



SHROPSHIRE
Parent
And
Carer
Council

Shropshire Parent and Carer Council
PO Box 4774
Shrewsbury
SY1 9EX

19 March 2019

Dear Councillor Bardsley

RE: Proposed Special Educational Needs Transport Consultation

We were interested to recently read in local newspapers about the proposed Special Educational Needs (SEND) Transport consultation by Shropshire Council. It was disappointing for PACC to hear about such a potential major change in provision in this way and as such we are requesting a meeting with yourself as soon as possible, to discuss this and its potential impact on families.

Our understanding is that the proposal includes;

- Removing transport for attending nursery settings for any new SEND families
- Introducing charges for Post 16 transport (SEND) for any new applications
- A public consultation during March/April

There are a number of issues that we would like to discuss with you including;

1. The consideration given by Shropshire Council to the Public Services Equality duty when agreeing to go to consultation on this proposal, including what evidence base you have for ensuring that families of disabled children and young people are not disproportionately impacted by this potential change in service provision? We have concerns about the Shropshire Council Equality and Social Inclusion Impact Assessment that we have seen for this service change.
2. How can PACC work with Shropshire Council to ensure that the consultation proposed is effective and meets the legal requirements. For example Section 19 of the Children and Families Act requires Local Authorities to specifically consult with children and young people with SEND and their families 'when reviewing educational, training and social care provision'. In addition to this the leading judgment regarding consultation is *R v North and East Devon Health Authority ex p Coughlan [2001] QB 213*, and the key principles for a lawful consultation are that:
 - The consultation must be undertaken at a time when proposals are still at a formative stage

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- meaning that the decision makers have an open mind about the final decision ;
- It must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response;
- Adequate time must be given for this purpose; and
- The responses to the consultation must be conscientiously taken into account when the ultimate decision is taken.
- In addition, where the public are consulted, the relevant documents must be available to all and in a language that is clear and easily understandable.

PACC is particularly concerned about the timing of the consultation if it is due to run in March / April since this includes a holiday period which would make it more difficult for SEND families to participate.

Enclosed for your information, is a statement from PACC that outlines our initial response to this proposed reduction in service for SEND families.

We hope to hear from you in the near future about the opportunity to meet.

Yours sincerely

Zara Bowden and Mike Thomas
Co Chairs
PACC