.

The Committee acknowledged that the Officers were aware that pupils from the home area had historically attended the school of parental preference.

The Officer stated, as noted by the Committee, that low income families had extended rights to free travel to their three nearest schools, within 2 – 6 miles, however even if the appellant was receiving the maximum amount of Working Tax Credit, the distance criterion would not be met.

The Committee has noted the supporting letter and map sent in by the appellant as extra evidence.

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

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4513 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 4514**

It was reported that a request for transport assistance had initially been refused as the pupils would not be attending their nearest qualifying school, which was 3.24 miles from their home address, and instead would attend school which was 3.58 miles away. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

The appellant had been advised, as noted by the Committee, that the pupils would qualify for free transport to school if they attended the nearest suitable school, however, they actually attend the school of parental preference which shared a boundary with the nearest suitable school and was served by the same bus service.

The Committee noted, the appellant's summary that it was discriminatory for children of faith to be expected to attend the nearest suitable school which was not a faith school, or to be financially disadvantaged by attending a faith school. 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 Committee noted as first process is determined by distance, it is Parental Preference and no need to factor any distance criterion as the Policy only determines the nearest school.

The DfE guidance confirms that parents do not enjoy a specific right to have their child educated at a school with a religious character or a secular school, or to have transport arrangements made by their local authority to and from any such school.

It was 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.

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

The Committee has noted the evidence sent in by appellant.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, the application form and the 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 4514 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 4516**

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 within the statutory walking distance of 2.64 miles from their home address and instead would attend a school which is 7.25 miles away and which is the 1<sup>st</sup> parental preferences for both pupils. 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 the appellant's summary which stated the family had chosen a school of parental preference due to their commitment to their faith. All the children in the family had attended this particular school. The appellant was also querying the methods that the Authority used when deciding upon families of faith. The school the parents have chosen for the pupils provided the faith ethos that the family preferred for their children.

The appellant stated, noted by the Committee, that both children had a medical condition that precludes them from walking long distance, particularly when they were ill. There is supporting document from the doctor explaining what the condition was.

It was noted by the Committee that the appellant stated that the older pupil was settled in school and it would be inconceivable to move them now. The family were also not in a financial situation to pay for public transport.

The Committee noted that the appellant had stated their appeal was on :

- Financial grounds – Appellant was in receipt of benefits and supporting evidence provided.

- Medical grounds –Letter from General Practitioner
- Educational grounds – It was understood that the younger pupil would automatically be awarded a bus pass. It would be inconceivable to move the older pupil to a different area now, as they were settled in the school they attend.

The Officer's comments stated, as noted by the Committee, that both the pupils were in receipt of free school meals. This meant that they were entitled to transport assistance to one of their three nearest schools situated between 2 and 6 miles from the home address, or to the nearest school of their faith situated between 2 and 15 miles from home.

The Committee noted that the older pupil had been awarded transport assistance as they were incorrectly assessed as attending their nearest denominational school. Transport had subsequently been provided for the last two academic years.

It was noted by the Committee that the younger pupil was due to start the school of parental preference in September 2018. In order to assess the younger pupil's entitlement to transport assistance, the Officer requested that the parents sent in evidence of their faith. A letter from the place of worship was subsequently received confirming the family regularly attended a place of worship in the area where the family lived.

It was brought to the Committee's attention that as per the transport policy at the time, if a parent wanted their child to go to a school which was not the nearest school to their home, the authority will provide transport assistance if the school was the nearest school which met their faith or religious beliefs. They met the distance criterion and their child had been admitted to the school on denominational grounds. From September 2018, this discretionary element will be removed and for new pupils, transport to faith schools would only be provided to those children from low income families.

The Committee were notified of the Education Act which stated Section 509AD of the Education Act 1996 places a duty on local authorities to have regard to a parent's religion or belief, while fulfilling their duties and exercising their powers relating to travel.

The Department for Education (DfE) offer the following advice in their Home to School Transport Guidance 2002 regarding religion or belief:

- a) The definition of 'religion' : includes those religions widely recognised such as Christianity, Islam, Hinduism, Judaism, Buddhism, Sikhism, Rastafarianism, Baha'is Zoroastrians and Jains.
- b) A religion must have a clear structure and belief system.
- c) Equally, denominations or sects within a religion may be considered as religions in this context such as Catholicism or Protestantism within Christianity.
- d) 'Belief' may be understood as equating to 'conviction' and must be more than an opinion or idea. It must be genuinely held and parents/carers bear the burden of showing that it constitutes the reason for placing their child at a given school, or not placing them at a particular school.

The Committee noted the Officer's comments which stated The DfE statutory guidance also requires the County Council to assess transport eligibility by considering whether a place could have been allocated in the normal admission round if the parent had included the school as a preference.

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 County Council retains a discretionary element to the Home to School Transport Policy where transport assistance is provided when a child attends their nearest faith school and they are admitted under the denominational admission criteria.

It was noted by the Committee, the Officer's comment which stated that the family provided evidence that they regularly attended place of worship. There was therefore a nearer school of their faith where the children could have been offered a place at the time when places were being sought, which was a school at 2.64 miles away from the home address. As the family met the low income criterion they would have been entitled to transport assistance to this school as the nearest school of their faith.

The Officer's comment stated, as noted by the Committee, that if a child was going to a school and they found that they were allowing the child to travel for free by mistake, they would inform the parents that they had made a mistake and they would advise of when they would stop providing the free transport. Their child would be permitted to travel free of charge for the rest of the term. As the children could be offered a nearer school of their faith when places were being sought they are not entitled to transport assistance to the school of parental preference. Parents had been informed of this. The older pupil had been permitted to travel until the end of the Autumn term 2018, after which time their pass would be cancelled. If there was capacity on the school bus then parents would be able to contact the School Traveline to enquire about the possibility of purchasing a season ticket to travel on the service.

It was brought to the Committee's attention that the County Council's Home to School Transport policy contains a discretionary award for pupils with long term medical needs. Where it is apparent that a pupil is physically unable to walk to school, transport provision may be considered where a pupil attends their nearest suitable school. The pupils were not attending their nearest suitable school.

However, irrespective of this, the evidence provided would not be sufficient for the Officers to exercise their discretion and provide transport.

The Committee have acknowledged and noted the extra evidence sent in by the appellant.

It was noted by the Committee that both pupils were in receipt of free school meals.

It was brought to the Committee's attention the email the appellant had sent as further evidence supporting their appeal for transport assistance.

Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, the application form and the 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 4516 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 4517**

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 1.1 miles from their home address and within statutory walking distance, and instead would attend school which is 6.4 miles away and which is the 1st parental preferences for both pupils. 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 the appeal was based on financial grounds. The appellant and their partner are not in work. Their monthly income was declared as £1,461.28. It was also based on exceptional grounds. The pupil had been diagnosed with health issues and despite the family requesting further support by way of an EHC Plan; this had not been actioned by the previous school the pupil attended.

The Committee noted, the appellant stated the family chose school of parental preference due to its supportive reputation for pupils with SEN. The family did not wish to access a place at the nearest suitable school, despite it being nearer to their home, due to its recent OFSTED report. The family would forego necessities in order to support the pupil's home to school transport costs but would appreciate assistance from the Committee. The appellant also stated that the school of parental preference had a better anti bullying policy and the school did a lot more to stop the perpetrators than other schools listed. The appellant also stated that the pupil had suffered years of bullying at their previous school and the appellant did not want this to continue when moving to new schools which they felt it would do if they went to either of the nearest closest schools. The Committee noted the officer's comments which stated that the pupil had been refused transport assistance at they were not attending their nearest suitable school. It is parental preference for schools and academies and the application of admission arrangements linked to these applications which informs and then 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 pupil could have been offered a place at the nearest suitable school and was also within the statutory walking distance from home.

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. Whilst the Officers acknowledged that this was a low income family, the school of parental



preference was over the distance limit and there were nearer schools at which a place could have been offered. There were three nearest schools available at with the distance between 1.1 miles and 2.1 miles.

It was noted by the Committee that the statutory guidance from the Department for Education states that schools can be considered when undertaking assessments to receive transport assistance if they have places available and "provide education appropriate to the age, ability and aptitude of the child, and any SEN that child may have"

The County Council delegates a significant amount of funding to all mainstream high schools to provide the learning support for pupils with additional needs. All schools are expected to provide the necessary support to enable a pupil to fully access the curriculum. We would expect any secondary school in the area to be able to meet the needs of a child with health issues.

The Committee noted that there is a statutory requirement for all schools to have an anti-bullying policy. Secondary schools are very experienced in separating peers who may cause each other anxiety during school hours. The Committee acknowledged the appellant's statement on bullying issues but there was no evidence to substantiate the appellant's claim.

The Committee noted the pupil was in receipt of free school meals.

The Committee have acknowledged copy of bank statement showing income coming received in form of benefits. No other information has been sent in by the appellant to support their claim.

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 4517 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 4518**

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 2.19 miles away from home and within the statutory walking distance and instead attends their 7th nearest school which is 4.97 miles away. Furthermore, there are five other schools closer than the school of parental preference. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family 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 appellant's summary stated, as noted by the Committee, that the pupil had a serious medical condition. They were unable to get a bus due to crowds and being alone, they would not interact with strangers and so couldn't pay the bus fare. The family were in the process of obtaining an EHCP.

The Committee noted that the appellant stated that the family was forced to move the pupil's two siblings from one of the nearest suitable school due to severe bullying to a school that was not in the home area. The bullying resulted in one sibling taking drastic actions and another being assaulted in the playground. Nearer schools to home were full at this time. The appellant was also unable to keep taking the pupil to school and they had enclosed proof of earning as supporting evidence.

The appellant stated, as noted by the Committee, that one of pupil's siblings had a taxi to and from the school each day as part of their EHCP with space in the vehicle for the pupil so suitable transport is, therefore, accessible.

The Officer's comments stated as noted by the Committee that free transport can only be authorised if attending the closest school from home and the distance to get to this school exceeds three miles. There is an extended entitlement to those who qualify for free meals or the maximum amount of working tax credits in that the qualifying distance is reduced to two miles and child can attend one of their three closest schools to home.

The Committee noted as there were at least three closer schools to home than the school of parental preference with space, even if the family were classed as low income, the child had no statutory entitlement for low income families.

The Officer's comment stated, as noted by Committee, that should the family have had an entitlement to free transport, the authority would only authorise a pass using public transport. The appellant had specifically asked for taxi transportation in light of the stated medical condition on the form.

It was noted by the Committee that the family had provided tax credit award notice for the last tax year (April 2017 to April 2018) which indicated that the family did not receive the maximum amount of working tax credits and would not have qualified for the extended entitlement for low income families. Even if the latest April 2018 to April 2019 tax credit aware notices were received, indicating receipt of the maximum amount of working tax credits, the family would still not qualify for free transport in light of at least three other schools being closer.

It was brought to the Committee's attention that the County Council's Home to School Transport policy contains a discretionary award for pupils with long term medical needs. Where it is apparent that a pupil is physically unable to walk to school, transport provision may be considered where a pupil attends their nearest suitable school. Whilst sympathetic with pupil's and appellant's difficulties, even if satisfactory evidence of pupil's condition and needs have been provided, the pupil did not qualify for assistance under the mainstream home to school transport policy as the pupil was not attending the nearest school.

The Officer's comment stated the appellant was awaiting results of an EHC Plan (formally statement) application. Should the pupil be granted an EHC Plan, they may qualify for assistance as part of the Special Education Needs Transport Policy. Once the result of the EHC Plan is known (and should this appeal not be upheld) they would need to pursue this avenue with the Special Education Needs Plan.

The Committee noted the additional comments which stated that the family were not in receipt of Free School Meals and the tax credit notice provided for the 2017/2018 tax year indicated that the maximum amount of working tax credits was not in payment.

The Committee has acknowledged and noted the supplementary evidence provided by the appellant which consisted of the wage slip and tax credit notice. Therefore, having considered all of the appellant's comments and the officer responses as set out in the Appeal Schedule, the application form and the 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 4518 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 4520**

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 5.15 miles away from home and instead attends school which is 5.23 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family 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 appellant stated, as noted by the Committee, that due to marriage breakdown the appellant moved back to live with their parents and was unable to apply for a bus pass on time. The appellant was unable to drop off and pick up the pupil due to work commitments and family members were unable to help due to medical commitments.

The Officer's comments stated, as noted by the Committee, that the appellant had stated the issue concerning timing of applying for a bus pass. If a change in circumstances had occurred such as a house move since the original allocation of Year 7 school places, the officers would have assessed the closest school based on availability of places at the point of the house move.

The Committee noted that although there were three closer schools than the school of parental preference, only one of the closest school had spaces and as this was closer than the school of parental preference, the authority would deem this as the closest school.

It was noted by the Committee that had the applicant been living at the stated address as part of the year 7 allocations, a place would have been offered a place at one of the closest schools, If the school was stated as a preference. The Officer stated, as noted by the Committee, as the school of parental preference was the second closest to home and was under 6 miles away, the family would qualify if they were classed as low income

The Committee noted that the Officer stated that as a result of the NHS Tax Exemption Certificate submitted by the appellant and in light of the change in family circumstance, they had made contact with appellant to clarify if they might be in receipt of the maximum amount of working tax credits. The appellant clarified the information on their last tax credit award notice and it was

established that the appellant was not in receipt of the maximum level of tax credits. As the change in family circumstances had only recently occurred, the appellant was urged to contact HMRC to update them on this and if this resulted in a change to the level of working tax credits the appellant was to contact pupil access team back.

The Committee was informed that it was established based on the existing documentation the appellant had, that the maximum amount of working tax credits was not in payment thus the appellant had no extended entitlement to free transport.

It was noted by the Committee there was a dedicated school services that served the area where the appellant's family lived with the bus stop from home being a few minutes' walk away. The appellant would be able to purchase the service and a telephone number was provided for enquiries of the service.

The Committee noted that the pupil had no eligibility for free school meals.

The Committee have noted the letter stating appellant's employment details stating the hours and days they would be working. The Committee have also noted the copy of letter of resignation from the employment stating their last day of employment would be July 2018.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4520 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 4521**

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 1.49 miles from their home address, and within the statutory walking distance, but instead would attend a school which is 1.9 miles from the home address and is 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 family 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 appellant stated, as noted by the Committee, that the appellant and the pupil had moved to the present area following family difficulties and concerns about the pupil's biological parent.

The Committee noted that the appellant states that they had a number of health complaints that mean they were unable to accompany the pupil to school. The pupil was unable to walk alone as the appellant had safeguarding issues for the child.

It was noted by the Committee that the appellant stated that they were on the qualifying benefits for free school meals and would struggle to pay bus fares. The Officer's comments stated, as noted by the Committee, that the pupil was initially offered a place at the school which the appellant had put down as parental preference. The pupil was not entitled to transport assistance to this particular school. The appellant subsequently contacted the Pupil Access Team in June as they were unable to transport the pupil to that school. They requested, and were offered, a place for the pupil at the school which was nearer to their home address.

The Committee noted the Department for Education statutory guidance which requires the County Council to assess transport eligibility by considering whether a place could have been allocated in the normal admissions round if the parent had included the school as a preference. The nearest suitable school is 1.49 miles from the home address and a place could have been offered at this school. The Committee were advised that there is additional assistance available to low income families but only if parents are in receipt of one of the qualifying benefits for free school meals or the maximum working tax credits and that additional assistance does apply but in order to qualify for help with travel costs a pupil must be attending one of their nearest three schools and the school is situated between 2 and 6 miles from home. The pupil was in receipt of free school meals and would be attending their 2<sup>nd</sup> nearest school. However, as the distance to the school of parental preference was 1.9 miles from home the pupil would not qualify for assistance under this criterion.

The Committee acknowledged the appellant had raised issues about safeguarding issues for the pupil and note that it would be helpful for the Officer if the appellant could provide some evidence that the pupil was at risk. The Committee noted that there was no official documentation to substantiate that the appellant's claims in relation to the other parent were valid.

The Committee noted the appellant had provided evidence explaining why they could not accompany the pupil to school. When considering whether a child's parent can reasonably be expected to accompany the child on the journey to school a range of factors may need to be taken into account, such as the age of the child and whether one would ordinarily expect a child of that age to be accompanied. No evidence had been provided to suggest that the pupil would not be able to walk to school by themselves. The pupil's route to school would be deemed suitable and was below the statutory walking distance.

It was brought to the Committee's attention that there was a dedicated bus service to the school of parental preference that stopped on the main road, very close to the appellant's home. School Traveline would be able to provide details of how to purchase a pass on this service.

The Committee have noted supporting evidence supplied by the appellant:

- Benefit letters
- Letter from General Practitioner
- Letter from appellant

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 4521 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.

## **URGENT BUSINESS**

### **Appeal 4511**

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 0.80 miles from their home address and within the statutory walking distance, and instead would attend school which is 8.66 miles from the home address. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The family 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 appellant, as noted by the Committee, was appealing on financial grounds. Their monthly outgoings leave little spare cash. They had struggled to pay for the older pupil's bus pass for the last two years and was now at the prospect of also having to pay for their younger pupil's bus pass as well.

The Committee noted, the appellant had explored the possibility of reducing their hours at work and looked into the pupils using public transport but neither of these options were feasible. The appellant was starting a University course in September and their income would reduce as a result of slightly fewer hours at work.

It was noted by the Committee, places had been sought for the pupils at the school of parental preference as the appellant wanted the pupils to have a religious education due to the family's faith commitment.

The Officer's comments stated, as noted by the Committee, older pupil was in receipt of denominational transport assistance as the school of parental preference was the nearest faith school to the family's home address.

Denominational transport assistance however had always been a discretionary element of the County Council's Home to School Transport Policy and after consultation the subsidies have been withdrawn for pupils starting at primary or secondary school in September 2018 onwards.

The Department for Education issues statutory guidance that requires changes in the 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 there is a change in circumstances. The phasing in of policy changes allows situations to arise where an older sibling was receiving one form of transport assistance but the younger pupil was not entitled. The cost of a denominational pass for the academic year 2018/19 is £575.p.p and this can be paid by Direct Debit over 10 months.

The Committee noted the cost of the younger pupil's travel was based on the costs of a season ticket for a journey of over 8 miles to school. This was £744.00 per annum.

The Officer's comments, as noted by the Committee, stated if the appellant was in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit then the pupils would qualify for transport assistance on low income grounds. There is additional statutory provision for low income families to attend their nearest faith school. The appellant's income however currently was in excess of £20,000 per annum.

The Committee noted the pupils were not claiming free school meals. They have also noted the extra evidence in form of bank statements sent in by the appellant. 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 4511 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 4512**

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 0.9 miles from their home address and within the statutory walking distance, and instead would attend school which 3.001 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family 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 appellant advised, as noted by the Committee, that they couldn't send the pupil to any schools closer to the home – there were 3 schools – for the reasons stated. Although they had a car, they were unable to use it to transport the pupil to school as they had to drive their other child to a different school in a different area.

The Committee noted the appellant found it unfair that "naughty" children were given free transport to school to encourage them to attend, while the pupil did not get this.

The appellant stated, as noted by the Committee, that they were a low income family and the pupil "should be entitled to free school meals".

The Officer comments stated, as noted by the Committee, that no evidence had been provided to demonstrate that any of the nearer schools were not suitable for the pupil.

The Committee have read the appellant's reasons for not sending the pupil to the three nearest schools and noted that the Officer couldn't comment on the example provided by the appellant about which they had no knowledge.

It was noted by the Committee that the pupil was entitled to free school meals. Being from a low income family gave them extended rights to free travel to their three nearest schools. However the school of parental preference was their 7<sup>th</sup> nearest school. The Committee were advised that there is additional assistance available to low income families but only if parents are in receipt of one of the qualifying benefits for free school meals or the maximum working tax credits and that additional assistance does apply but 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. The Council acknowledged that even though the family were on low income, unfortunately the school attended by the pupil was 7<sup>th</sup> nearest school from the home so transport could not be provided under this criterion.

The Committee noted that the Officer's comments stated their records showed that the pupil had two younger siblings who attended two separate schools of which one of them was a Short Stay school after been excluded from previous school. It was customary for Short Stay Schools to arrange taxi transport for pupils, however due to the school holidays they were unable to enquire into this. 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 4512 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 4515**

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 0.69 miles from their home address and within the statutory walking distance, and instead would attend school which is 11 miles from the home address. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family 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 appellant advised, as noted by the Committee, that their partner had been diagnosed with a health condition. As the partner was self-employed, they have not been able to work since the diagnosis and the family were struggling to live on the appellant's wages. They were afraid that they would have to declare bankruptcy. They did not have any family support.

The Committee noted, the family moved to the area in June 2018 due to the damp condition and maintenance cost of former home.

The Officer's Comments stated, as noted by the Committee, that they were sympathetic to the family. The advised the family formerly lived in a different area and had chosen to continue to remain at the same school in the former area.



The Committee noted, the Officer's comments stated as there were in excess of three schools closer to home with availability including the nearest suitable school at 0.69 miles walking, the family did not qualify for any assistance. Assistance can only be granted if school attended was closest to home and over three miles away or if in receipt of low income; the school was one of the three closest to home with space and was between two and six miles away. It was brought to the Committee's attention that the school the pupil was attending did not meet either of the above qualifying criteria.

Considering the officer's comments, the Committee noted that transport assistance was refused as the pupil is not attending their nearest qualifying school. The County Council does have a discretionary element to the transport policy where assistance is given to pupils who move home once they have started their GCSE courses. The assistance is only available where a pupil has been attending their nearest suitable school and where the family meet the low income criteria.

In considering the family financial circumstances, the Committee was informed there was an additional entitlement for transport assistance for low income families. If parents are in receipt of the qualifying benefits for free school meals or the maximum amount of Working Tax Credit then transport assistance can be awarded to pupils who attend one of their 3 nearest schools to the home address and that the distance is within 2-6 miles. It was noted that although family had moved after the start of Year 10, they did not meet the low income criteria (being eligible for free school meals or receive the maximum amount of working tax credit).

It was also noted by the Committee, that from previous home address, there were a number of closer schools to former home than the school of parental preference (including a faith school at 3.1 miles walking, compared to school of parental preference at 5.96 miles).

The Committee noted that as the pupil was not attending the nearest school from previous address and the family did not meet the low income criteria, the discretionary element of home to school transport policy would not be applicable. The pupil was not claiming free school meals. The appellant had stated they were in receipt of benefits, unfortunately this wasn't the qualifying benefit for free school meals. The Committee also noted supplementary evidence supplied by the appellant in relation to medical letters concerning the appellant's partner. 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 was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupils up to the end of 2017/18 academic year to support the family in the interim.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 4515 be allowed until the end of current academic year (end of July 2019) 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 transport assistance that is in accordance with the Home to Mainstream School Transport Policy for 2018/19.

## Appeal 4526

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 0.86 miles from their home address and within the statutory walking distance, and instead would attend school which is 1.95 miles from the home address, which is also within the statutory walking distance. The pupils were therefore not entitled to free transport in accordance with the Council's policy or the law. The family 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 stated, the older pupil suffered from health issues. They had counselling once a week and was supported by the pastoral team at school. The older pupil had travelled to school by bus in Year 7 and this seemed to heighten their anxiety. Since Year 7, their health had got worse. The appellant stated, as noted by the Committee, the older pupil relied on the support of the younger pupil in respect of dealing with groups of pupil. If the pupils were awarded bus passes they would be able to travel together. Without this provision, the older pupil's health could decline further. It was too far to walk to school.

The Committee noted the appellant was in receipt of Universal Credit and had to pay £475.00 per month in rent.

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. From the family's address the nearest school with a place available was 0.86 miles from home and was below the statutory walking distance.

The Committee were advised that there is additional assistance available to low income families but only if parents are in receipt of one of the qualifying benefits for free school meals or the maximum working tax credits and that additional assistance does apply but 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. The Committee noted that the pupils were in receipt of Free School Meals and were attending their second nearest school. However, as the distance to the school was less than 2 miles they were not entitled to transport under this criterion.

The Committee were notified that the County Council's Home to School policy contained a discretionary award for pupils with long term medical needs. Where it is apparent that a pupil is physically unable to walk to school, transport provision may be considered where a pupil attend their nearest suitable school. The pupils were not attending their nearest suitable school. Additionally, no evidence had been provided in respect of the older pupil's medical needs to demonstrate that they would not be able to walk to school. The appellant advised that the older pupil required the support of their younger sister to travel to school. Both pupils would be attending the same school so they would be able to walk to school together or they are able to catch the school bus together if the appellant feel the pupils are not able to walk to school.

The Committee noted the pupils were in receipt of free school and meals and have noted the extra evidence received :

- Benefit information
- Letter from Practitioner
- Safety Plan

The Committee noted Transport appeals was evidence based and no documentary evidence had been submitted specifically supporting County Council funding assistance with transport for the pupils.

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 4526 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 4545**

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 4.93 miles away from home and instead attends school which is 4.99 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or the law. The family 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 appellant stated, as noted by the Committee, they were a single parent with no financial support from the other parent of the children. The appellant juggled three part time jobs with the care of their children, placing them just above the income threshold for free school meals.

The Committee noted, the appellant made their school application, recognising that they would not get transport assistance to the school where most local children attended. As they were mindful that they would struggle to fund the costs of home to school transport for the pupil ( and then their younger sibling in 2 years) to the school where most local children attended, they made an application for their nearest school which was situated in a different area from the home address.

It was noted by the Committee, the appellant stated, as the school where the appellant made an application was oversubscribed, the pupil was allocated a place at a school in the town where they lived but there was no public transport that served this school. The appellant stated work at 8.15am and took the pupil and their sibling to their place of work each morning. The appellant managed to secure the pupil a place at another school assuming that they would be eligible

for transport assistance. This had been refused as there was a school that was marginally closer to home.

The appellant stated, as noted by the Committee, the family have had a difficult year with the pupil's younger sibling under CAMHS with an ongoing assessment for ASD. The pupil had still thrived at their primary school and the appellant wanted the best secondary school for the pupil.

The Officer's comments stated, as noted by the Committee, it was recognised that the appellant applied for the nearest secondary school to their home address for the pupil. As it was not possible to offer the pupil either of their preferred schools, the Council allocated a place at the nearest Lancashire school with a place available. As stated by the appellant, the school allocated by Council was over 9 miles from the home address and it would not be possible for the pupil to get to this school on public transport.

The Committee noted, it was also agreed that the school of parental preference was less than 100 metres further away from the pupil's home than another school that is considered the nearest suitable school. County officers however to apply the Home to School Transport Policy equitably for every application to receive transport assistance. There was no discretion that could be applied when distances were marginal, assistance could only be awarded by the Student Support Appeals Committee.

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. 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 also noted by the committee that the authority re assess all awards of transport when a residential or school move takes place and that the assessment is made under the current policy. The Committee have noted the supplementary evidence supplied by the appellants which consisted of Housing Benefit Statement and an email from a Councillor.

It was noted the pupil was 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 4545 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.

L Sales  
Director of Corporate Services

County Hall  
Preston