

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 29 JANUARY 2024

Present:

Councillor S Brookes (in the Chair)

Councillors

C Mitchell

Sloman

Webb

Hoyle

In Attendance:

Jenni Cook, Democratic Governance Senior Adviser

Sharon Davies, Legal Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES OF THE LAST MEETING HELD ON 11 DECEMBER 2023

Resolved:

That the minutes of the last meeting held on 11 December 2023 be approved and signed by the Chair as a correct record.

3 EXCLUSION OF 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 and 4 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 - JOR

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

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 Jenni Cook, 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. The child's application had been assessed by the Integrated Transport Service and transport had not been offered as the child was not attending a Blackpool School.

The child's housing situation, reasons for moving and wanting to remain at the school and their and medical needs were acknowledged by the Head of Service who was sympathetic to

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 29 JANUARY 2024

the family's need, but advised that family circumstances could not be taken into account when assessing transport applications. The Committee was advised that although the child attended a faith school and enjoyed the faith aspect of the school, they had not been admitted under religious ground in the school's admissions policy.

The Head of Service summarised the Council's position and advised that at present there was no application for an Education, Health and Care Plan (EHCP) underway which could, if obtained, set out additional support to meet the child's needs, which could include additional support with travelling to and from school, where appropriate. The Integrated Transport Team had taken into account the medical information disclosed about the child and had assessed the route to the nearest suitable school and advised that given the child's house move the distance to the school was 2.5 miles under the specified walking distance of 3 miles outlined in the Home to School Transport policy at paragraph 1.2. Therefore, the Head of Service noted that even if all the other considerations outlined in the application and the report did not apply, then the child would not be eligible for assistance with transport.

A family member of JOR was in attendance and presented the case and advised that the parent had been unable to obtain time off work to attend the Appeals Committee. The family member explained the child's circumstances and the housing conditions that had led to an unexpected move. They provided further clarification of the child's medical issues and advised that the medical information provided did not present a full picture of the child's limitations in respect of participation in sports and their ability to walk distances. They also advised the Committee of the child's future prognosis and the medical interventions that they were waiting for.

The family member advised that the parent was in the process of applying for Universal Credit and would be pursuing an EHCP. The Head of Service advised that depending on which elements of Universal Credit were awarded, then this could have an impact on any subsequent re-application.

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 the family member had provided information that had led the Committee to believe that there were exceptional circumstances due to the medical needs of the child. In addition the parent was in the process of applying for Universal Credit and was pursuing an EHCP, which may have an impact upon any future applications. It therefore agreed to overturn the decision to decline transport assistance and grant home to school transport in the case of JOR.

The Committee also recommended that more information in relation to reasons for an application being declined and signposting information should be included at Stage 1 of the process.

Resolved

That home to school transport be granted for the remainder of school year 2023/24 (unless circumstances change) on the grounds of exceptional circumstances.

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 29 JANUARY 2024

5 HOME TO SCHOOL TRANSPORT APPEAL - JW

The Chair noted that this item had been withdrawn from the agenda as the child was no longer attending the educational establishment in question.

6 DATE OF THE NEXT MEETING

The date of the next meeting was noted as 1pm on 29 January 2024.

Chairman

(The meeting ended at 10.48 am)

Any queries regarding these minutes, please contact:
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