

## **Lancashire County Council**

### **Student Support Appeals Committee**

#### **Minutes of the Meeting held on Monday, 2nd November, 2015 at 10.00 am in Room B15b, County Hall**

#### **Present:**

County Councillor Sue Pryn (Chair)

#### **County Councillors**

A Cheetham

D Stansfield

C Dereli

Also in attendance:

Ms L Brewer, Solicitor, Legal and Democratic Services;  
Mr G Halsall, Business Support Officer, Legal and Democratic Services; and  
Mrs I Winn, Business Support Officer, Legal and Democratic Services.

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

County Councillor Dereli declared a non pecuniary interest in relation to appeal 3946 on the grounds that she had recently met a relative of the pupil but confirmed that she had no other association with the appellant. County Councillor Dereli also declared a non pecuniary interest in relation to appeal 3886 on the grounds that the appellant resided within her division and confirmed that she had no other association with the appellant.

County Councillor Pryn declared a non pecuniary interest in relation to appeal 3917 on the grounds that the appellant resided within her division and confirmed that she had no other association with the appellant.

County Councillor Cheetham declared a non pecuniary interest in relation to appeal 3948 on the grounds that she had been appointed by the Local Authority as a Governor at the school attended and confirmed that she had no other association with the appellant.

#### **2. Minutes of the meeting held on 7th October 2015**

**Resolved:** That; the Minutes of the meeting held on the 7th November 2015 be confirmed as an accurate record and be signed by the Chair.

#### **3. Urgent Business**

It was noted that the paperwork for appeal 98182 had only been finalised after the agenda had been circulated. As a result, the Chair had been consulted and had agreed that these appeals could be presented to the meeting under urgent business in order to avoid any delay in determining it.

**Resolved:** That, appeal 98182 as circulated to the Members of the Committee, be considered alongside other appeals at the meeting.

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

It was noted that the next meeting of the Committee would be held at 10.00am on Tuesday the 8th December 2015 in Room B15b, 1st Floor County Hall, Preston.

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

**Resolved:** That the press and public be excluded from the meeting under Section 100A (4) of the Local Government Act, 1972, during consideration of the following item of business as there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated against the heading of the item.

#### **6. Student Support Appeals**

(Note: Reason for exclusion – exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information).

A report was presented in respect of 29 appeals and 1 urgent business appeal against the decision of the County Council to refuse assistance with home to school transport. For each appeal the Committee was presented with a Schedule detailing the grounds for appeal with a response from Officers which had been shared with the relevant appellant.

In considering each appeal the Committee examined all of the information presented and also had regard to the relevant policies, including the Home to Mainstream School Transport Policy for 2015/16, and the Policy in relation to the transport of pupils with Special Educational Needs for 2013/14.

#### **Appeal 3766**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 0.9 miles from their home address, and instead would attend their 2nd nearest school which was 2.3 miles away. Both schools were within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee was advised by the mother that the pupil suffered health problems which affected their ability to walk distances and

that it took the pupil over an hour to walk to school due to the need to stop on a frequent basis. The Committee noted that the pupil had been referred for treatment in relation to this and also noted the pupil's other health problems that they had been diagnosed with. Whilst the Committee acknowledged the mother's point no medical evidence had been supplied by the mother to substantiate the pupil's mobility problems. The Committee could therefore not determine the full extent of the pupil's health problems in relation to their ability to walk the distance to school and back.

In considering the mother's appeal further the Committee noted the family's circumstances and that the pupil had previously attended their nearest school but left due to that school going in to special measures. The Committee noted that an elder sibling who was studying for their GCSEs remained at the nearest school. Whilst the Committee noted the reasons for the transfer, there was no information provided as to how the two younger siblings travelled to school and whether or not there was any family support who could assist with the school run. In addition there was no information in relation to the father.

In considering the family's financial circumstances there was no evidence to suggest that the family was on a low income as defined in law. Furthermore, no evidence had been provided to demonstrate that the mother was unable to fund the pupil's bus fares to school.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was not persuaded that there was sufficient reason to uphold the appeal. However, the Committee suggested that if the mother could produce medical evidence in relation to the matters raised by the mother in her appeal, the pupil's health problems and their ability to walk, then she should be allowed a re-appeal.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3766 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16.

### **Appeal 3836**

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 1.9 miles from their home address and was within statutory walking distance, and instead would attend their 12th nearest school which was 7.1 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted that she was encouraged to apply for her child's school place online. However, there was no information provided to warn parents that their children would not receive free travel if they did not apply for their nearest school. The mother stated that this was important information especially as the price of a season ticket would have a significant impact on the budgets of many families within the borough where the family resided as they unaware of the policy change. The Committee also noted the mother felt that the nearest school in the borough where the family resided that her child was eligible to attend was the school attended whereas the nearest school was situated in a different borough that was not within the County Council's boundary.

It was reported that the Council's home to school transport policy was formerly more generous and granted free travel to the nearest geographical priority area (GPA) school, even if there were nearer schools. The pupil's elder sibling received free travel to school on the grounds of this discontinued policy. However with effect from September 2015, for new pupils starting at the school, free transport was only allowed to their nearest school, if the distance criterion is met.

The Committee was reminded that the Council had consulted on this with schools and parents via the Schools' Portal in autumn 2013, and that when the policy change was approved, they notified schools directly, who were then asked to advise parents of this change. There was also coverage of the changes in the local media. More relevant though, was that this change in the home to school transport policy was made known to parents when they were expressing their preferences for secondary school through the admissions booklets. Whilst the mother had advised that she applied 'on-line' for the pupil's school place and had suggested she was not aware of these changes. The Committee was advised that on the 'home page' of the online system, attention was drawn to applicants of the change in the home to school transport policy, and that the Council refuted the allegations made by the mother that this information was not available when she made her preferences.

With regard to the mother's point in relation to borough boundaries, the Committee was advised that parents are free to express a preference for any school regardless of local authority boundaries.

In considering the mother's appeal further the Committee noted that an elder sibling already attended the school and received free travel. The Committee also noted that the mother felt that the pupil attended a "feeder school" for the secondary school now attended. The Committee was advised that when the Council changed its transport policy, it had followed central government guidance which suggested that any changes to transport policy should be phased in and that the Council had exercised discretion and allowed all pupils who previously qualified under the Council's former transport policy to retain that concession until the end of year 11 at the school. The Committee noted that the elder sibling had benefitted from this discretion.

The Committee was further advised that historically, some pupils from the primary school previously attended by the pupil tended to express a preference

for the secondary school now attended. However, contrary to the mother's statement in her appeal, pupils who attended this school did not receive priority for admission to the secondary school by simply attending the primary school. It was reported that pupils from the primary school also expressed preferences for other schools such as those as set out in the appeal schedule. The Committee was informed that the Council assessed eligibility for transport assistance from the home address, and that no new Year 7 pupils living in the village where the family resided or where the primary school attended was situated would be entitled to free travel to any of those schools on the grounds of distance.

In considering the family's financial circumstances there was no evidence to suggest that the family was on a low income as defined in law. Furthermore, no evidence had been provided to demonstrate that the mother was unable to fund the home to school travel costs to the school attended.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 3836 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16.

### **Appeal 3845**

It was reported that Appeal 3845 had been withdrawn by officers at the Council.

### **Appeal 3860**

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 4.98 miles from their home address, and instead would attend their 3rd nearest school which was 5.61 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted that she was not aware of the Council's policy change to home to school transport and that the pupil was upset by this news at a time when they would be transferring in to secondary education. The Committee also noted that the pupil had an elder sibling who already attended the school and received free travel and that the mother wished for her children to remain and attend the same school as each other.

Furthermore, it was reported that the pupil had already attended taster days at the school and that the mother had already paid for a locker, ipad and uniforms.

The Committee was advised that the Council had produced its admissions literature in September 2014, when parents were expressing their preferences for secondary schools, which advised them of the changes to the Home to School Transport Policy. Furthermore, the Committee was reminded that the Council had consulted on the policy change with schools and parents via the Schools' Portal in autumn 2013, and that when the policy change was approved, they notified schools directly, who were then asked to advise parents of this change. There was also coverage of the changes in the local media. In addition the admissions literature also encouraged parents that if free travel was fundamental to their preference of schools, then they should check with the Council before submitting their preferences.

The Committee noted that an elder sibling already attended the school and received free travel. The Committee was advised that when the Council changed its transport policy, it had followed central government guidance which suggested that any changes to transport policy should be phased in and that the Council had exercised discretion and allowed all pupils who previously qualified under the Council's former transport policy to retain that concession until the end of year 11 at the school. The Committee noted that the elder sibling had benefitted from this discretion.

Whilst the Committee acknowledged the mother's point in that children from the village where the family resided normally transferred to the school attended and that they were invited to taster days at the school, it was reported that this was because these pupils were given a higher priority for admission to the school. However, this no longer brought with it an award of free travel unless the school attended was physically the nearest school and the distance criterion was met.

Whilst the Committee noted the mother's wish for her children to attend the same school, it was reported that the Council was not stating that the pupil had to change schools but that in accordance with its transport policy it could not pay for transport to attend the third nearest school.

In considering the mother's appeal further the Committee noted the family's circumstances in that she was a full-time student and worked part-time on the minimum wage and that during 201, her partner was made redundant for over six months and had to start a fresh in their new job. However, no evidence had been provided to suggest that the family was on a low income as defined in law or to suggest that they were unable to fund the cost of home to school travel. Without evidence the Committee felt that it could not determine the full extent of the family's circumstances.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3860 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16.

### **Appeal 3869**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 3.0011 miles from their home address, and instead would attend their 2nd nearest school which was 3.14 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law. The Committee was advised that there was an error in the appeal schedule where it had stated that the decision to change the transport policy was made in February 2015 and that this should have read February 2014.

In considering the father's appeal the Committee noted that the pupil had an elder sibling who attended the same school and received a free bus pass and that the father felt both the school attended and the nearest school were practically equidistant and there should be no difference in the cost for the provision of transport. The Committee also noted the family followed a different faith to that of the nearest school and that the father felt the Council's transport policy was discriminatory as he felt the Council was trying to force their child in to attending a school of a different faith in order to qualify for home to school transport.

In considering the father's appeal further the Committee was informed that had the family known about the policy change, they might have selected alternative preferences for the pupil's transfer in to secondary education and placed their second preference as their first instead. However, the Committee noted that the father knew that there would be a transport contribution to be made to go to their second preference of school and therefore applied to the school attended knowing that this was the nearest non faith school to where they lived.

The Committee acknowledged that it might be difficult for parents to understand why one child receives free travel and one does not. However, it was reported that this was due to the fact that the Council's Home to School Transport Policy had changed since the elder sibling commenced their education at the school attended. The Council was required to review its home to school transport policy on an annual basis and the decision to restrict travelling expense to purely the nearest school dated back to a decision made by the Cabinet Member for Children, Young People and Schools in February 2014 and the results of this decision were made clear to parents in the admissions literature the Council produced in September 2014 which advised parents of these changes.

The Committee was advised that when the Council changed its transport policy, it had followed central government guidance which suggested that any changes to transport policy should be phased in and that the Council had exercised discretion and allowed all pupils who previously qualified under the Council's former transport policy to retain that concession until the end of year 11 at the school. The Committee noted that the elder sibling had benefitted from this discretion. Furthermore, the Committee was reminded that the Council had consulted on the policy change with schools and parents via the Schools' Portal in autumn 2013, and that when the policy change was approved, they notified schools directly, who were then asked to advise parents of this change. There was also coverage of the changes in the local media.

The Committee was advised that the Council had accepted that this policy change insofar as it affected residents of the village where the family resided, which now meant that the only pupils who would qualify for free transport from the village would be pupils who attended the nearest school of a specific faith on the basis that this was the nearest school. The Council also accepted that the distances between the nearest school and the school attended were small. However, the Committee was advised that the Council must enforce the distance measurements stringently. And whilst the Council had also accepted that the cost of transport to these schools was the same, this was not a factor the Council was able to take into account when undertaking their transport assessments which were based on distance and not cost which was in accordance with the law.

Whilst the Committee acknowledged the family followed a different faith to that of the nearest school, the Committee noted that the nearest school was the family's third preference of school when they made their preferences at the time of application for a school place for transfer. School attended was a non faith school. However, it was reported that the Council was not stating that the pupil had to change schools in order to qualify for free transport but that in accordance with its transport policy it could no longer pay for transport to attend a school other than the nearest school. By only awarding travel assistance to the nearest school, the Council was not acting in a discriminatory manner. The Council was merely implementing central government law.

In considering the family's financial circumstances there was no evidence to suggest that the family was on a low income as defined in law. Furthermore, no evidence had been provided to demonstrate that the father was unable to fund the home to school travel costs to the school attended.

Therefore, having considered all of the father's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee 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 3869 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16.



## **Appeal 3881**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 2.74 miles from their home address and was within the statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted that she had checked possible entitlement for free travel before making her school preferences and had used an online tool to determine the distance to the school which gave a measurement over three miles. The mother therefore felt that she would be entitled to free transport on this basis. In addition the Committee noted the reference to a mix up with the mother's school preferences and that the family decided to not pursue a school admission appeal for their original first choice of school as they knew they would not get free transport to that school and also on the basis that they felt from their findings that the pupil would receive a free bus pass to the school attended. However, the mother stated that had she known they wouldn't have got a free bus pass for the school attended they would have appealed for a place at their original first preference of school. Furthermore, the cost of a bus pass had not been factored in when applying for school places.

The Committee was informed that the mother did not accept that it was fair and acceptable to calculate the bus route on a different basis when the only possible way the pupil could get to school was on a bus, the route of which was over four miles and that she had to pay for a route which was over three miles. The mother also stated that she wouldn't be able to pay the price band A (0 to 3 miles return fare) and would have to pay the price at band B (3 to 8 miles return fare).

In considering the mother's appeal further the Committee noted the mother's concerns in respect of the walking route and the pupil's safety and that she could not expect her child to walk the distance to school every day. The mother also made reference to an incident on the route when out walking (where her child would have to walk) whereby she had been advised by the Police to return home. However, the mother stated that she did not know which route the Council had calculated and suggested what the pupil would encounter with one particular route to the school. The Committee also noted the mother's point in that she stated the family lived in a rural area and that they did not have a school any closer.

It was reported that the Council was satisfied that the measurement it had used to determine the distance from the mother's home to the school attended, using the shortest walking route, which it was required to do by law to determine eligibility for free transport, was less than the required three miles. The Council had its own bespoke software which measured the distance and a copy of the walking route was handed out to the Committee at the meeting which

demonstrated that the family did not live in a rural location. Furthermore, it was confirmed that the route was a suitable route when assessed against the Council's Suitable Routes Policy in so far as the route was deemed suitable for a child accompanied as necessary.

Whilst the Council had confirmed that the pupil was attending their nearest school, had the distance been over three miles the Council would have met the cost of travel. The Committee was advised that as the distance was less than three miles, the responsibility for the home to school transport costs and the transport arrangements rested with the parents. The decision to walk to school or travel by bus was therefore a decision to be made by the family and was their responsibility in this case. No evidence had been provided in respect of the matter the mother referred to in her appeal involving the Police.

With regard to the mother's point about the mix up with the family's preferences it was reported that the Council's records did not show that the mother tried to change her preference of school and even if it did the mother would not have received free transport to the school which was shown as their second preference on the Council's admissions system.

The Committee was informed that the mother would be required to pay the band B price for the school season ticket as the distance to the school attended was more than three miles. The Committee was advised that the pricing system for school buses operated on the distance the bus travelled and not the shortest walking distance to the school which the Council used for transport assessment purposes for free home to school travel.

In considering the family's financial circumstances there was no evidence to suggest that the family was on a low income as defined in law. Furthermore, no evidence had been provided to demonstrate that the family was unable to fund the home to school travel costs to the school attended or the cost of the season ticket.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3881 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16.

### **Appeal 3882**

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 1.72 miles from their home address, and instead would attend their 3rd nearest school

which was 2.83 miles away. Both schools were within statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted the pupil's health problems and the letter of support provided by the family's GP. The Committee also noted that the mother knew the school attended was not their nearest school, but chose the school as they felt it could best cater for the pupil and their needs. Whilst there was no evidence to demonstrate that the school attended was the most suitable for the pupil to attend, the Committee noted that the family were still attempting to address the pupil's health problems and as such felt that they were waiting for appropriate assessments to be made in respect of those health problems. The Committee therefore felt that it could make a temporary award whilst the family pursue the appropriate medical assessments to determine the pupil's health problems.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of the Spring Term 2016 (Easter) pending the necessary medical assessments to determine the pupil's health problems and for the mother to reapply for transport.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3882 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the Spring Term (Easter) 2016.

### **Appeal 3886**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 3.63 miles from their home address, and instead would attend their 5th nearest school which was 5.52 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted she had chosen the school attended as she was aware of the outstanding provision the school had for students with SEN. The Committee also noted that the mother, who was an educational professional herself, felt that the pupil should have been Statemented during primary school. The Committee was informed that prior to the transfer to secondary education the pupil had been admitted in a small social skills/nurture group and also attended CAMHS for the reasons as set out in the appeal. The Committee was also informed that the pupil had a CAF (Common Assessment Framework) in place.

Whilst the Committee noted the points made by the mother in respect of an open evening event at a particular school in 2012, the Committee felt there was no evidence to demonstrate that the nearer schools were unsuitable for the pupil. The Committee noted the mother's point in that the pupil did not yet have a Statement of SEN or an Education Health and Care Plan (EHCP) in place, however, the Committee felt that the Council could not be solely blamed for such a delay when the onus was on the primary school attended to pursue the matter. In addition there was no evidence from the primary school to confirm the mother's opinion that the pupil should have had a Statement or EHCP in place.

The Committee noted the reasons why the pupil was attending CAMHS and also noted the account provided by the mother in relation to the pupil's father and the family's current circumstances. However, the Committee felt that from the information provided by CAMHS it did not make any specific recommendations in relation to school places.

The Committee also noted the bullying allegations by pupils and a parent from two specific schools and that there was some Police involvement. However, without the evidence in relation to the bullying allegations, the Committee could not consider this point and the severity it would have in relation to those schools to be able to discount them from those that were nearer suitable schools.

The Committee noted that the mother was unhappy that pupils living in the same village received free travel to two specific schools rather than the school attended. It was reported that pupils would receive free travel to one of the schools as the Council had a statutory duty to meet these costs as this was the nearest school and the distance exceeded three miles. Pupils living in the village where the family resided would not qualify for free travel to the other school which was a faith school. However, pupils who met the faith criteria for admission to that school would receive transport assistance but parents would be required to pay the denominational contribution towards the total cost which from September would be £505 pa.

In considering the mother's appeal further the Committee noted that the mother wished for the pupil to travel with their elder sibling who also attended the school. In addition the mother stated that she did not choose a specific school for transfer as they did not reside in the geographical priority area (GPA) for that school.

It was reported that the Council understood why the mother might have expressed a preference for the school attended as children living in the GPA would receive greater priority for places in the school's admission criteria, than

pupils who did not live in that GPA. The Committee was advised that parents are of course free to express a preference for any school regardless of local authority boundary. The Committee was also advised that from September 2015 new pupils securing places at their GPA school when there was a nearer school, which was the case in this pupil's situation, would no longer bring with it an award of free transport like it previously used to.

The Committee was advised that the Council had produced its admissions literature in September 2014, when parents were expressing their preferences for secondary schools, which advised them of the changes to the Home to School Transport Policy. Furthermore, the Committee was reminded that the Council had consulted on the policy change with schools and parents via the Schools' Portal in autumn 2013, and that when the policy change was approved, they notified schools directly, who were then asked to advise parents of this change. There was also coverage of the changes in the local media. In addition the admissions literature also encouraged parents that if free travel was fundamental to their preference of schools, then they should check with the Council before submitting their preferences.

The Committee noted that an elder sibling already attended the school and received free travel. The Committee was advised that when the Council changed its transport policy, it had followed central government guidance which suggested that any changes to transport policy should be phased in and that the Council had exercised discretion and allowed all pupils who previously qualified under the Council's former transport policy to retain that concession until the end of year 11 at the school. The Committee noted that the elder sibling had benefitted from this discretion.

The Committee in noting the mother's wish for the pupil to travel with their elder sibling was advised that this could still be achieved, however the mother would be required to meet the cost of travel. The mother had provided no information to indicate that the family would not be able to meet the home to school transport costs. In particular it was not clear whether the offer of a season ticket had been put to the family as the Committee noted that the pupil struggled for the first few weeks of school in paying the daily fare in spite of the fact the mother had bagged up the money needed each day. There was no evidence to demonstrate that the mother was unable to meet the cost of a season ticket. Furthermore, the Committee felt that the mother's appeal amounted to who should pay the transport as the Council was not stopping the pupil from attending the school but simply that they could not pay for them to attend their 5th nearest school. The Committee therefore felt that the offer of a season ticket should be put to the mother for consideration in alleviating any issues the pupil had in using the school transport. The Committee also suggested that if the mother was able to provide the necessary financial evidence to demonstrate that she was unable to fund the cost of the season ticket then she should be allowed a re-appeal on that basis.

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

sufficient reason to uphold the appeal. However, the Committee suggested that if the mother could provide the necessary financial evidence to demonstrate that she was unable to fund the cost of home to school travel then she should be allowed to have a re-appeal.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3886 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16.

### **Appeal 3887**

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 5.33 miles from their home address, and instead would attend their 2nd nearest school which was 5.92 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted that the reason for this appeal was that historical and previous precedents had been set in relation to a transport appeal that was successful back in September 2012 for an elder sibling within the family. In addition the Council had allocated the school attended rather than the family's first preference for previous elder siblings. Whilst the family had been informed that the pupil was entitled to a free bus pass if they attended the nearest school they felt that due to previous circumstances they felt discriminated against and the family were now requesting a free bus pass. Furthermore, the family felt that they should qualify for transport as they feel the school attended was one of their three nearest schools.

The Committee was advised that a previous form of the Committee during the 2009 and 2013 elected term had exercised its discretion and awarded transport to the middle sibling. The Committee noted that during that time and previous years the Council's transport policy was more generous and the Committee in its previous form would have had more scope and flexibility with which to exercise its discretion and make an award of transport assistance against the Council's transport policy and the law. The Committee noted that the award given to the middle sibling was due to the family's circumstances.

Whilst the Committee noted that the family did not obtain a place at their first preference of school and nearest for their eldest child, the Committee noted that for the middle sibling and the pupil concerned in this appeal the family had expressed the school attended as their first preference of school. The Committee therefore felt that the Council had satisfied the family's desire for these two siblings to attend their first preference of school which was not their nearest.

The Committee acknowledged that the family wished for their children to attend the same school. However, the Committee was advised that the middle sibling and the pupil concerned were never entitled to free transport in accordance with the policy or in law despite the previous Committee making an award for the middle sibling. The Committee noted that the eldest sibling received free transport under a previous more generous transport policy. The Committee in considering the pupil's eligibility did not agree that the family were being discriminated against as the Council had applied its policy correctly and determined that they were not eligible for free transport. The Committee concurred with the Council on this point.

Whilst the Committee noted the mother's point in that they believed the pupil should also qualify for transport assistance on the basis that they were attending one of their three nearest schools between 2 and 6 miles, the Committee was advised that this aspect of the Council's Home to School Transport policy only applied to pupils whose parents who were on low income as defined in law (ie eligibility for free school meals or parents receiving maximum working tax credit). It was reported that the Council had understood that the family were not in receipt of either of these benefits.

In considering the mother's appeal further the Committee noted that the family's financial circumstances had recently changed and that they had to make adjustments to keep up with payments. In addition, the mother had stated that the family had received percentage salary cuts at work. However, no evidence had been provided to demonstrate that the family was unable to fund the home to school travel costs to the school attended. Neither had any evidence been supplied to substantiate the decrease in the family's salaries. The Committee in noting that the family were not on a low income as defined in law felt that it could not fully determine the financial circumstances of the family.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3887 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16.

### **Appeal 3892**

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 1.44 miles from their home address, and instead would attend their 18th nearest school which was 7.88 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating

circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted her point that the family resided in a specific borough and paid their Council Tax to that Borough Council and therefore understood that this would entitle them to a place in a school in that borough. In addition the pupil's friends were transferring to schools in the borough. The Committee also noted that the mother's point that the pupil should attend a school that was 3.41 miles away. However, the mother stated that there was no direct bus route and the pupil would need to travel to a nearby town to then catch a bus to that school.

The Committee acknowledged that the family paid their Council Tax to a specific Borough Council but for transport assessment purposes the Committee was advised that this factor was not relevant. It was reported that paying Council Tax to a particular Council did not guarantee a pupil a place at a school in that borough.

The Committee was informed that the Council had been able to offer the pupil a place at the school of their preference where their friends would also attend. The mother had also indicated that the primary school previously attended by the pupil was a feeder school for the secondary school now attended. It was reported that some children who previously attended that primary school did transfer to the secondary school attended. However, attending that primary school did not give priority in the school's admission criteria. Living in village where the family resided though did give a higher priority for admission to the school as this village like many other surrounding villages were situated in the geographical priority area (GPA) for the school attended. The Committee was reminded that since the change in the Council's transport policy which took effect from September 2015, living in the GPA for a school no longer brought with it an award of travelling expenses like it used to if the school attended was not the nearest school.

With regard to the mother's point in relation to bus routes, the Committee was advised that whilst these reasons might have been valid for expressing a preference for the school, this was not a factor the Council could take into account in their transport assessment, when places are available at nearer schools. The Committee also noted that some of those nearer schools were less than the statutory walking distance.

In considering the mother's appeal further the Committee noted the future concern that there was a younger child who would attend secondary school in two years' time and that this would mean spending over £1000pa in home to school transport. The mother stated that she was on a low income and was requesting that the Committee considers awarding a bus pass for the pupil.

In considering the family's financial circumstances the Committee felt that the evidence provided did not allow them to determine the full extent of the family's circumstances. Only one page of the tax credits statement had been supplied. In addition there was no information to suggest that the family was on a low income as defined in law. Furthermore, the Committee noted that the family were approved foster carers with a placement. The pupil's status was not clear from



the evidence supplied. However, the Committee felt that if the pupil concerned for this appeal was a foster placement then the Committee noted that the family would be in receipt of an allowance to support that placement – part of which should be used for the purposes of transport. Whilst the Committee could not determine this point, they felt that there was no evidence to demonstrate that the family were unable to fund the cost of home to school transport.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the 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 3892 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16.

### **Appeal 3895**

It was reported that a request for transport assistance had initially been refused as the pupil who was in year 8 would attend their nearest suitable school, which was 1.8 miles from their home address and was within the statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the father's appeal the Committee noted his point that due to the recent closure of a school, pupils were being offered places at alternative high schools and as a result of a change in school for the pupil the father was now requesting help with transport costs as financial difficulties would arise if passes had to be purchased. The Committee was being asked to allow a travel pass for the pupil due to the closure of the school previously attended which was a circumstance that was beyond the family's control. Furthermore, the father felt that walking routes were dangerous and slippery and questioned the safety of the route.

Whilst the Committee acknowledged that many families would have been affected by the closure of the school, the Committee was advised that as this family was on a low income as defined in law the statutory walking distance reduced to two miles and subsequently would be eligible for extended rights to free travel. However, the school now attended was 1.8 miles away from the family home and was still within the statutory walking distance.

In considering the suitability of the walking route from the father's home to the school, it was reported that the route had been recently walked with officers of

the Council and the school and that the route which was used was deemed to be suitable when assessed against the Council's Suitable Routes Policy as a route that was suitable "accompanied as necessary". The Committee was advised that in such circumstances, the responsibility for travel arrangements rested with the parent and not the Council.

The Committee acknowledged that as a low income family the cost of meeting the travel costs to the school might be difficult. However, the Committee was not certain whether this would be the preferred mode of travelling between home and school for this pupil since in the absence of any other information to the contrary, it might be possible for a secondary aged pupil to walk the 1.8 miles to school. No evidence had been supplied to demonstrate that the pupil was unable to physically walk the distance.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3895 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16.

### **Appeal 3896**

It was reported that Appeal 3896 had been withdrawn by officers at the Council.

### **Appeal 3908**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 3.03 miles from their home address, and instead would attend their 2nd nearest school which was 7.35 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted that the family were unaware of the Council's new Home to School Transport Policy and that the pupil had already attended summer school at the school attended and was practically settled in. In addition, the family did not want to withdraw the elder sibling who was embarking on their GCSE studies.

The Committee was advised that the changes to the policy were made clear in the Admissions literature they produced for parents when they were making their preferences of secondary schools in September 2014. In addition the Committee

was reminded that the Council had consulted on the policy change with schools and parents via the Schools' Portal in autumn 2013, and that when the policy change was approved, they notified schools directly, who were then asked to advise parents of this change. There was also coverage of the changes in the local media.

With regard to the elder sibling the Committee was advised that the Council was not suggesting that the either sibling should change schools but that the Council could no longer pay for transport for the younger sibling to attend their 2nd nearest school when assessed against the Council's current transport policy. The Committee was advised that when the Council changed its transport policy, it had followed central government guidance which suggested that any changes to transport policy should be phased in and that the Council had exercised discretion and allowed all pupils who previously qualified under the Council's former transport policy to retain that concession until the end of year 11 at the school. The Committee noted that the elder sibling had benefitted from this discretion.

In considering the mother's appeal further the Committee noted that if the pupil attended the nearest school, they would still require a bus pass due to the unsuitable walking route. In addition, the family claimed that the taxi had space for the extra pupil as the elder sibling travelled in the taxi and received free transport. Furthermore, the mother felt that if the pupil attended the nearest school there would be difficulties in having two children in two different schools in two different local authority areas.

The Committee was informed that if the pupil attended their nearest school they would qualify for free transport on distance grounds. However, these awards though would not be transferable as for pupils who did not attend their nearest school would lose the right to that entitlement if they choose to attend a more distant school.

The Committee was also informed that there was space on the school taxi which took children to and from the school attended. However, this was not a reason to award free transport as all public transport services with spare places the passenger would be required to pay the appropriate fare to travel on the service. The Committee felt that it was not clear whether this offer had been put to the parents for the pupil to travel with their elder sibling in the taxi.

The Committee acknowledged that having pupils in different schools could prove logistically difficult for parents, although it was noted that some parent's cope with this as many of them already do this. However, the Committee noted that this was not the case for the pupil as they were attending the same school as their elder sibling. The Committee again noted that the Council was not saying that the pupil had to attend the nearest school. Parents were free to express a preference for any school, however if they expressed a preference for a more distant school they would not receive assistance with travel costs.

In considering the family's financial circumstances there was no evidence to suggest that the family was on a low income as defined in law. Furthermore, no

evidence had been provided to demonstrate that the family was unable to fund the home to school travel costs to the school attended.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal. However, the Committee felt that the parents should make enquiries with the Council to see whether a place was available on the taxi for which they would be able to purchase a ticket but that they should be made aware that if the place was needed for a statutory child their place would need to be given up.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3908 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16.

### **Appeal 3916**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 3.28 miles from their home address, and instead would attend their 16th nearest school which was 5.08 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted that since the family's appeal for a particular school where the pupil's younger sibling attended nursery was not allowed and that the family decided to keep the pupil at their existing school where they had good friends, good relationships with the teachers and was progressing well with their work. The Committee also noted the family's circumstances had changed dramatically and had moved address several times and could not afford to pay the daily taxi fares to the school attended. However, it was reported that the mother was learning to drive and was requesting support on a temporary basis.

The Committee felt that as the mother was learning to drive and given the family's circumstances it should make a temporary award for the remainder of the current academic year.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of the 2015/16 academic year only to support the family in the interim.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3916 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2015/16 academic year (Year 3) only.

### **Appeal 3917**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 0.66 miles from their home address, and instead would attend their 6th nearest school which was 2.88 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee was informed that the family chose what they thought was the most suitable school as opposed to the nearest one and that the advantages and disadvantages of each schools viewed were considered. Also, those that were out of commuting range were also discounted. The Committee also noted that the difficulty the mother would face with the school run of taking two children to different schools.

Whilst the Committee acknowledged the family's preference to select a school which was not the nearest one. However, there was no evidence to demonstrate that all the nearer schools were unsuitable for the pupil to attend. The Committee therefore felt that the choice of school was parental preference whereupon they were advised that the Council was unable to award travelling expenses on these grounds especially as the distance to the school attended was within the statutory walking distance.

The Committee felt they could not determine the relevance of selecting a school that was out of commuting range when the family were appealing for free transport. Furthermore, the Committee was advised that the school attended was further away than the schools considered by the mother.

In considering the mother's appeal further the Committee noted that parents were unable to fund the cost of bus fares from their family home. In addition they felt that if the pupil had a bus pass it would help towards increasing their independence.

In considering the family's financial circumstances the Committee noted there was no evidence to suggest that the family was on a low income as defined in law. Furthermore, no evidence had been provided to demonstrate that the family

was unable to fund the home to school travel costs to the school attended. The Committee therefore felt that there was no evidence to suggest that the family could not purchase a bus pass for the pupil which would resolve the mother's objective to increase the pupil's independence.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3917 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16.

### **Appeal 3920**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 0.64 miles from their home address, and instead would attend their 3rd nearest school which was 3.22 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted that the pupil had a managed move from what was their nearest school to the school now attended during year 8 and that the choice of school was imposed upon the family. The school now attended was a faith school, whereupon the mother had stated that the pupil had converted to the faith of that school. The mother therefore felt that the school attended was the nearest school for the pupil given their faith commitment and that they should be awarded with a free bus pass. Furthermore, the school attended was over the three mile limit.

However, in considering the appeal the Committee could not determine the reasons for the managed move or how the pupil ended up at the school attended as no evidence was provided in relation to this matter. No evidence had been provided to demonstrate the pupil now followed the same faith as the school attended. The Committee felt that it should defer the appeal in order to obtain information relating to the managed move.

In considering the appeal further the Committee noted that when the pupil was transferred to the school now attended the Council awarded free transport on the grounds that the family was on a low income as the pupil was eligible for free school meals and that the school attended was one of their three nearer schools. It was reported that at the time of the managed move the pupil would have also qualified for free transport on the grounds that they were a low income pupil on a

managed move. The Committee was informed that the family moved home on 3rd March 2015, and that the family continued to receive free transport on the same low income grounds.

However, it was reported that the Council had a statutory obligation to re-assess all low income pupils on an annual basis before the commencement of each academic year. When the Council undertook their check it transpired that the pupil no longer qualified for free school meals so the Council was required to re-assess the application as a non low income pupil. The Committee was advised that this meant that in order to qualify for assistance pupils must attend their nearest school to qualify. The Council had then determined the pupil's previous school to be their nearest school. In addition, to qualify for transport assistance under the 'management move' criteria pupil's parents would need to meet the low income criteria which this family no longer did. No evidence was provided to indicate that the mother was on a low income as defined in law or was unable to fund the cost of the pupil's home to school travel costs. The Committee felt that in order to take a fully informed decision the appeal should be deferred in order to obtain current financial evidence. Therefore, it was;

**Resolved:** That Appeal 3920 be deferred;

- i. In order for the Committee to receive current financial evidence;
- ii. For information relating to the managed move; and
- iii. For the appeal to be presented to the Committee at its next scheduled meeting in December 2015.

### **Appeal 3923**

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 from their home address, and instead would attend their 14th nearest school which was 8.9 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted the family had to move from their previous address due to financial problems stated in the appeal and that they were struggling to fund the pupil's bus fares. The family were unable to find a suitable property in the area where they used to live and were now living in rented accommodation. The Committee in considering the financial information provided felt that it could not determine the full extent of the family's financial plight. However, the Committee noted that the pupil was in their final year of GCSE studies. In view of this the Committee felt it should make a temporary award up to the end of the Autumn Term (December) to help stabilise the family's circumstances in the interim and for the mother to reapply. However, the Committee suggested that when the mother reapplied for transport she should include financial evidence in the form of bank statements and tax credit statements.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of the Autumn Term (December) 2015 to support them in the interim and for the mother to reapply for transport and provide evidence in the form of bank statements and tax credits statements.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3923 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the Autumn Term (December) 2015 only.

### **Appeal 3925**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 0.4 miles from their home address, and instead would attend their 15th nearest school which was 5.5 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted the family following their move from a village to a town transferred the pupil from the village primary school to a secondary school in the town. The Committee was informed that the pupil was anxious before the transfer as all their friends would transfer to the school where the pupil now attends. It was reported that the mother made enquiries to transfer the pupil from the secondary school in the town to the school now attended where there was a place available. The pupil was now happy and settled at the school attended. However, the Committee was informed that the mother given her circumstances was unable to fund the unplanned expense of the pupil's bus fares to the school now attended and was requesting assistance with this.

The Committee was informed that whilst the Council had concurred with the events as detailed by the mother in respect of the change of addresses and that the pupil had attended the schools as detailed. However, there was no evidence to substantiate the reasons the mother provided for the transfer to the school now attended. Whilst the Committee acknowledged that the pupil would have experienced some difficulty in settling in at their first secondary school they felt that more information was needed in respect of the health problems experienced



by the pupil at that time. The Committee felt it should defer the appeal for this information.

In considering the family's financial circumstances the Committee noted that the family was on a low income as defined in law. However, the school attended was now their 16th nearest school and the extended provisions for pupil's from low income families could not be applied in this case. In considering the family's circumstances the Committee could not determine what family support network the mother had or any information in relation to the father. The Committee noted that the pupil's younger sibling was attending the primary school the pupil used to attend in another village. There was no information in the appeal documentation to suggest how the younger pupil travelled to school as the primary school was not situated in the town where the family resided. The Committee therefore felt that the appeal should be deferred in order to clarify the above points. Therefore, it was;

**Resolved:** That Appeal 3925 be deferred;

- i. In order for the Committee to receive medical evidence in relation to the pupil's health problems;
- ii. For information on what family support network the mother has particularly in relation to the father and whether the mother drives;
- iii. To ascertain the school attended by the pupil's sibling and how they travel to school; and
- iv. For the appeal to be presented to the Committee at its next scheduled meeting in December 2015.

### **Appeal 3929**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 0.13 miles from their home address, and instead would attend their 24th nearest school which was 10.3 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the grandmother's appeal the Committee noted how the pupil came to live with her and that the grandmother did not wish to change schools especially as the pupil would be commencing their final year at primary school. In view of the family's circumstances the Committee felt there were grounds to make an award of free transport for the pupil to maintain stability in their life whilst they completed their final year at primary school.

Therefore, having considered all of the grandmother's comments and the officer responses as set out in the Appeal Schedule and application form the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of the 2015/16 academic

year only to support them in the interim in completing their final year of primary school education.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3929 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2015/16 academic year (Year 6) only.

### **Appeal 3930**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 1.6 miles from their home address and was within the statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted that she had expressed concern for the pupil given their age was too young to walk the distance to school especially during the winter months. The pupil would have to leave at 7:45am in order to get to school for 8:30am. The mother did not drive, had no family support and could not accompany the pupil as she had a child at primary school. Furthermore, the pupil could not afford to fund the pupil's bus fares as she was on benefits.

It was reported that the Council had confirmed that the walking route they had used to establish the distance between the home and the school met the criteria of a suitable walking route when assessed against the Council's Suitable Routes Policy. In addition a copy of the walking route was made available for the Committee to consider. The Committee noted that contrary to what the mother had stated the route did not go through the local park but instead followed the main roads to school. Furthermore, the Committee felt that a number of pupils would be walking from the village where the family resided to the school attended. The Committee noted that the distance to the school was within statutory walking distance. However, there was no medical evidence to suggest that the pupil was physically unable to walk that distance.

The Committee acknowledged the mother's concern of the time factor it would take to walk the distance but this was not something the Council was required to take account of as part of their transport assessment for transport assistance.

The Committee acknowledged the difficulties that the mother had explained in her appeal about accompanying the pupil to and from school if that was the only way they could attend the school. However, the Committee was advised that as the pupil lived less than the statutory walking distance and the walking route was a suitable one regrettably the responsibility for getting to school became the parent's and not the Council. There was no evidence in relation to the father and how he could assist with the school run.

In considering the mother's financial situation, the Committee noted that the family was on a low income as defined in law as the pupil concerned was eligible for free school meals. However, no evidence had been provided to demonstrate that the mother was unable to fund the cost of travel if that was the chosen method of getting to school.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form the Committee was not persuaded that there was sufficient reason to uphold the appeal. However, the Committee suggested that if the mother could provide medical evidence to demonstrate that the pupil was unable to walk the distance to school and could provide evidence to demonstrate that she was unable to fund the cost of the bus fares.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3930 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16.

### **Appeal 3933**

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 1.3 miles from their home address, and instead would attend their 8th nearest school which was 5.3 miles away. The pupils were therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted the reasons why the family chose to transfer the elder sibling from the nearest school to the school now attended. The Committee also noted the elder sibling's health problems and that they found it hard to use public transport on their own. The mother stated that attending the school they now did meant that only catching the one bus was helpful to the elder sibling and that they would also be travelling with their younger sibling.

In noting that the elder sibling had commenced their GCSE studies, the Committee felt that it should make a temporary award to support the pupils in the

interim. However, it was suggested that when the mother reapplies for transport she should provide evidence to substantiate the events as outlined in the appeal along with evidence to substantiate the pupil's SEN needs.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupils up to the end of the Autumn Term (December) 2015 to support them in the interim and to allow the mother to provide evidence from the school in relation to the elder pupil's SEN needs and evidence in relation to the events as outlined in the appeal and for the appeal to be brought back to the next scheduled meeting of the Committee in December 2015.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3933 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the Autumn Term (December) 2015 only; and
- iii. For officers in the Council to investigate the points raised by the Committee and for the appeal to be presented to the Committee at its next scheduled meeting in December 2015.

### **Appeal 3934**

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 5.4 miles from their home address, and instead would attend their 9th nearest school which was 6.8 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the foster carer's appeal the Committee noted that she was aware the school attended was not the nearest school to their home but that she took the decision to send the pupil as she felt that was the most suitable school for them given that her other children attended the school. The Committee noted that the pupil's foster sibling also attended the school and was in year 9. The foster carer felt that the sibling would be able to help them settle in at the school. The foster carer stated that given the pupil's status it was their right to attend a school that was rated by Ofsted as "good" as established by various statutes. Furthermore, the foster carer felt that the excellent relationship her family had with the school gave them the confidence in assisting the pupil's transition in to secondary school.

It was reported that the Council had confirmed the pupil's status and that the Council's records had shown that the pupil had been living at the present address since 2013, having previously lived at addresses elsewhere. However, whilst the Committee acknowledged the reasons why the foster carer preferred the school attended for the reasons as set out in the appeal there was no evidence to demonstrate that the school attended was the nearest suitable school for them over and above those that were nearer. In addition, it was also reported that the Council had been able to meet this parental preference but had not been able to offer transport assistance as the Council could offer places at nearer schools.

The Committee acknowledged the foster carer's point in that the pupil given their status should attend a school that was designated as good by Ofsted. However, the Committee was advised that there still remained nearer schools which were also rated as good by Ofsted and that in accordance with the Council's transport policy this point as raised by the foster carer would not bring with it an award of expenses.

In considering the foster carer's appeal further the Committee noted that she could claim expenses in taking the pupil to and from school and that this would be more expensive than a bus pass. Furthermore, travelling by bus would assist the pupil in developing their independence in a way that being transported would not. However, the Committee was advised that foster parents are meant to use part of their fostering allowance to meet the cost of home to school transport costs. The foster carer had indicated that this allowance would allow them to drive the pupil to school but would not allow them to purchase a season ticket to travel on the school bus which was what they desired for the pupil. The Committee felt that if it made an award of free transport it would be double funding the family when they are given an allowance from the Council to put towards the cost of home to school transport costs. In addition the Committee noted that the elder sibling and the family's own children attended the same school. It was not clear how these siblings travelled to school. The Committee acknowledged the reasons for wanting a bus pass. However, they could not see the relevance of this point when it was not clear how the other siblings travelled to the same school.

In considering the foster parent's financial circumstances the Committee noted there was no evidence to suggest that the family was on a low income as defined in law. Furthermore, no evidence had been provided to demonstrate that the family was unable to fund the home to school travel costs to the school attended.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3934 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance

that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16.

### **Appeal 3935**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 3.5 miles from their home address, and instead would attend their 2nd nearest school which was 3.8 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted the family moved to their current location in 2014 and decided to keep the pupil at their primary school in a different village to finish their final year there. The secondary school now attended was the family's first preference whilst the pupil remained at their primary school as the mother wished for the pupil to meet and make friends with children who lived in the village they now lived in as she understood that schools in their new location were "feeder" schools for the secondary school attended or another particular school.

It was reported that the Council had confirmed the situation surrounding the family's change of address and their preference of school at that time. However, the Committee was advised that it was where children lived, not which schools they attend that determined whether they received priority for any particular community school and that with effect from September 2015 for new starters, only pupils attending their nearest school would be entitled to free transport so long as the distance criterion was met. The Committee was reminded that there were more generous rules for low income families. Whilst the Committee acknowledged the reasons for the preference for transfer, they were advised that these were not reasons to award free transport.

In considering the mother's appeal further she stated that her local community and Local and County Councillors was unaware of the changes to the Council's Home to School Transport Policy and further stated that children from where the family resided had always attended the school or the other particular school and had always received free transport. Furthermore, the mother stated that she had never heard of the nearest school until recently and felt that it was unfair that she should have to pay for the pupil's transport to the school attended. In addition her main objection was that they should not have to pay for transport to their borough school when they lived in that borough. The mother stated that she was a single parent on a low income and that this was an expense she could not comfortably afford. The mother's local MP was also in support of her case.

The Committee was informed that County Councillors were advised of the changes and details were sent to all schools via the Schools' Portal (the Council's established method of communicating with all schools in Lancashire), published on the County Council's website, and covered at the time by reports in many of

the local media publications. Whilst the Committee noted the mother's comment that she had never heard of the nearest school, it was reported that the Council produced its admissions literature both online and in hard copy form which detailed all the admission criteria and transport entitlement for all secondary schools in the family's particular area including the schools raised in this case.

The Committee acknowledged that the mother felt she should not have to pay for transport to attend a school in the borough in which they resided. However, the Committee was advised that for transport assessment purposes this factor was not relevant as parents are free to express preferences for any school irrespective of local authority boundaries. Furthermore, the Council's transport policy in respect of non low income families meant that the Council would only pay for transport to the nearest school provided the distance criteria was met.

The Committee acknowledged the mother's statement that she was a single parent on a low income. It was reported that the Council was required by law to offer a more generous transport policy for pupils from low income families as either those who received free school meals or those whose parents were receiving the maximum amount of working tax credit. This extended provision allowed the Council to pay travelling expense to any one of a low income family's three nearest schools, so long as they were between two and six miles from the parental home. The Committee was informed that if the mother was in receipt of the maximum amount of working tax credit, then the pupil would be entitled to free travel to the school attended as this was their 2nd nearest school. The Committee noted that the pupil did not appear to be eligible for free school meals. No evidence had been provided to the contrary.

In considering the evidence supplied by the mother in relation to her financial circumstances the Committee felt that it was not possible to determine the full extent of the family's household budget as the tax credits document supplied was incomplete – only one page had been supplied. In addition there was no evidence or information to demonstrate the weekly/monthly financial income and outgoings to establish the severity the school transport charges would have on the family budget.

The Committee acknowledged the support the mother had received from her MP. However, it was noted that the Council has had to make these changes to its transport policy due to reductions in central government funding.

The mother stated that the walking route to the school attended was not a suitable one. The Committee was advised that as the pupil was not attending their nearest school, the Council could not take the suitability of the walking route into account.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3935 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16.

### **Appeal 3937**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 0.5 miles from their home address, and instead would attend their 4th nearest school which was 2.3 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the father's appeal the Committee was informed that he was aware that free transport was provided for children from low income families to enable them to attend any of their three nearest schools which met the distance criteria (2-6 miles away). The Committee was also informed that whilst the father felt the school attended and the third nearest school were the same distance from his home when measured using an online measuring tool, he had been made aware that the Council's bespoke software had determined the school attended as being 45 metres further away than the third nearest school. The father recognised that there had to be cut-off points. However, he wished for the Council to reconsider its decision in this case.

The Committee acknowledged the short distance which separated the 3rd and 4th nearest schools. However, the Committee was advised that in order to be fair and equitable to all families the Council must enforce the mileage limits strictly.

In considering the appeal further the Committee noted the pupil was eligible for free school meals and that the father was the main carer for his partner for the reasons as set out in the appeal. The father stated that the family would struggle to pay for the pupil's bus fares and that it would not be in the pupil's best interests to have to change schools due to the family's financial difficulties. However, in considering the family's financial circumstances the Committee felt it could not determine the full extent of the situation from the minimal amount of information provided which appeared to only address a portion of what the father might be receiving. There was no information provided in relation to what the mother would receive or what the family would receive in support for the child. The Committee felt that it should defer the appeal in order to obtain this information and that the appeal be brought back to the Committee's next scheduled meeting in December or at the earliest opportunity. Therefore, it was;



**Resolved:** That Appeal 3937 be deferred;

- i. In order for the Committee to receive full financial evidence in relation to what benefits the mother receives, what support is received in relation to the child and the family's income and outgoings; and
- ii. For the appeal to be presented to the Committee at its next scheduled meeting in December 2015 or at the earliest opportunity.

### **Appeal 3940**

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 2.6 miles from their home address, and instead would attend their 2nd nearest school which was 2.8 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee was informed that she felt the distance between the nearest school and the school attended was "immaterial". In addition, the nearest school was a faith school to which the family did not follow that faith. The Committee was informed that the pupil attended the pre-school at the school now attended and already knew the teachers and other pupils. Furthermore, there was a school bus operating in the area which collected nearby children and took them to the school. The mother felt that if the pupil attended the nearest school a separate vehicle would have to be provided for them, causing further public expense. The mother stated she could not afford to fund the pupil's bus fares to the school attended.

In considering the mother's appeal further the Committee noted the family's circumstances as outlined in the appeal, the support provided by other family members and situation faced by the mother with the school run in taking three children. The Committee also noted that the father was unable to provide support with the school run. The mother stated that if the pupil could travel on the school bus all the issues as raised by the mother in her appeal could be resolved.

The Committee was advised that the Council had to apply the rules of distance in order to be equitable to all pupils and their families and that many schools in rural areas were of two particular religious denominations which were attended by local children of all denominations and none. The Committee was further advised that religion did not make a school unsuitable in law. No evidence had been provided to demonstrate the family's or the pupil's faith. The Committee was also advised that the Council was legally obliged to assess eligibility for transport assistance on the grounds of distance and not cost. Furthermore, attending the pre-school for the school now attended was not a factor the Council was able to take into account of when determining eligibility for transport assistance.

With regard to the school bus currently in operation, it was reported that the Council could offer a seat on the bus to the school of the family's choice but that

the family would be required to meet these costs as there was no evidence to demonstrate that the family was on a low income as defined in law. Furthermore, no evidence had been provided to demonstrate that the family was unable to fund the cost of the transport that was available for the family – a cost which would be spread over ten monthly instalments.

The Committee noted the father worked shifts and was self-employed. The Committee felt that being self-employed might allow the father to choose their own shifts. However, no evidence had been provided to corroborate this point or to assist the Committee in fully determining this point.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule, application form and supplementary evidence the Committee felt that the school the pupil would attend was a matter of parental preference and was not persuaded that there was sufficient reason to uphold the appeal on the information provided. However, the Committee suggested that if the mother could provide current financial evidence along with the family's tax credits notices then she should be allowed a re-appeal.

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3940 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16.

### **Appeal 3946**

It was reported that a request for transport assistance had initially been refused as the pupil would not be attending their nearest suitable school, which was 3.1 miles from their home address, and instead would attend their 2nd nearest school which was 4.3 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee was informed that there were allegations of bullying towards her child by another pupil whose parents were former friends of the family. The mother stated that this pupil transferred to the nearest school and the family took the decision to seek a place at another school and won a place at the school attended on appeal. The mother felt that the school attended was the pupil's nearest suitable school, to which they should be entitled to free transport.

In considering the appeal further the Committee noted that the pupil was not offered a place at any of their three preference schools during the initial admissions round and that an Independent Admissions Appeal Panel had awarded them a place at the school attended. It was reported that officers at the Council had spoken with staff at the primary school previously attended by the

pupil about the bullying allegations. The school reported that the pupil's parents never at any time approached them with concerns about bullying. The Committee noted that the mother had responded further to this point in that she never reported the incidents as the bullying was not physical but mental bullying and that the pupil did not want the mother to report it to the teachers. The Committee noted the circumstances surrounding the previous relationship between the parents of those involved in the allegations. However, the Committee felt that there still remained no evidence of these allegations. The mother made reference to a friend who could corroborate a particular incident. However, no evidence was provided by the mother in respect of this. The Committee noted that the responsibility for building a case was down to the mother to provide the evidence and not the Council. The Committee could therefore not determine whether the nearest school was unsuitable for the pupil. Furthermore, the Committee noted that no name had been supplied by the mother in order for the Council to properly identify that the perpetrator did indeed attend the nearest school.

In considering the family's financial circumstances the Committee noted there was no evidence to suggest that the family was on a low income as defined in law. Furthermore, no evidence had been provided to demonstrate that the family was unable to fund the home to school travel costs to the school attended.

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

**Resolved:** That, having considered all of the circumstances and the information as set out in the report presented, appeal 3946 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16.

### **Appeal 3948**

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 1.4 miles from their home address, and instead would attend their 5th nearest school which was 4.3 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the appeal the Committee noted that it had been lodged by the pupil's social worker who advised the Committee of the pupil's status and the situation surrounding the family's circumstances. In view of the upheaval the pupil had experienced and their vulnerability, the Committee felt that it should make an award in this case.

Therefore, having considered all of the mother's comments and the officer responses as set out in the Appeal Schedule and application form the Committee was persuaded that there was sufficient reason to uphold the appeal and provide travel assistance for the pupil up to the end of the 2019/20 academic year only to support the pupil.

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 3948 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the 2019/20 academic year (Year 11) only.

### **Appeal 503318**

At its meeting held on 7th October 2015, the Committee resolved:

"That appeal 503318 be deferred in order for the distance measurement to be clarified using the Council's bespoke system and for the appeal to be brought back to the next scheduled meeting of the Committee on 2nd November 2015."

In considering the mother's appeal the Committee was informed that the Council when utilising its bespoke software programme had determined the distance to the school attended as being 2.76 miles from the home address which was within statutory walking distance. However, it was reported the mother had stated that statutory walking distances did not apply as the pupil had special educational needs. The Committee was advised that the mother in her interpretation of the law on this matter was incorrect and that statutory walking distances applied to all children except in the consideration of the SEN criteria.

In considering the mother's appeal further the Committee noted that the pupil had a history of not attending school and that the mother felt if the pupil was not provided with transport their placement at the school was likely to fail. The mother felt that the Council would have to fund a placement at another school which would be further away and cost the Council more money. The Committee also noted that the mother had stated if the pupil did not have transport then they would have to catch two buses each way and would be in danger as they did not have good road sense and might step in to a busy road. Whilst there was no evidence to suggest that the pupil's placement might fail at the school attended, the Committee felt that as the Council was currently undertaking a conversion of the pupil's Statement of SEN to an Education Health and Care Plan (EHCP) a temporary award could be made to support family in the interim pending the completion of the conversion to an EHCP.

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

supplementary evidence the Committee was persuaded that there was sufficient reason to uphold the appeal and provide temporary travel assistance for the pupil up to the end of the Spring Term (Easter) 2016 to support the family in the interim pending the conversion of the pupil's Statement of SEN to an Education Health and Care Plan (EHCP).

**Resolved:** That;

- i. Having considered all of the circumstances and the information as set out in the report presented, appeal 503318 be allowed on the grounds that the reasons put forward in support of the appeal were considered worthy of the Committee exercising its discretion to grant an exception and award temporary travel assistance which was not in accordance with the Home to Mainstream School Transport Policy for 2015/16 and the policy on the provision of transport for pupils with special educational needs;
- ii. The transport assistance awarded in accordance with i. above be up to the end of the Spring Term (Easter) 2016 only.

### **Appeal 525109**

The Committee was informed that a request for transport assistance had initially been refused as the pupil concerned would attend a school 11.8 miles from the home address as opposed to the nearest suitable school which was 1.3 miles away. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

It was reported that the family, in their appeal felt that the school attended was the most suitable school to meet the pupil's needs and that the parents had confidence in the package of support put in place there along with the planned transition programme. The family felt that the nearest school was unsuitable due to a lack of expertise, resources, staffing and that the school's SENCO was part-time and therefore had limited availability. Furthermore, it was the pupil's preference to go to the school attended as they felt that after a visit to the nearest school they found it to be intimidating. The Committee noted that the parents had proposed the conditional wording regarding school transport be removed from Section I of the pupil's Educational Health and Care Plan (EHCP).

Whilst the Committee expressed some concern regarding the part-time SENCO officer at the nearest school, there was no evidence to suggest why seven of the nearer schools were not appropriate or suitable for the pupil. Furthermore, there was no evidence to suggest that the nearest school was unsuitable for the pupil or could not meet their needs. The Committee noted the SEN officer's comments that the nearest school had the same level of resourcing to meet the pupil's needs and would have been able to arrange a programme to support the transition in to secondary education. The nearest school had met a range of SEN needs previously and was resourced to access any further training which might

be required. In addition arrangements would be in place for periods when the SENCO was out of school.

The Committee also noted that the nearest school would have been able to put in place the necessary pastoral support including buddy systems, circle of friends to help the pupil feel more comfortable and secure in school.

In considering the family's appeal further the Committee was informed that the pupil was unable to use public transport due to their vulnerability and that the journey to the school attended involved several buses. In addition the parents work commitments and limited income were preventing them taking the pupil to school or funding a taxi themselves. The Committee was advised that the pupil could have been supported by the nearest school or another more local school than the one attended to develop independence in travelling, thereby supporting the development of life skills. However, the Committee noted that when the pupil attended primary education they walked with their parents to the school attended. No evidence had been provided to substantiate that the parents were unable to accompany the pupil or to demonstrate a change in their circumstances which meant that they could no longer assist with the school run. No evidence had been provided to suggest that the family were unable to fund the cost of the transport to the school attended or that the parents were unable to catch the bus to school. No evidence had been provided to substantiate the number of bus journeys and what was entailed in the daily journey to and fro. Furthermore, no evidence had been provided to suggest that the parents had enquired about flexible working with their respective employers as entitled to do so.

The Committee noted that the family had two other children to take to school. However, it was noted in the pupil's EHCP that one of the elder siblings was 17 years of age. It was not clear whether this sibling had continued in to further education or where this was and if they did how they travelled there. With regard to the younger sibling, it was reported that according to Council's records the pupil was now in year 11 at a private school. The Committee was advised that transport might be provided for the sibling to attend this school and that the cost of it might have been borne by the private school. However, there was no information on this point for the Committee to determine the extent of the problems the family faced with the school run for their children.

In addition the Committee noted in the 'evaluation of a request for special travel assistance' document that the implications of choosing the school attended in relation to transport had been discussed with the parents on several occasions whilst they were considering a number of different high schools.

Therefore, having considered all of the family'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 525109 be refused on the grounds that the reasons put forward in support of the appeal did not merit the Committee

exercising its discretion to make an exception and award transport assistance that is not in accordance with the Home to Mainstream School Transport Policy for 2015/16 and the policy on the provision of transport for pupils with special educational needs.

### **Appeal 1185281**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 1.5 miles from their home address and was within the statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee noted the pupil's health problems and how this affected them in their daily life. The Committee also noted that the pupil had a reduced sense of danger, was very active at night time which would lead to a lack of sleep which in turn affected their ability to walk to school and maintain awareness. The Committee noted the pupil's medication.

In considering the mother's appeal further the Committee noted that the pupil was late for school and regularly missed out on a sensory integration programme which was integral to the pupil's needs. The Committee noted that the father worked a changing shift pattern and could not assist with the school run. The Committee also noted that the mother was due to give birth around October/November and would therefore have to ensure the pupil's safety whilst pushing a pram.

However, the Committee was advised that it was not clear that the appeal had been assessed against the SEN criteria and that the reasons for refusal appeared to be solely on the basis that the school attended was within statutory walking distance. The Committee felt it could not take a fully informed decision on this appeal and that it should be deferred so that officers could make their assessments and report back to the Committee at its next scheduled meeting in December 2015. It was therefore;

**Resolved:** That Appeal 1185281 be deferred;

- i. In order for the appeal to be assessed against the Special Educational Needs criteria; and
- ii. For the appeal to be presented to the Committee at its next scheduled meeting in December 2015.

### **Appeal 1364448**

It was reported that a request for transport assistance had initially been refused as the pupil would attend their nearest suitable school, which was 1.3 miles from

their home address and was within the statutory walking distance. The pupil was therefore not entitled to free transport in accordance with the Council's policy or in law. The family were appealing to the Committee on the grounds that they had extenuating circumstances to warrant the Committee in exercising its discretion and award transport that was not in accordance with the Council's policy or the law.

In considering the mother's appeal the Committee was informed that the pupil had no sense of danger or awareness and that when out walking they struggle to break free and run away. The Committee was also informed that when the pupil travelled in a car they would try to get out of it as they had learnt how to open the doors. It was reported that the mother was currently taking the pupil and their elder sibling to their respective schools by car. The elder sibling attended a school in the opposite direction to where the pupil's school was. However, upon arrival at school the mother had stated that she could not get the pupil out of the car as they found the situation distressing. The Committee was informed that the grandmother supported the family on the school run. However, the grandmother was due to leave the country. The pupil's father worked and was unable to assist with the school run. The Committee also noted that the pupil was late for school and missing 30 minutes each day.

The Committee noted the pupil's health problems, how this affected them in their daily life and that they did not sleep well at night which impacted on their behaviour. The Committee also noted that the mother did not wish to change the pupil's school as they felt such a move would have a negative impact on their education and wellbeing. It was also reported that the reason why the family moved house was so that the pupil could have their own bedroom and to benefit from living in a property with a garden. The mother stated that she was not prepared to move house again.

However, the Committee was advised that it was not clear that the appeal had been assessed against the SEN criteria and that the reasons for refusal appeared to be solely on the basis that the school attended was within statutory walking distance. The Committee felt it could not take a fully informed decision on this appeal and that it should be deferred so that officers could make their assessments and report back to the Committee at its next scheduled meeting in December 2015. It was therefore;

**Resolved:** That Appeal 1364448 be deferred;

- i. In order for the appeal to be assessed against the Special Educational Needs criteria; and
- ii. For the appeal to be presented to the Committee at its next scheduled meeting in December 2015.

### **Appeal 98182**

At its meeting held on 7th October 2015, the Committee resolved:

"That Appeal 98182 be deferred in order for the Committee to receive:



- i. Clarification on the distance measurement to school attended;
- ii. Whether the pupil was in receipt of free school meals;
- iii. Financial information and in particular the remaining 7 pages of the DLA letter and whether the business address was the same as the home address;
- iv. Clarification on when the mother was out of the Country as to who looked after the pupil in her absence and how the pupil travelled to school and back during this time; and
- v. Clarification regarding the mother's teacher status to confirm flexible working arrangements."

In considering the appeal further the Committee noted that officers had established the distance to the school attended to be 2.0146 miles when using the Council's bespoke measuring software. The Committee in noting that the distance was over two miles felt that if the pupil was eligible for free school meals or was in receipt of maximum working tax credits then they would qualify for free transport to the school attended. Whilst the Committee noted that the officer had stated in the appeal schedule that the pupil was not in receipt of free school meals the Committee was advised that the mother had stated that she was unsure if the pupil was eligible for free school meals as she had never applied for them as the pupil had a food allergy. Notwithstanding the food allergy, the Committee felt that had the mother produced evidence or could at least ascertain if the pupil was entitled to them then the Committee would have noted that the pupil would have been eligible for free transport on the extended provisions for families who were on a low income as defined in law.

Whilst the Committee noted the financial information provided, the Committee noted that only pages 1, 7 and 8 had been provided in relation to the DLA letter. In addition the mother had only provided evidence in relation to her NHS tax credits. No evidence had been supplied in relation to any working tax credits received from the Department for Work Pensions (DWP) as she did not have the documents.

The Committee noted the information provided in relation to the mother being out of the Country. However, there was no evidence from the school to corroborate the mother's account whereby the school had been providing assistance with the school run. The Committee also noted that the mother did not work as a qualified teacher at an educational establishment such as a school, college or university. However, they noted that the mother was self employed and that she taught at people's addresses.

In view of the information supplied by the mother in response to the Committee's request, the Committee felt that it could not determine the full extent of the family's circumstances. The Committee felt that the appeal should be deferred in order to give the mother a final opportunity to clarify the points raised by the Committee.

It was reported that a letter from the Independent Parental Special Education Advice Charity (IPSEA) had been received by legal services on the morning of the meeting in support of the mother's case. A copy of which was handed round at the meeting for the Committee to consider. The Committee was advised that

legal services would provide a response to the letter in the interim especially as the Committee was considering to defer the appeal.

In considering the appeal further the Committee was advised that it was not clear that the appeal had been assessed against the SEN criteria and appeared to have been refused on walking distance alone. The Committee felt it could not take a fully informed decision on this appeal and that it should be deferred so that officers could make their assessments and report back to the Committee at its next scheduled meeting in December 2015. It was therefore;

**Resolved:** That Appeal 98182 be deferred;

- i. In order for the appeal to be assessed against the Special Educational Needs criteria;
- ii. For the mother to produce evidence to demonstrate the pupil is entitled to free school meals as the pupil may qualify for free transport given that they lived just over the two mile limit for extended rights to free transport;
- iii. For the mother to provide copies of all 8 pages of her DLA letter;
- iv. For the mother to provide evidence in relation to her tax credits received from DWP and not in relation to her exemption certificate for the NHS; and
- v. For the appeal to be presented to the Committee at its next scheduled meeting in December 2015.

I Young  
Director of Governance, Finance  
and Public Services

County Hall  
Preston