**Stage 1 Appeal: Local Authorities (LA) Discretionary Power –**

**Children under 5 years old**

We have put this document together to help you complete the council’s Stage 1 Appeal Travel Assistance form. We have added below the questions from the form with suggestions on what to add under each question where you have to explain your answer.

**Please note,** the questions asked on the form can change and may not appear exactly as laid out below, click on the link below to see the most recent [Home to School SEND Travel Assistance Stage 1 Appeal form](https://fis.wandsworth.gov.uk/kb5/wandsworth/fsd/service.page?id=RvmwC8zmIVw&newfamilychannel=2-11-2)

* You have **20 working days** of receipt of the panel decision letter to submit your appeal.
* You may find that for some of the questions you are repeating your answers.
* **Please Note:** The online appeal a form is **time limited**, so we would suggest that you add your answers to this template first and then copy and paste them on to the online form, to avoiding losing your answers.
* **PLEASE MAKE SURE YOU DOWNLOAD AND SAVE THE FORM WHEN YOU ARE ASKED TO AFTER COMPLETING THE ONLINE FORM**

**(PLEASE NOTE: All the parts of this letter in blue will need to be changed or deleted so that they are relevant to your situation.)**

**On the online form appeal form you will be asked to add the following information:**

**First name:**

**Date of birth:**

**Age:**

**Gender:**

**Multiple birth?**

**Borough of pupil's current school:**

**Name of pupil's current school:**

**Address of pupil's current school:**

**Postcode Select the address.**

**Time and days your child attends / will be attending school:**

**First name: Last name:**

**Email:**

**Telephone:**

**Address:**

**Postcode**

**What was the outcome from the SEND Travel Assistance panel?**

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| I recently applied for transport **(enter date here),** and you wrote back with your decision on **(enter date here)** add below the reasons given.  For example,  “There is no statutory entitlement to Travel Assistance for children under 5. Children who have been placed in a specialist education placement in order to meet the child’s identified outcomes, it is expected that parent/carers will have sole responsibility for transport arrangements to and from school” |

**Please give reasons why you are not satisfied with the decision outcome?**

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| Under section 508C, Education Act 1996, we are asking you to use your discretionary powers and to provide travel assistance for my child because of the nature of their SEND, as explained in my original application.  **Section 508c of the Education Act 1996 gives LA discretionary power to provide travel to school for children resident in their area who are not eligible children, referred to in this part as ‘discretionary travel’**.  **There is an expectation that LAs will act reasonably in the performance of their functions. They should not have a blanket policy of never providing discretionary travel and should be prepared to consider cases where the parent says there are reasons why their child needs free travel to school and make decisions on a case-by-case basis** (**Part 2: local authorities’ discretionary power D of E: Travel to school for children of compulsory school age Statutory guidance for local authorities, Jan 2024,)**  I would like you to re consider the following...  **(Select one or more of the following reasons)**   * Child has been placed in special school which LA deemed the most suitable. * Distance is not manageable due to the nature of my child's SEND and/or * Parental disability   Please consider these factors again  **(Select one or more of the following reasons)**   * Parental disability which would make it impossible or unreasonably difficult for me/us to take our child to school (please provide evidence of disability). * The severity of my child’s special educational needs / disability – especially because there are complex physical disability / medical needs which might make it impossible or unreasonably difficult for our child to walk or use public transport to get to school, where our child presents a danger to themselves or others (please provide evidence of SEND – either through their EHC plan, if they do not have one then professional reports/letter form school) * My employment would be jeopardised because of having to transport children to different schools and it would be impossible or unreasonably difficult for us to make alternative arrangements (please provide evidence from employer). * Distance/travel time to a school, where the Council has been unable to offer a more local school, also having to take our other children to school.   Once again, I request that you reconsider your decision and use your discretionary powers to review my application so that my child can have the appropriate reasonable adjustments made so that they have the opportunity and are not prohibited from accessing education like their peers who are of a similar age. |

**Why does your child's special educational needs affect their journey to and from school:**

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| Add here what you had originally added to the travel application form and above question again describing your child’s needs and why it is not appropriate for your child to go to school by walking (when accompanied by you or using public transport) |

**Can you or another parent / carer accompany your child to school on public transport?**

**No: Give the reason you, another parent, or carer cannot accompany your child on public transport (if your child has more than one significant parent / carer please give details why each person cannot provide travel assistance):**

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| You also have not taken into consideration the following circumstances (you will be repeating what you had answered in the previous questions)  **(If applicable please select one or more of the following reasons)**   * The severity of my child’s special educational needs / disability – especially where there are complex physical disability / medical needs which might make it impossible or unreasonably difficult for my child to walk or use public transport to get to school, where the child presents a danger to him / herself or others. Highlight here that the nature of your child’s SEND means another parent/carer could not take your child to school.   If you are a single parent -please add here to.   * Parental disability which would make it impossible or unreasonably difficult for you to take your child to school (please provide evidence of disability).     I have included the following evidence to support my travel assistance appeal:  ***(Please see following suggested examples if you have them...)***   * A supporting letter from my child’s early years setting. * A supporting letter from my employer (if your job is in jeopardy / if you have received a warning because you have been late due to dropping your child to school) * Evidence of the child’s SEND or medical needs (If they do not have an EHC Plan) * Evidence of parental needs (if your child is Primary aged) and you are unable to accompany them to school due to your own health / disability. * If it has been suggested that you put your child in Breakfast / Afterschool club, you may want to show you are of a low-income family and unable to afford this. |

**Do you have a car: Yes/No**

**If yes, Can the car be used to transport your child to school?**

**No Please state reasons why:**

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| Explain here if your car is used by the other parent to go to work, or that someone is needed to sit next to your child to keep them safe, for example, they may take off their seatbelt and try to open the locks etc, and that there is not another adult to sit next to them to keep on eye on them. |

**If your child is in secondary school can your child travel to school by public transport independently?**

**No**

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| **My child is too young to travel to school independently.** |

**If your child is not able to travel independently, can you accompany or transport your child to their school.**

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| **Explain in detail the reason you cannot accompany or transport your child:**  Again, explain here, the reasons you have added to earlier questions. |

**Please state if you are able to do one of the school runs - for example can you drop your child off in the morning but not pick them up in the afternoon? Yes/No**

**Do you have a disability? Yes/No**

**Does your child have an EHCP issued by Wandsworth? Yes/No**

**Does your child have an EHCP from another local authority? Yes/No**

**Do you have other children attending school? Yes/No**

**Transport will normally be offered in the form of reimbursement for fares / mileage, or a travel budget and alternative means of transport will only be provided in more exceptional circumstances.**

**If travel assistance in the form of fares / mileage reimbursement or a travel budget were agreed, would you be able to transport your child to school: Yes/No**

**If transport in the form of a taxi were considered, would you be able to act as your child's escort if this were required? Yes/No**

**Is your child able to walk to and from the relevant vehicle on his / her own? Yes/No**

**Does your child have significant emotional / behavioural difficulties that could pose a risk: Yes/No**

**Does your child carry medication of any sort on their journey to school? Yes/No**

**Does your child use a wheelchair? Yes/No**

**Reason for your appeal:**

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| I am asking for you to review your decision and use your discretionary power for the reasons I have stated throughout this application form, so that my child can have the appropriate reasonable adjustments made so that they have the opportunity and are not prohibited from accessing education like their peers who are of a similar age.  I have included the following evidence to support my travel assistance appeal:  ***(Please see following suggested examples...)***   * Provide any evidence of a breakdown of costs, i.e. from taxi firms for a return journey and for dropping you home and to pick up your child. * A supporting letter from my child’s school * A supporting letter from my employer (if your job is in jeopardy / if you have received a warning because you have been late due to dropping your child to school) * Evidence of the child’s SEND or medical needs (If they do not have an EHC Plan) * Evidence of parental needs and you are unable to accompany them to school due to your own health / disability. * If it has been suggested that you put your child in Breakfast / Afterschool club, you may want to show you are of a low-income family and unable to afford this. |

**I want to upload documents: Yes/No**

**Supporting documents:**

**I have read the guidance notes.**