

**Not for publication by virtue of Paragraph 4, Paragraph 5 and Paragraph 6 of Part I of  
Schedule 12A of the Local Government Act 1972**

**Item 4  
Education Transport Appeals Panel  
16 November 1999**

**SUMMARY OF THE LEA CASE : Robert Adams - Dob 11.09.86  
Stephen Adams - Dob 11.09.86  
5 Whitsun Pastures, Willen Park  
Attending : The Radcliffe School  
Parent : Mrs Adams**

Robert and Stephen were admitted to The Radcliffe School in September 1999 following their transfer from Willen Combined School at the end of year 7.

Willen Park is in the defined area of Stantonbury Campus. In Milton Keynes the admissions policy operates on a first preference basis. Robert and Stephen were admitted to The Radcliffe School following a first preference application being made by the parent. The council has no responsibility to provide transport for pupils attending an out area school. Parents are expected to make arrangements to get their children to and from school and to meet the costs involved.

TRANSPORT POLICY - Free home to school transport is provided for pupils on request if they attend either:

- a) the "reserved or defined area" school; or
- b) the nearest appropriate school

AND they live either

- c) more than 2 or 3 miles walking distance by the shortest available route from that school; or
- d) the Council has agreed that there is no route of less than 2 or 3 miles walking distance that would be safe for the pupil to use, accompanied as necessary by an adult

The relevant walking distance depends on the age of the pupil; for a child under the age of 8 years at the start of the academic year the walking distance is 2 miles, whilst for children aged 8 or over it is 3 miles.

Mrs Adams request for transport on exceptional grounds was refused because:

1. Robert and Stephen are not entitled to free home to school transport in line with the Council's policy.
2. There is no transport contract currently in operation which would enable the Council to provide Robert and Stephen with transport on a discretionary fare basis, ie where a charge would be levied or for a restricted period.
3. Robert and Stephen do not have a statement of special educational needs.

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Where cases are considered on exceptional grounds officers take account of:

- a) the Council's Home to School Transport Policy, as agreed by members and which is also in line with national policies;
- b) where making an exception might affect the Council's policy by setting a precedent;
- c) the council's budget and the need to ensure resources are used as efficiently and effectively as possible;
- d) whether making an exception commits the Council to significant additional expenditure;
- e) the number of other similar requests and whether one case is specifically different to warrant an exception;
- f) family circumstances.

Documents enclosed:

Request from Mrs Adams 19.07.99

Response from LEA 30.07.99

Letter from Cllr Monk 01.09.99

Letter to Mrs Adams 13.09.99

Appeal Request 07.10.99

Letter from Dr Carter 05.10.99

**November 1999**

**Prepared by Elaine Lee, Pupil Services Support Officer**