



Equality Analysis

703-Discretionary Mainstream Home to
School Transport (including unsuitable
routes)

Name/Nature of the Decision

Review of Home to Mainstream School Transport Policy

What in summary is the proposal being considered?

There are a number of elements to the proposed policy changes in relation to the discretionary (non-statutory) elements of home to mainstream school transport provision. It is proposed that the changes will impact on all pupils that fall within the categories below apart from those from families on low income:

- To increase the costs of **discretionary** transport to faith schools from £380 to £475 per year;
- To increase the fares and season ticket costs by up to 25% for other groups of **non-statutory** travellers that use capacity on local authority contracted vehicles;
- To introduce/increase the charge for amended/replacement bus passes;
- To alter modes of transport for getting children to the nearest bus stops in rural areas; and
- To cease to provide other **discretionary** elements of home to mainstream school transport apart from in very specific circumstances.

The changes will impact from September 2014 except where the change may impact on parental preference for schools, in which cases the change will be effective from September 2015.

The Cabinet Member Report entitled ' Review of Home to Mainstream School Transport Policy' dated 10 October 2013 provides more details.

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.

The proposal is County wide. Certain families with school age children will be affected.

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.

Yes

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

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 proposals will impact on families with school age children who are not entitled to statutory transport provision to school but would receive discretionary transport assistance under current policy. It is estimated that this will impact on around 8,750 children out of 153,300 school age children when fully implemented i.e. 5.7% of the school age population. One of the largest of the above groups is those children that attend a faith school where there is no statutory entitlement to school transport assistance. Not all children that attend faith schools do so because of their parents' religion or belief. It is estimated that around 2,700 secondary age children will be impacted and a small number of primary age children, once the proposal is fully implemented. The 2,700 children referred to are those children that attend faith schools with no statutory entitlement to travel because there is a nearer school to where they live. It will include both children who have accessed the provision under the faith criterion in the admission arrangements and other children that have been admitted under other criterion (siblings or distance usually) but not on faith grounds. The religions affected are Church of England and Catholic, with very few children from other faiths.

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 on-line questionnaire via the LCC web site was made available between 21 October and 29 November 2013. Headteachers were sent a letter via the portal advising them of the consultation and asking them to refer to the consultation in any planned newsletters to parents. A total of 1,023 responses were received, 439 (43%) of which were from parents/ carers of two faith secondary schools. Given that around 8,750 children may be impacted and there are 153,300 statutory age school children in mainstream schools, the response rate was relatively low. The results of the consultation will be reported in full when the Cabinet Member makes the final decision in the February cycle (including where the responses have come from, how many, and what they said as part of the report).

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.

The proposals are lawful as they relate only to the discretionary elements of transport provision which the LA is not required by statute to provide. The vast majority of individuals affected by the policy change (6,590 of the 8,750) will be impacted in financial terms. In other words, there will still be a bus service to school but it will cost considerably more than it currently does. However, fares will still be heavily subsidised by LCC and low income families are not impacted by the increased costs (or cessation of other discretions). In addition, individuals will still be able to appeal to the Student Support Appeals Committee which allows parents to make complaints; request a review of a decision around eligibility for transport assistance, or to request discretion on the grounds of special personal circumstances.

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.

The proposals will impact on hard pressed families that are not defined as 'low income' families, but nevertheless are experiencing financial difficulties as a result of the recession and rising prices. This may be keenly felt if they have more than one child that is affected by the proposal. However, evidence shows that the introduction of a £380 per annum flat rate contributory charge for denominational transport in September 2011 has not had any overall impact on parental preference patterns for schools and Church schools have generally maintained, and even improved, their share of pupils even with the current downturn in the amount of pupils presenting for secondary education.

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

Cabinet Member for Children, Young People and Schools will make the decision on each aspect of the proposed policy changes. However, it will be recommended that the proposals should stand unchanged because:

- the County Council will still be heavily subsidising the costs of discretionary transport and, therefore, shielding parents from the full costs (many other LAs have removed discretionary transport assistance altogether);
- when charges to denominational transport were introduced it had no impact on parental preferences for faith schools, indicating that parents were prepared to pay the charge or find an alternative means of travelling to school rather than select a school closer to home;
- there is the right to appeal to Student Support Appeals Committee to hear individual cases.

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.

Children from low income families are not impacted by the proposed changes. There is the right to appeal to Student Support Appeals Committee to hear individual cases.

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.

There is a need to make significant savings to the County Council's revenue budget and a range of policy saving measures is currently being considered across all Directorates. The proposed changes to home to mainstream school transport only affect discretionary elements and low income families are protected from the impacts. If the proposal is not implemented, savings will need to be made in other policy areas, and the negative impacts on groups of individuals sharing protective characteristics may be far greater than those identified in this area.

Question 8 – Final Proposal

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

The final proposal remains the same as identified in the Cabinet Member Report dated 10 October 2013 and throughout this report.

Question 9 – Review and Monitoring Arrangements

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

Parental preferences for admission to schools are monitored on an annual basis. Appeals to Student Support Appeals Committee are monitored regularly.

Equality Analysis Prepared By Lynn Mappin

Position/Role Head of Service: Pupil Places and Access

Equality Analysis Endorsed by Line Manager and/or Chief Officer

Decision Signed Off By

Cabinet Member/Chief Officer or SMT Member