

# Public Document Pack

## MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 11 DECEMBER 2023

### **Present:**

Councillor Boughton (in the Chair)

Councillors

S Brookes	C Mitchell	Webb
Jones	Sloman	

### **In Attendance:**

Sarah Chadwick, Democratic Governance Senior Advisor  
Sharon Davies, Legal Advisor to the Committee

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **2 MINUTES OF THE LAST MEETING HELD ON 20 NOVEMBER 2023**

#### **Resolved:**

That the minutes of the last meeting held on 20 November 2023 be approved and signed by the Chair as a correct record.

### **3 EXCLUSION OF THE PUBLIC AND PRESS**

**Resolved:** That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of agenda items 3, 4 and 5 on the grounds that they 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 ES.

Mrs Sharon Davies, 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 Mrs Sarah Chadwick, Clerk to the Committee.

The relevant Head of Service presented the case on behalf of the Council and advised the Committee of the reasons why the child had not been awarded home to school transport. They had recently moved into the Blackpool area and whilst they had previously received transport assistance from Lancashire County Council at their last home address, Blackpool

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Council's policy differed from Lancashire's and the Council had determined that ES did not meet the criteria under its own policy.

The child's complex medical needs and distance from home to school were acknowledged by the Head of Service who was sympathetic to the family's circumstances, however the Committee was advised that insufficient evidence had been provided to show that the case met the financial eligibility criteria and that as post-16 transport was discretionary the request for transport assistance had been declined.

A parent of ES was in attendance and presented the case, explaining the child's complex needs in detail which prevented them from making their way to school independently. ES had previously enjoyed the routine of using assisted travel and the parent set out the circumstances of their move into the Blackpool area, their other caring responsibilities and employment commitments which all presented difficulties in being able to transport ES to school themselves.

The Committee carefully considered the evidence submitted by both parties. It agreed that the policy had been followed and the application dealt with correctly, however it noted the reasons for the family's move into the Blackpool area and believed that there were exceptional circumstances due to the complex medical needs of the child. It therefore agreed to overturn the decision to decline transport assistance and grant home to school transport in the case of ES.

### **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**

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

Mrs Sharon Davies, 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 Mrs Sarah Chadwick, Clerk to the Committee.

The relevant Head of Service presented the case on behalf of the Council and advised the Committee of the reasons why the child had not been awarded home to school transport. It was explained that the distance from home to school was within the specified walking distance and members were reminded that the policy stated that family circumstances could not be taken into consideration when determining eligibility. In addition, following consideration of the EHCP submitted with the application, a SEND Officer had stated that the child did not require transport as their level of need was not considered to be exceptional.

The Head of Service outlined the unusual circumstances of AJ's case in that although an application for transport had previously been declined, due to an administrative error

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transport had been provided for a fixed period to enable the family to put alternative arrangements in place to get the child to school until the appeal was heard. That arrangement was coming to an end and as the policy was now being fully and correctly applied AJ did not qualify for home to school transport going forwards in accordance with the policy.

Family members of AJ attended and presented the case on behalf of the appellant. AJ's difficulties were outlined and family members questioned the assessment by the SEND officer as in their opinion the child's needs were exceptional as they were unable to walk long distances. Family members' medical and physical restrictions also meant they were unable to accompany them on the walk. The family considered public transport to be unsuitable and highlighted that AJ had felt comfortable with the structure and routine that the previously provided home to school transport had offered.

The Committee considered the evidence submitted by both parties and acknowledged the circumstances by which AJ had previously received transport. AJ's needs and the family's personal circumstances were noted however in its opinion there was a lack of medical evidence to support the family members' inability to accompany AJ to school and the Committee therefore concluded that the application did not qualify as exceptional. It was satisfied that the decision not to provide assistance with home to school transport was reasonable and that the Council's policies and procedures had been followed correctly.

### **Resolved**

To uphold the decision not to provide home to school transport on the grounds that the decision was made in accordance with the Council's Home to School Transport Policy and the Committee did not consider that there were sufficient special circumstances or considerations to override the policy.

## **6 HOME TO SCHOOL TRANSPORT APPEAL**

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

Mrs Sharon Davies, 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 Mrs Sarah Chadwick, Clerk to the Committee.

The relevant Head of Service presented the case on behalf of the Council and advised the Committee of the reasons why the child had not been awarded home to school transport. KW did not attend one of the closest three schools to their home address with places available and insufficient evidence had been provided of their financial entitlement. The request for transport assistance by way of a bus pass had therefore been refused in accordance with section 1.3 of the Home to School and College Transport Policy.

The parents of KW were in attendance and presented their case, highlighting that their child had suffered from severe bullying which had prompted them to move KW to a school further away. In their opinion that move had been essential, not a choice, and since the

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change of school there had been a marked improvement in KW's mental wellbeing. They therefore considered that there were exceptional circumstances to override the policy.

The Committee carefully considered the evidence presented by both parties. It empathised with the circumstances of the case, however believed that there were alternative options for schools closer to the family home with places available which could be explored and that there were no exceptional grounds to depart from the policy which it was satisfied had been correctly applied.

### **Resolved**

To uphold the officer's decision not to provide assistance with home to school transport costs on the grounds that the decision was made in accordance with the Council's Home to School and College Transport Policy and did not consider that there were sufficient special circumstances or considerations to override the policy.

### **7 DATE OF NEXT MEETING**

The date of the next meeting was noted as 29 January 2024.

### **Chairman**

(The meeting ended 12.10 pm)

Any queries regarding these minutes, please contact:  
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