

Appeals Sub Committee Agenda

Date: Tuesday 31st October 2017
Time: 2.00 pm
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

PART 1 - MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Appointment of Chairman**

To appoint a Chairman for the meeting.

2. **Apologies for Absence**

To receive any apologies for absence.

3. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

Contact: Sarah Baxter

Tel: 01270 686462

E-Mail: sarah.baxter@cheshireeast.gov.uk

4. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

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

The reports relating to the remaining item on the agenda have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

PART 2 - MATTERS TO BE CONSIDERED WITHOUT THE PUBLIC AND PRESS PRESENT

6. **School Transport Appeal**

The Sub-Committee is asked to determine the following appeal against the decision of the Council not to offer assisted school transport.

- a) **Case 1** (Pages 13 - 144)



Cheshire East Post 16 Transport Policy Statement 2017-2018

This document sets out the Council's Transport Policy Statement for learners aged 16-18 and for continuing learners aged 19 - 25 who have formally assessed Special Educational Needs / Disabilities (SEND).

Department responsible: Children's Services

1. Summary of Policy Statement and Objective

Local authorities have a statutory duty to prepare and publish an annual Transport Policy Statement. This needs to specify the arrangements for the provision of transport or otherwise that the local authority considers necessary to facilitate attendance of persons of sixth form age (16-18) as well as the 19-25 age range to include learners with specific learning difficulties and/or disabilities receiving education or training.

In 2011, Cheshire East Council agreed the removal of post 16 mainstream transport following detailed consultation. As a result, the Council now provides support with transport for post 16 learners who have formally assessed special educational needs and are carrying on into post 16 education. This policy statement provides information about the level of transport support available in Cheshire East to enable such students to attend their chosen place of learning.

All references to transport for learners should be considered as 'assisted travel' in order to ensure that consideration is given to a range of potential forms of transport available. Wherever possible, independent travel training (ITT) should be promoted to encourage independence rather than dependency.

The main objective of the policy is to provide support to those young people with learning difficulties and/or disabilities, who need it the most in order to remove transport as a barrier to their continuation into further education or training.

This policy statement has been reviewed and amended in line with the Children and Families Act 2014, SEND Code of Practice and the Care Act.

2. Details of Transport Support

Cheshire East Council will continue to support those students who are attending either a sixth form or FE college and where they would previously have qualified for transport (i.e. pre 16) as a result of their special educational needs. Support for any agreed transport is available through a range of grants or concessions – See Section 3 below.

For all other post 16 students (16-18 & 19-25 SEND), each sixth form and further education college may determine what support they can provide, taking into account both the needs of the students and the establishments themselves.

Local authorities have discretion when determining what assisted travel and support is necessary to facilitate a young person's participation in education and training. This ability to provide transport or financial support must be exercised both reasonably and lawfully.

In determining what assisted travel and support to provide, the Local Authority will have regard to the following:

- a) The needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made;
- b) The need to secure that persons in the area have reasonable opportunities to choose between different establishments at which education and training is provided;
- c) The distance from the students home to establishments of education and training;
- d) The journey time to access different establishments;
- e) The cost of assisted transport to the establishment in question and;
- f) Alternative means of facilitating attendance at establishments.

Funding for transport support will not be available for learners who attend private schools or colleges.

Apprenticeships and internships

The Local Authority's post 16 assisted travel support policy does not apply to apprenticeships or internships. For information on support in respect of apprenticeships, contact your apprenticeship provider or the website: www.apprenticeships.org.uk

3. Details of all concessionary fares, discounts, subsidies, passes or travel cards

Cheshire East Council will, wherever possible, promote the use of concessions when agreeing to assisted travel. In addition, some sixth forms and further education (FE) colleges may operate or contract their own transport services where concessions apply.

Details of routes may be available on the individual sixth form or FE college website or by contacting the establishment directly. Learners may wish to make enquiries with their chosen sixth form or FE college about what support is available to them.

The following information provides reference and signposting to key local support:

Travel Cheshire

Travel Cheshire is a website that provides information about local journeys – from cycling to driving and walking to public transport and includes a travel planner for working out the best way to make a journey in and around Cheshire. <http://www.travelcheshire.co.uk/>

Public Transport

Some commercial transport operators offer discounts for regular travellers on their services. Further details about fares and concessions on commercial services can be obtained by contacting the operator direct or visiting the Council's public transport website at www.cheshireeast.gov.uk/travel . **This site is regularly updated and provides a wealth of information which will support learners/families in seeking assistance to travel.**

Traveline

This is a partnership of transport companies, local authorities and passenger groups that have come together to bring routes and times for different travel requirements <http://www.traveline.info/> or by telephone on 0871 200 2233. Calls are charged at 12 pence per minute from landlines and mobiles, phone companies may add their own access charge but it will tell you about this.

Rail Services

The Student Railcard offers considerable discounts over standard fares, but other cheaper fares are also available. For the best offers students should check with operators what choices are available for their journey at the time they wish to travel.

Information on student railcards can be obtained via the Railcard website at: www.railcard.co.uk Additional information on rail fares and services can be obtained by ringing: 0870 608 2608.

Concessionary Schemes

Where there is spare capacity on the Council's school bus contracts, it may be possible for students of school age to apply for a spare seat. The Council's charge for spare seats will be £920 per student for the 2016/17 academic year. A review of this rate will be undertaken relating to academic year 2017-18. Spare seat applications can be made online at www.cheshireeast.gov.uk/schooltransport or by calling the Council on 0300 123 5012. Spare seats can be purchased on a termly or half termly basis.

Travel Card

The Cheshire Travelcard, offers quicker and easier boarding times and discounts on some tickets. Information is available on the following website:

http://www.cheshirewestandchester.gov.uk/residents/transport_and_roads/public_transport/bus_timetables_route_maps_and/travelcard.aspx

Contact details are travelcard@cheshirewestandchester.gov.uk or by telephone on 01244 973353.

16-19 Bursary Fund

Young people in care, recent care leavers, those in receipt of Income Support or Universal Credit in their own name, or in receipt of both Employment and Support Allowance and either Disability Living Allowance or a Personal Independence Payment in their own name could qualify for a vulnerable student bursary and receive a payment of up to £1,200.

For all other students the school or college will determine who will be assisted and what level of assistance will be offered. Information on the Bursary Fund can be requested from the school or college. Students aged over 19 are not eligible for the bursary unless they have an Education, Health and Care Plan (ECHP).

For students who need financial help but do not qualify for a vulnerable student bursary (as above) they should contact the education or training provider for information about discretionary bursaries. <https://www.gov.uk/1619-bursary-fund/overview>

Care to Learn

Care to Learn helps young parents aged below the age of 20 by assisting with the cost of childcare, regardless of their income, and will also help pay for travel to and from childcare if the cost falls within the weekly maximum payment made. To apply visit <https://www.gov.uk/care-to-learn/how-to-claim> or contact Student Bursary Support Services on 0800 121 8989.

The Student Bursary Support Service

The Student Bursary Support Service (SBSS) is an online service used to administer student support for the Care to Learn scheme and the 16 to 19 Bursary Fund for vulnerable students.

The online system is for use by education institutions, childcare providers and for students. The system is easy to use, accessible and responsive.

visit <https://www.gov.uk/guidance/student-bursary-support-service>

Telephone 0800 121 8989 (NB students with queries about the 16 to 19 Bursary fund for vulnerable students should contact their education institution)

4. Times during the day that learners can use their travel pass or obtain concessionary fares

Travel with any discounted passes or concessions will be subject to the terms of carriage by the operator. You should contact the operator directly to enquire about any day/time restrictions.

5. Support for learners who reach 19 whilst continuing on a course

It is the responsibility of sixth forms and FE colleges to decide how best to support their students who reach their 19th birthday whilst undertaking an education course and initial enquiries should be directed to individual providers.

For students aged 19 -25 with a Education, Health and Care (EHC) Plan or Statement of Special Educational Needs attending sixth form, college or other training providers, the Local Authority will consider arrangements for the provision of assisted travel as necessary. This may apply to relevant young learners aged between 19 and 25 who have an EHC plan and are receiving education or training at institutions outside the further education sectors where the local authority has secured for the adult the provision of education or training at the institution and/or the provision of boarding accommodation.

6. How learners will be assessed for support

It will be a matter for individual sixth forms and FE colleges to determine the level of support available, along with any associated eligibility criteria and to communicate this to learners. Eligibility criteria may differ between establishments and will depend on the level of funds made available by each provider and how they believe they can best support students travel needs.

All young people who have an Education, Health and Care Plan or Statement of Special Educational Needs or Disability (SEND), will have a Preparing for Adulthood (PFA) Transition Plan. The PfA Transition Plan is introduced and undertaken in year 9 and reviewed every year thereafter and will consider assisted travel as a key element of the young person's development of personal independence. The PfA Transition Plan will be reviewed and amended at the annual review. Also see Section 2 for additional information on travel assessment criteria

7. Help provided for learners with learning difficulties and/or disabilities including those over 19 or learners facing other difficulties in following their courses

The Council has facilities for transporting children and young people with disabilities and will normally make special arrangements where the learner, when at school, had a statement of Educational Health & Care Plan(EHCP)/Statement of Special Educational Needs that specified

a requirement for this. Special consideration would also be given in the case of a student with a newly acquired disability not covered by an EHCP.

Where necessary, consideration will be given by the Council to extending the period of support up to the age of 25 for students with disabilities and/or learning difficulties who require longer than other students to complete their courses. Enquiries or applications for transport should, in the first instance, be directed to the Council's Assessment and Monitoring Team by calling 01625 378090.

8. Mobility/independence training for learners who face difficulty with transport

Courses on Life Skills may be offered at Colleges in Cheshire and a limited amount of independence travel training can be included in the syllabus. Potential students should enquire at their local College to see what is offered.

Personal independence is a vital part of the transitional process. All students, particularly those aged between 16 and 20 years are encouraged to consider strategies to develop independence during their time at College. One way in which this is most effectively demonstrated is through independent travel to and from the College. Indeed many of the skills needed to achieve this goal are transferable and of utmost importance in everyday life.

9. When learners should start to apply for transport support

It would be advisable to contact your preferred sixth form or FE college to enquire about what transport support may be available to you as soon as possible. The individual sixth form or college will be able to advise learners of how and when to make an application for transport support.

10. Help learners can apply for if they need to travel to a course that is beyond the LA's area

As each sixth form or college is responsible for setting their own eligibility criteria, students should contact the establishment they wish to attend to enquire about what support is available when travelling from outside the area.

11. Help available for learners who attend a further education institution which is beyond daily travelling distance and they need to stay away

Where a student with disabilities and/or special educational needs is placed at an establishment providing further education which is beyond reasonable daily travelling distance, the Council will consider making arrangements for termly transport depending upon levels of need. Any arrangements would then be regularly monitored.

12. Complaints

In certain circumstances, parents, carers and students may request a review or appeal against the decision of the local authority in relation to transport for post 16 students who are subject to a SEND assessment. Any requests should be made to the Cheshire East Transport Service in line with the published review/appeals policy which can be found at:

<http://www.cheshireeast.gov.uk/schooltransport>

Any complaints in relation to the level of support available for mainstream post 16 students should be directed to the individual sixth form or FE college.

13. Information about all points of contact for learners seeking transport support

For details of public transport services, students and parents/carers can contact the Traveline on 0871 200 2233. Traveline is open seven days a week, 8am to 8pm. Alternatively more information is available about public transport services and planning journeys to sixth forms or FE colleges on the website: www.cheshireeast.gov.uk/travel . Sixth forms and FE colleges may offer additional transport services and other financial assistance and support. More information and details of their eligibility criteria should be obtained by contacting the provider concerned.

Information Cheshire East (iCE) is a directory of services and activities available in Cheshire East for families, children and young people aged 0-25 years. It's in its early stages and at the moment there are daily updates. <https://ice.cheshireeast.gov.uk/Information/OverviewofSENDprovision>

The following is a list of post 16 education providers in the area who regularly intake Cheshire East students:

| Name of Sixth Form/FE College | Telephone Number |
|--|-------------------------|
| Adelaide School, Adelaide Street, Crewe, CW1 3DT | 01270 685151 |
| All Hallows Catholic College Brooklands Avenue, Macclesfield | 01625 426138 |
| Alsager School, Hassall Road, Alsager | 01270 871100 |
| Aquinas College, Nangreave Road, Stockport | 0161 4833237 |
| Bishop Heber High School, Chester Road, Malpas | 01948 860571 |
| Brine Leas School, Audlem Road, Nantwich | 01270 625663 |
| Cheadle & Marple Sixth Form College, Cheadle Road, Cheadle Hulme | 0161 486 4600 |
| Church Lawton School, Cherry Tree Avenue, Church Lawton, Cheshire, ST7 3EL | 01270 877601 |
| City of Stoke-on-Trent Sixth Form College, Leek Road, Stoke-on-Trent | 01782 848736 |
| Congleton High School Box Lane, Congleton | 01260 730 123 |
| David Lewis, Mill Lane, Alderley Edge, Cheshire SK9 7UD | 01565 640000 |
| Eaton Bank Academy, Jackson Road, Congleton | 01260 273000 |
| Holmes Chapel Comprehensive, Selkirk Drive, Holmes Chapel | 01477 689500 |
| Macclesfield FE College, Park Lane, Macclesfield | 01625 410000 |
| Malbank School & Sixth Form Centre, Welsh Row, Nantwich | 01270 611009 |
| Mid Cheshire College of FE, Chester Road, Hartford, Northwich | 01606 74444 |
| Park Lane School, Park Lane, Macclesfield, SK11 8JR | 01625 384040 |
| Poynton High School & Performing Arts College, Yew Tree Lane, Poynton | 01625 871811 |
| Reaseheath College, Nantwich | 01270 613209 |
| Sandbach Boys School, Crewe Road, Sandbach | 01270 758870 |
| Sandbach High School & Sixth Form College, Middlewich Road, Sandbach | 01270 765031 |
| Sir John Deane's College, Monarch Drive, Kingsmead, Northwich | 01606 810020 |
| South Cheshire College, Dane Bank Avenue, Crewe | 01270 654654 |
| Springfield School, Crewe Green Road, Crewe, CW1 5HS | |
| St Nicholas Catholic High School, Greenbank Lane, Hartford, Northwich | 01606 77500 |
| Stockport College, Wellington Road, Stockport | 0161 958 3100 |
| Tarporley High School & Sixth Form College Eaton Road, Tarporley | 01829 732558 |
| The Fallibroome Academy, Priory Lane, Macclesfield | 01625 827898 |
| The Manchester College, Ashton Old Road, Openshaw, Macclesfield | 0161 203 2100 |
| Trafford College, West Timperley, Altrincham | 0161 952 4601 |
| Tytherington High School, Manchester Road, Macclesfield | 01625 610220 |
| Wilmslow High School, Holly Road, Wilmslow | 01625 526191 |

This page is intentionally left blank

APPEALS SUB-COMMITTEE

PROCEDURE TO BE FOLLOWED ON THE DAY

| | |
|----|--|
| 1 | Appellants arrive at Reception and will wait in the appointed waiting area. |
| 2 | Members assemble in meeting room. They will be joined by the Committee Officer and the Legal Clerk to discuss any preliminary issues, but not the cases themselves. |
| 3 | The Legal Clerk will then meet the Appellants and explain the procedure to them. |
| 4 | The Legal Clerk will bring the first Appellant into the meeting. |
| 5 | The Chairman will welcome all to the meeting and will invite Members and Officers to introduce themselves. |
| 6 | The Presenting Officer will present the case for the Authority. |
| 7 | The Appellant to ask questions of the Presenting Officer, by way of clarification. |
| 8 | Sub-Committee Members to ask questions of the Local Authority Presenting Officer. |
| 9 | The Appellant presents their case. |
| 10 | The Presenting Officer to ask questions of the Appellant by way of clarification. |
| 11 | Sub-Committee Members to ask questions of the Appellant. |
| 12 | The Local Authority Presenting Officer to sum up the Authority's case. |
| 13 | The Appellant to sum up their case. |
| 14 | The Presenting Officer and Appellant to withdraw from the meeting. |
| 15 | The Committee reaches its decision, advised by the Legal Clerk . |

Note: Neither the Presenting Officer nor the Appellants are permitted to be in the Committee Room in the absence of the other.

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank