



Section 4

# Equality Analysis Toolkit

Revision of Home to School Transport  
Policy 2018-19

For Decision Making Items

July 2017

## **What is the Purpose of the Equality Decision-Making Analysis?**

The Analysis is designed to be used where a decision is being made at Cabinet Member or Overview and Scrutiny level or if a decision is being made primarily for budget reasons. The Analysis should be referred to on the decision making template (e.g. E6 form).

When fully followed this process will assist in ensuring that the decision-makers meet the requirement of section 149 of the Equality Act 2010 to have due regard to the need: to eliminate discrimination, harassment, victimisation or other unlawful conduct under the Act; to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard means analysing, at each step of formulating, deciding upon and implementing policy, what the effect of that policy is or may be upon groups who share these protected characteristics defined by the Equality Act. The protected characteristics are: age, disability, gender reassignment, race, sex, religion or belief, sexual orientation or pregnancy and maternity – and in some circumstances marriage and civil partnership status.

It is important to bear in mind that "due regard" means the level of scrutiny and evaluation that is reasonable and proportionate in the particular context. That means that different proposals, and different stages of policy development, may require more or less intense analysis. Discretion and common sense are required in the use of this tool.

It is also important to remember that what the law requires is that the duty is fulfilled in substance – not that a particular form is completed in a particular way. It is important to use common sense and to pay attention to the context in using and adapting these tools.

This process should be completed with reference to the most recent, updated version of the Equality Analysis Step by Step Guidance (to be distributed ) or EHRC guidance at

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/public-sector-providers/public-sector-equality-duty>

This toolkit is designed to ensure that the section 149 analysis is properly carried out, and that there is a clear record to this effect. The Analysis should be completed in a timely, thorough way and should inform the whole of the decision-making process. It must be considered by the person making the final decision and must be made available with other documents relating to the decision.

The documents should also be retained following any decision as they may be requested as part of enquiries from the Equality and Human Rights Commission or Freedom of Information requests.

Support and training on the Equality Duty and its implications is available from the County Equality and Cohesion Team by contacting

[AskEquality@lancashire.gov.uk](mailto:AskEquality@lancashire.gov.uk)

Specific advice on completing the Equality Analysis is available from your Service contact in the Equality and Cohesion Team or from Jeanette Binns

[Jeanette.binns@lancashire.gov.uk](mailto:Jeanette.binns@lancashire.gov.uk)

**Name/Nature of the Decision**

Changes to the provision of Home to School Transport Services from 1 September 2018.

To cease provision of discretionary denominational transport subsidies for all pupils who do not attend their nearest school but attend their nearest faith school on faith grounds. The decision will be implemented from 1 September 2018 to coincide with the new academic year and will apply to all pupils aged 4-16.

This policy is proposed to be applied so that pupils who do not attend their nearest school but attend their nearest faith school on faith grounds, who are beginning reception class or year 7 (or changing school) would be required to meet the full cost of a school travel season ticket. It is also proposed to be "phased in" so that pupils currently attending a faith school on faith grounds would be unaffected by the change in policy whilst remaining at their current primary or secondary school.

**What in summary is the proposal being considered?**

To cease provision of discretionary denominational transport subsidies for all pupils who do not attend their nearest school but attend their nearest faith school on faith grounds. The policy will be implemented on a phased basis from 1 September 2018 to coincide with the new academic year and will apply to all pupils aged 4-16, being applied to pupils beginning reception and year 7 from that date onwards. This means that pupils currently included under the existing discretionary denominational transport arrangements will continue to be eligible for them whilst they remain at their current primary or secondary school but will be affected by the new provisions once they start/change school or transfer to secondary school.

£1.1 million is spent providing home to school transport that the County Council has no legal duty to provide. This money is spent subsidising transport for pupils from none- low income families who attend their nearest faith school (which is between 2 and 15 miles

away) but live closer to an available no-faith school. From 1 September 2018 Lancashire County Council is proposing to stop providing this funding, albeit on a phased basis.

The Service will in the future only provide for:

\*those eligible for transport in accordance with statutory requirements

\*fare payers who purchase season tickets to travel on routes with surplus capacity or where there is no additional net cost in order for them to attend their preferred school.

Is the decision likely to affect people across the county in a similar way or are specific areas likely to be affected – e.g. are a set number of branches/sites to be affected? If so you will need to consider whether there are equality related issues associated with the locations selected – e.g. greater percentage of BME residents in a particular area where a closure is proposed as opposed to an area where a facility is remaining open.

This proposal will affect children and young people and their families in different ways across Lancashire

**Could the decision have a particular impact on any group of individuals sharing protected characteristics under the Equality Act 2010, namely:**

- Age
- Disability including Deaf people
- Gender reassignment
- Pregnancy and maternity
- Race/ethnicity/nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership Status

In considering this question you should identify and record any particular impact on people in a sub-group of any of the above – e.g. people with a particular disability or from a particular religious or ethnic group.

It is particularly important to consider whether any decision is likely to impact adversely on any group of people sharing protected characteristics to a disproportionate extent. Any such disproportionate impact will need to be objectively justified.

At a basic level it is clear that this proposal will affect some children and young people and their families which affects the age protected characteristic and because the proposals are for cessation of discretionary subsidised travel to denominational schools, albeit on a phased basis, it will also impact because of their religion or belief.

*There is not expected to be a staffing implication at this time but this will be kept under review.*

If you have answered "Yes" to this question in relation to any of the above characteristics, – please go to Question 1.

Yes

If you have answered "No" in relation to all the protected characteristics, please briefly document your reasons below and attach this to the decision-making papers. (It goes without saying that if the lack of impact is obvious, it need only be very briefly noted.)

## Question 1 – Background Evidence

What information do you have about the different groups of people who may be affected by this decision – e.g. employees or service users (you could use monitoring data, survey data, etc to compile this). As indicated above, the relevant protected characteristics are:

- Age
- Disability including Deaf people
- Gender reassignment/gender identity
- Pregnancy and maternity
- Race/Ethnicity/Nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership status (in respect of which the s. 149 requires only that due regard be paid to the need to eliminate discrimination, harassment or victimisation or other conduct which is prohibited by the Act).

In considering this question you should again consider whether the decision under consideration could impact upon specific sub-groups e.g. people of a specific religion or people with a particular disability. You should also consider how the decision is likely to affect those who share two or more of the protected characteristics – for example, older women, disabled, elderly people, and so on.

The County Council is only required by law to meet the cost of home to school transport for pupils from none low income families, where they attend their nearest school and this school is over 3 miles away for pupils aged 8 years or over or a distance of over 2 miles where a child is under 8.

Before September 2011 the County Council exercised discretion and granted free transport to those children who attended faith schools, met the distance criterion and had been admitted to the school on denominational grounds. As a result of financial reductions, since September 2011 parents in these circumstances were required to pay

a contributory charge which for the academic year 2017-2018 is £575 per qualifying child. The cost of a season ticket for pupils travelling between 3 and 8 miles will be £578 and £410 miles for those travelling 3 miles or less. Those potentially disadvantaged most will be those travelling over 8 miles where the cost will be £730. It is proposed that pupils currently in receipt of this support will continue to receive it whilst they remain at the same primary or secondary school but from 1 September 2018 a withdrawal of this discretionary support will be phased in for those beginning reception or year 7 where they attend a denominational school on faith grounds which is not their nearest school.

It is not possible to assess the impact on all families who may potentially be affected by this proposal as the distances travelled, availability of bus services and cost of bus services will vary. However, as an example a representative speaking on the local radio during an earlier consultation period in 2016 said there would be a cost per annum per child of over £700 and since two of his children were attending a faith school it would cost their family over £1,400 each year.

Transport assistance will continue to be provided for families on low incomes where the child attends the nearest faith school, if the school is between 2 and 15 miles from home.

There are currently 1510 pupils in receipt of denominational transport assistance. In spring 2016 there were 1688 pupils in receipt of this assistance, of these 836 were female and 848 were male, so the gender distribution is broadly similar. It is expected that this gender information will still be broadly similar.

Since the financial contribution was introduced in September 2011, the proportion of pupils applying for the assistance, of the total number that are entitled, has fallen significantly. Each year the County Council assess the eligibility of all Year 7 pupils to receive transport assistance. Those that qualify for the denominational subsidy are informed in writing. From September 2016 there were 579 Year 7 pupils assessed as eligible but only 265 pupils returned their



application for denominational travel passes.

All pupils affected (and their families) are likely to be covered by the religion or belief protected characteristic given the nature of this proposal. All pupils attend Christian schools with 1012 attending Church of England schools and 676 attending Catholic schools in spring 2016.

It is not possible to anticipate how many pupils might be affected from the phased introduction of the new arrangements from 1 September 2018 in terms of most protected characteristics but they will be affected because of their religion or belief and as this will affect children and young people, their age. The new proposal will, however, allow considerations of the financial impact of choosing to attend a school which is not the child's nearest school but their nearest faith school on faith grounds, to be fully considered alongside other factors when making school selections.

## **Question 2 – Engagement/Consultation**

How have you tried to involve people/groups that are potentially affected by your decision? Please describe what engagement has taken place, with whom and when.

(Please ensure that you retain evidence of the consultation in case of any further enquiries. This includes the results of consultation or data gathering at any stage of the process)

An item advising of the consultation on this proposal was posted via the schools portal on 12 June 2017. Views and comments were sought from all maintained Lancashire schools and academies, parents and any other interested parties. Schools were asked to publicise the consultation and a note was provided, with suggested wording, for schools to use on their websites and in any newsletters or bulletins to parents. Schools, academies and parents were asked to either respond on line via the County Council's website or a postal address was given for those without internet access or who chose to respond in

this way. The consultation closed on 21 July 2017.

Respondents were asked to comment on the following question:

"The County Council is proposing to remove the denominational transport assistance for pupils who attend their nearest faith school but live closer to an alternative non-faith school. How will this impact on you?"

There were 264 responses to the on-line consultation.

The leading responses received were:

- \*Being penalised/discriminated against - 28% (57 responses);
- \*Will struggle to pay the extra/will cost us more – 23% (47 responses);
- \*Want my child to have a faith school education – 19% (38 responses);
- \*Will reduce choice of school available to parents – 18% (37 responses);
- \*Will have large impact on me/my family – 14% (28 responses);
- \*Will have no impact on me – 10% (21 responses).

Other responses which have a particular equality and cohesion reference included:

- \*Unequal/unfair for faith schools to receive subsidy – 4% (8 responses);
- \*Why have feeder schools then penalise to go to the secondary? – 3% (6 responses)
- \*I am disabled/my child is disabled – 2% (4 responses);
- \*Already have children in faith schools but will struggle to send younger siblings – 2% (4 responses);
- \*Agreement when location of faith schools was chosen that free transport would be given – 2% (4 responses);
- \*Feel subsidy should be provided for all, not just faith schools – 1% (3

responses).

The profile of respondents was as follows:

\*A parent of a child currently attending a faith secondary school – 73% (193 responses);

\*A parent of a child currently attending a non-faith secondary school – 3% (9 responses);

\*A parent of a child currently attending a faith primary school – 35% (93 responses);

\*A parent of a child currently attending a non-faith primary school – 3% (8 responses);

\*A Lancashire resident – 49% (131 responses);

\*An employee of Lancashire County Council – 5% (14 responses);

\*An Elected Member of Lancashire County Council – 0% (1 response);

\*An Elected Member of a Parish or Town Council in Lancashire – 1% (2 responses);

\*A local business owner – 5% (12 responses);

\*A member of a voluntary or community organisation – 10% (27 responses);

\*Other – 8% (21 responses).

It is apparent that many respondents had an interest in this matter as the highest percentages are for those with pupils in faith primary or secondary schools. It is a little surprising that less than half of respondents identified as being Lancashire residents.

The equalities profile of respondents is as follows:

Gender – 79% of respondents were female and 21% were male. Females are more heavily represented amongst respondents than in the Lancashire population where around 51% of the population is female and 49% is male according to the 2011 Census. In many of the recent consultations carried out by the County Council women form the

majority of respondents but this is quite a high response level.

Transgender – 1% of respondents identified as transgender which is consistent with other recent County Council consultations.

Age – 70% of respondents were in the 35-49 age group which is probably to be expected given the nature of this proposal and level of response from parents. 20% of respondents were aged 50-64 with 6% of respondents aged 20-34 and 1% each in age groups 65-74 and 75+. 2% of respondents were aged under 16.

Disability – 7% of respondents identified as having a disability which is a lower figure than their representation amongst Lancashire residents and less than for a number of recent County Council consultations.

3% of respondents had a young person in their household with a disability – in recent consultations this figure has often been around 2% so it is slightly higher for this consultation.

Ethnicity – 97% of respondents identified as being English/Welsh/Scottish/Northern Irish/British which is higher than in the Lancashire population as a whole. 1% identified as Irish and 1% as White and Asian. Whilst BME residents made up 7.7% of Lancashire's population in the 2011 Census, there was 1 respondent from each of the Pakistani, Caribbean, White and Black African and Other ethnicities.

Religion or Belief – 92% of respondents identified as Christian, whilst this is greater than the 69% who identified as Christian in the 2011 Census it is not surprising given the nature of the consultation. 7% of respondents identified as having "no religion", lower than the 19% reported in the 2011 Census and 1% of respondents identified as "Any Other Religion". There was 1 Muslim respondent.

Marriage or Civil Partnerships – 76% of respondents were married while 14% were none of these (which is single, widowed or divorced), 2% were in civil partnerships and 7% preferred not to say.

Sexual orientation – 93% of respondents identified as Heterosexual/Straight which is similar to other recent consultations. 7% of respondents preferred not to say. 1 respondent identified as a

Gay Man. The responses from LGB people was lower than for other recent consultations the County Council have carried out.

Pregnancy and Maternity Leave – the closest question used in County Council consultations to this protected characteristic is the question on the number of children or young people in the household. One category is "no but expecting" which was used by 1 respondent. However, it is likely that women who are pregnant or on maternity leave are represented amongst a number of the other options/categories. Not surprisingly given the nature of this consultation 72% of respondents had children aged 12-16 in their household and 44% had children aged 9-11 in their household. 8% of respondents had children aged under 5, 17% of respondents had children aged 5-8, 18% had young people aged 17-19 in their household and 7% of respondents had no children or young people aged under 20 in their household.

Representatives from the Diocesan Authorities were made aware of the consultation regarding the removal of the denominational subsidy at a Diocesan Liaison meeting. No formal representations have been received from them to date.

### **Question 3 – Analysing Impact**

Could your proposal potentially disadvantage particular groups sharing any of the protected characteristics and if so which groups and in what way?

It is particularly important in considering this question to get to grips with the actual practical impact on those affected. The decision-makers need to know in clear and specific terms what the impact may be and how serious, or perhaps minor, it may be – will people need to walk a few metres further to catch a bus, or to attend school? Will they be cut off altogether from vital services? The answers to such questions must be fully and frankly documented, for better or for worse, so that they can be properly evaluated when the decision is made.

Could your proposal potentially impact on individuals sharing the protected characteristics in any of the following ways:

- Could it discriminate unlawfully against individuals sharing any of the protected characteristics, whether directly or indirectly; if so, it must be amended. Bear in mind that this may involve taking steps to meet the specific needs of disabled people arising from their disabilities
- Could it advance equality of opportunity for those who share a particular protected characteristic? If not could it be developed or modified in order to do so?
- Does it encourage persons who share a relevant protected characteristic to participate in public life or in any activity in which participation by such persons is disproportionately low? If not could it be developed or modified in order to do so?
- Will the proposal contribute to fostering good relations between those who share a relevant protected characteristic and those who do not, for example by tackling prejudice and promoting understanding? If not could it be developed or modified in order to do so? Please identify any findings and how they might be addressed.

Currently 1510 pupils receive denominational transport assistance. The phasing in element of the proposal means that those children/young people will continue to be supported under the arrangements which applied when they began at their present school whilst they remain at the school. However, for those children and families who decide to attend a faith school on faith grounds which is not their nearest school after 1 September 2018, pupils and their families may contend that this proposal discriminates against them because of their religion or belief as it is the factor on which the proposal is based. It may be argued by those affected that the child is attending their nearest appropriate school for them.

It should be noted that 28% of respondents indicated that they felt they

were being penalised/discriminated against because of their faith in the consultation. It is possible that some individuals may feel strongly enough to take further action arising from this proposal. In contrast 4% of respondents indicated that it was unfair that pupils attending a faith school received such a subsidy.

Particularly in relation to pupils who travel more than 8 miles to school, the proposal could have a significant financial impact as the cost may be in the region of £730 for a season ticket which would be £165 at least more than from 1 September 2017. However, this will apply to pupils entering reception and year 7 only during the phasing in period which will allow pupils and families to include this consideration alongside other factors when selecting school options. For those travelling shorter distances the financial difference between current charges and the future season ticket is less, possibly around £3 or less.

Consultation responses have also raised concerns that the equality of opportunity for these pupils to attend a school of their choice is being adversely affected. There may also be impacts on the pupils and families arising from the additional costs which may be incurred or an inability to afford the new charge or send a child to the same school as their older siblings. Some respondents (about 5% of respondents and 10 responses) felt it would widen the inequality gap. Other concerns over safety and safeguarding ( 7% and 14 responses) or increased traffic and risks on the road (3% - 6 responses) may be seen as affecting health and wellbeing.

In a general sense, some elements of fostering good relations and community cohesion could be adversely affected if groups/people affected come to a more negative perception of the County Council and the importance they believe the Council gives to faith, religion or belief, despite the mitigating elements which have been included within this proposal.

#### **Question 4 –Combined/Cumulative Effect**

Could the effects of your decision combine with other factors or decisions taken at local or national level to exacerbate the impact on any groups?

For example - if the proposal is to impose charges for adult social care, its impact on disabled people might be increased by other decisions within the County Council (e.g. increases in the fares charged for Community Transport and reductions in respite care) and national proposals (e.g. the availability of some benefits) . Whilst LCC cannot control some of these decisions, they could increase the adverse effect of the proposal. The LCC has a legal duty to consider this aspect, and to evaluate the decision, including mitigation, accordingly.

If Yes – please identify these.

It is possible that families who are no longer able to receive subsidised home to school travel costs to travel to a faith school may also be affected by the reductions in bus services arising from the withdrawal of subsidies for public bus services as part of the 2016/17 budget proposals, the original proposal for which could have resulted in over 100 services ceasing. Subsequently a £3 million fund to support bus services has resulted in 28 services being retained with support from the County Council on the recommendation of the Cabinet Working Group on Bus Services, several other Services being supported by a combination of the County Council and District Councils, 40 Services being taken over fully by bus operators and approximately 45 Services have ceased. Some morning and evening Services may have stopped or journeys may be more complicated due to changes in routes or service frequency which have occurred from 3 April 2016. Particularly in some rural areas, but also in other parts of the county, use of scheduled bus services may be more difficult or some may be unavailable which may combine to increase difficulties for some pupils/families affected by this proposal.

There may be additional impacts from more general changes to benefits and other financial issues which may impact on families of children and young people affected by this proposal, although it is hoped that arrangements for low income families will mitigate this



effect.

### **Question 5 – Identifying Initial Results of Your Analysis**

As a result of your analysis have you changed/amended your original proposal?

Please identify how –

For example:

Adjusted the original proposal – briefly outline the adjustments

Continuing with the Original Proposal – briefly explain why

Stopped the Proposal and Revised it - briefly explain

*The proposal to introduce the new arrangements will commence from 1 September 2018 and will be phased in for pupils who begin reception class or year 7 from that date. This proposal is unchanged.*

### **Question 6 - Mitigation**

Please set out any steps you will take to mitigate/reduce any potential adverse effects of your decision on those sharing any particular protected characteristic. It is important here to do a genuine and realistic evaluation of the effectiveness of the mitigation contemplated. Over-optimistic and over-generalised assessments are likely to fall short of the “due regard” requirement.

Also consider if any mitigation might adversely affect any other groups and how this might be managed.

*Those pupils included under the existing denominational school travel arrangements will continue to be covered by those arrangements whilst they remain at their current primary or secondary school due to the phasing in provisions of this proposal which will provide some mitigation for them. The phasing in element of the proposal is specifically designed to mitigate against families being subject to an*

*unforeseen cost during their child's time at their current school.*

*Whilst there will be financial implications for those families affected by the arrangements which are proposed when their children begin or change school, parents will be aware of these at the outset and be able to make a more informed decision about the implications when choosing a faith school on faith grounds which is not the nearest school for their child.*

*Support for families meeting the low income criteria will continue.*

### **Question 7 – Balancing the Proposal/Countervailing Factors**

At this point you need to weigh up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the proposal at this time – against the findings of your analysis. Please describe this assessment. It is important here to ensure that the assessment of any negative effects upon those sharing protected characteristics is full and frank. The full extent of actual adverse impacts must be acknowledged and taken into account, or the assessment will be inadequate. What is required is an honest evaluation, and not a marketing exercise. Conversely, while adverse effects should be frankly acknowledged, they need not be overstated or exaggerated. Where effects are not serious, this too should be made clear.

*This proposal has emerged following the need for the County council to make unprecedented budget savings, arising from a combination of reducing resources as a result of the Government's extended programme of austerity at the same time as the Council is facing significant increases in both the cost (for example as a result of inflation and the national living wage) and demand for its Services.*

*The estimated reduction and future savings arising from this proposal will assist in this process.*

*We acknowledge that potentially children and young people with the age and religion or belief protected characteristic and their families may be negatively affected however we have tried to minimise any*

*negative impacts on the 1510 pupils currently included within this proposal by developing the phasing in element as a mitigating action.*

### **Question 8 – Final Proposal**

In summary, what is your final proposal and which groups may be affected and how?

Changes to the provision of Home to Schools Transport Services from 1 September 2018.

To cease provision of discretionary denominational transport subsidies for all pupils who do not attend their nearest school but attend their nearest faith school on faith grounds. The decision will be implemented from 1 September 2018 to coincide with the new academic year and will apply to all pupils aged 4-16.

This policy is proposed to be applied so that pupils who do not attend their nearest school but attend their nearest faith school on faith grounds, who are beginning reception class or year 7 (or changing school) would be required to meet the full cost of a school travel season ticket. It is also proposed to be "phased in" so that pupils currently attending a faith school on faith grounds would be unaffected by the change in policy whilst remaining at their current primary or secondary school.

### **Question 9 – Review and Monitoring Arrangements**

Describe what arrangements you will put in place to review and monitor the effects of your proposal.

*The effects of this proposal will be reviewed on an ongoing basis in terms of the numbers of pupils receiving denominational transport assistance and monitoring changes in applications for admissions to schools, including faith schools.*

Equality Analysis Prepared By Jeanette Binns

Position/Role Equality & Cohesion Manager

Equality Analysis Endorsed by Line Manager and/or Service Head

Decision Signed Off By

Cabinet Member or Director

**Please remember to ensure the Equality Decision Making Analysis is submitted with the decision-making report and a copy is retained with other papers relating to the decision.**

Where specific actions are identified as part of the Analysis please ensure that an EAP001 form is completed and forwarded to your Service contact in the Equality and Cohesion Team.

Thank you