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MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 25 SEPTEMBER 2023

Present:

Councillor Boughton (in the Chair)

Councillors

	Jones	Sloman
S Brookes	C Mitchell	Webb

In Attendance:

Dawn Goodall, Head of Legal Services

Lennox Beattie, Executive and Regulatory Support Manager

1 DECLARATIONS OF INTEREST

Councillor Boughton declared a prejudicial interest in Agenda Item 4- Home to School Transport Appeal in respect of RE. The nature of the interest being that as ward councillor- Councillor Boughton had supported the appellant at earlier stage of the application process.

2 MINUTES OF THE LAST MEETING HELD ON 23 AUGUST 2023

The Committee considered the minutes of the last meeting held on the 23 August 2023.

Resolved:

That the minutes of the last meeting held on the 23 August 2023 be approved and signed by the Chair as a correct record.

3 EXCLUSION OF THE PUBLIC

Resolved: That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the whole item, including the decisions referred to at Agenda items 3 and 4 on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

4 HOME TO SCHOOL TRANSPORT APPEAL

The Committee considered a request to review the decision of the Council to not provide assistance with home to school transport in respect of A.C.

Ms D Goodall (Legal Advisor) was in attendance to advise the Committee on procedure and policy only and had taken no part in the original decision. Also in attendance was Mr L Beattie, Clerk to the Committee.

The relevant Head of Service presented the case on behalf of the Authority and advised

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 25 SEPTEMBER 2023

the Committee of the reasons why the child did qualify for assistance by means of a bus pass but not dedicated home to school transport. The relevant Head of Service explained that following a review of eligibility and particularly after the commencement of travel training, A.C did not qualify for dedicated home to school transport based on Special Educational Needs. It though remained the case that the nearest suitable school was over 3 miles from the parental address so A.C. would remain eligible for assistance by means of a bus pass.

A family member was in attendance and presented the case on behalf of the family. The appellant highlighted while they were satisfied that the Home to School Transport Policy had been followed, their view remained that A.C. should be granted given the exceptional circumstances. The appellant explained that while the travel training had worked well to build confidence and meant that A.C. could now travel on their own by bus. The appellant identified the key issue being the significant amount of time that A.C would have to wait for a bus after school combined with their significant vulnerability which would cause a safeguarding concern particularly as most other children at the school received home to school transport.

The Committee considered the evidence submitted by both parties. While it considered that the policy had been followed and the application dealt with correctly. It considered it there were circumstances notably A.C's vulnerability and the fact that they had not yet completed the travel training to grant home to school transport on a short term basis as an exceptional case.

Resolved:

That home to school transport be granted for the remainder of school year 2023/234 (unless circumstances change) on the grounds of exceptional circumstances.

5 HOME TO SCHOOL TRANSPORT APPEAL

(Councillor Boughton having a declared prejudicial interest in this matter, left the meeting before consideration of this matter and took no part in the discussion or decision making)

Councillor S Brookes as Vice-Chairman took the Chair at this point.

The Committee considered a request to review the decision of the Council to not provide assistance with home to school transport in respect of R.E.

Ms D Goodall (Legal Advisor) was in attendance to advise the Committee on procedure and policy only and had taken no part in the original decision. Also in attendance was Mr L Beattie, Clerk to the Committee

The relevant Head of Service presented the case on behalf of the Authority and advised the Committee of the reasons why the child did not qualify for home to school transport. The Head of Service explained that the distance from the home to school was under the defined distance and the SEN assessment had concluded that R.E. could reasonably be expected to walk or travel to school accompanied by a parent. The Head of Service emphasised that there were a number of areas within the appellant's case such as family circumstances and employment that could not be taken into consideration.

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 25 SEPTEMBER 2023

Two family members presented the case on behalf of the appellant. The family members highlighted the family's difficult circumstances meant that an exception should be made to policy. The family members also emphasised their view that walking R.E to school would be incredibly difficult and time consuming. One family member outlined their view that the shortest route could not be walked by R.E. due to their sensory needs and that therefore the distance to school would be more than 2 miles. The family member also outlined the difficulties with having two children in two different schools.

The Committee considered carefully the situation but considered that the Home to School Transport Policy had been followed and the decision of the Panel had been reasonable. The Committee did not consider that there were exceptional circumstances either to grant assistance.

The Committee noted the discrepancy between the safest walking route mapped by the authority and that identified by the appellant. It recommended that the route be remeasured taking into account R.E's sensory needs and that the application be reconsidered if evidence was received that the route was unsuitable and the only suitable route was more than 2 miles.

Resolved:

That the appeal is dismissed as the Committee was satisfied that the Council's relevant policies and procedures had been correctly followed and the decision was reasonable and correct.

6 DATE OF NEXT MEETING

To note the date of the next meeting as 30 October 2023.

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