

Equality analysis is a valuable tool to help embed equality into everything we do

Evidence based equality analysis – can include documents, quotes, and web links for photos and videos

**Policy decision:**

**Home to School Transport Review – Proposal 6 – 0-4 year old transport**

Introduce an annual transport charge of £1,200 for 0-4 year olds with special educational needs requiring transport to educational establishments. The Council currently provides free transport for a small number of children 0 to 4 years old who have a statement of special educational needs. There is no statutory duty to provide this free of charge. Children currently in receipt of this provision would continue to receive it up until they reach statutory school age where their needs will be reassessed as part of their Statement of need review. Any new children from September 2014 that fall within this category would be charged an annual fee. Consideration would be given to low income families.

**Main aims, purpose and outcomes and how does it fit in with the wider aims of the organisation:**

The purpose of the review of the current Children and Young People's transport policies is to determine if services can be provided in a more efficient and cost effective way, making the best use of the resources available to ensure high quality service may be delivered in a more personalised and flexible way.

We want to use the review as an opportunity to work closer with service users and our wider communities in order to help build sustainable transport solutions that enable each child and young person, irrespective of need, have the opportunity to achieve their full potential and gain independence in travelling where possible.

**Lead officer:** Claire Gregory, Senior Manager School Planning

**Stakeholders:** See consultee list accompanying the Executive papers

While process is important, equality analysis is essentially about outcomes.

Lack of evidence of discrimination is not evidence of a lack of discrimination.

It is not acceptable to say that a policy is applied uniformly to all groups and is therefore fair and equal. Applying a policy or procedure consistently may result in differential outcomes for different groups.

For each of the areas overleaf, an assessment needs to be made on whether the policy has a **positive, negative or neutral impact**, and brief details of why this decision was made and notes of any mitigation should be included. Where the impact is negative, this needs to be given a **high, medium or low assessment**. It is important to rate the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

**High impact** – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

**Medium impact** –some potential impact exists, some mitigating measures are in place, poor evidence

**Low impact** – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

	Neutral	Positive	Negative
Target group / area			
<b>Race and ethnicity</b> (including Gypsies and Travellers; migrant workers, asylum seekers etc.)	<p>The proposal should have no immediate impact on the basis of ethnicity.</p> <p>People who have English as an additional language may have less awareness and understanding policies.</p>		<p>Changing residence more frequently may lead to more changes in schools which may lead to more transport implications.</p> <p>A lack of established support network for newly arrived families in particular.</p> <p>Children from Traveller sites may be affected by this proposal due to the geographic position of some sites.</p> <p>Young people from ethnic</p>

			<p>backgrounds, including Gypsies and Travellers, are more likely to be bullied or harassed due to their ethnic background.</p> <p><b>Medium</b> – close working with Gypsy, Roma, Traveller Advisory Service to minimise impact.</p>
<p><b>Disability</b> (as defined by the Equality Act - a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities)</p>			<p>Access to suitable alternative transport may be more limited for disabled young people depending upon their individual needs</p> <p>Disabled parents/carers may be more likely to have low incomes and may not be able to meet additional costs</p> <p>Individuals are more likely to be bullied or harassed.</p> <p>Concern about personal safety on public transport</p> <p><b>Medium impact</b> – close partnership working between CWAC and Cheshire Constabulary to ensure safety within the community.</p> <p><b>Medium impact</b> - The Council would continue to be able to apply its powers of discretion for those cases which may be considered</p>

			exceptional.
<b>Gender/gender reassignment</b>	The proposal should have no immediate impact on the basis of gender/gender reassignment.		
<b>Religion and belief</b>	The proposal should have no immediate impact on the basis of religion and belief.		
<b>Sexual orientation</b> (including heterosexual, lesbian, gay, bisexual)	The proposal should have no immediate impact on the basis of sexual orientation.		
<b>Age</b> (children and young people aged 0 – 24, adults aged 25 – 50, younger older people aged 51 – 75/80; older older people 81+. The age categories are for illustration only as overriding consideration should be given to needs).	The proposal should have no immediate impact on the basis of age.		<p>Younger parents who, on average, have lower incomes may also be impacted by affordability issues.</p> <p>Charge may discourage families from using pre-school establishments which are especially important for those children with Special Educational Needs</p> <p><b>Medium impact</b> - The Council would continue to be able to apply its powers of discretion for those cases which may be considered exceptional.</p>

**Medium impact** - Cheshire West and Chester Council have a significant number of special schools compared to neighbouring authorities which offer early years provision. They are geographically well placed across the borough to limit travel times and mileage and provide for wide ranging and complex special educational needs.

The vast majority of nursery age children with SEN continue to have their support needs met within their local (or parent/carers preferred) nursery/setting. Advice and guidance from the Council's Early Years Specialist Support Team is available and where appropriate, the setting receive additional funds to ensure that the child can access their entitlement and within that preferred nursery/setting. For low income families that can demonstrate hardship on an individual case basis a lower fee of £440 would be applied.

<b>Rural communities</b>			<p>Young people in rural areas may have more limited access to public transport.</p> <p><b>Medium impact</b> - The Council would continue to be able to apply its powers of discretion for those cases which may be considered exceptional.</p>
<b>Areas of deprivation</b>			<p>Increased costs for families</p> <p><b>Medium impact</b> - The Council would continue to be able to apply its powers of discretion for those cases which may be considered exceptional.</p>
<b>Human rights</b>			<p>Restricted choice</p> <p><b>Medium impact</b> - The Council would continue to be able to apply its powers of discretion for those cases which may be considered exceptional.</p>
<b>Health and wellbeing</b> (consider both the wider determinants of health such as education, housing, employment, environment, crime and transport, as well as the possible impacts on lifestyles and the effect there may be on health and care services)	The proposal should have no immediate impact on health and wellbeing.		<b>Medium impact</b> - The Council would continue to be able to apply its powers of discretion for those cases which may be considered exceptional.

<b>Procurement/partnership</b> (if project due to be carried out by contractors/partners etc, identify steps taken to ensure equality compliance)	The proposal should have no immediate impact on procurement/partnership.		
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**Evidence** (see guidance note for details of what to include here):

A thorough 12 week consultation process, as outlined in a separate Equality Assessment, will take place between 30 October 2013 to 24 January 2014 in order to capture responses that will assist in the decision making process in March 2014.

A theme which has emerged in the consultation process is that by charging for 0-4 SEN transport provision the Authority is discriminating against families of SEN children. That by setting a charge the Authority is in breach of its duties under the Equality Act 2010, Public Sector Equality Duty. Under this duty the authority must, in exercise of its functions, have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimization and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

This is a procedural duty and not a substantive one and therefore does not require any particular transport provision to be made. As a priority the Council must fully understand the impact the proposals may have on its families and communities. Transport will continue to be provided however the provision does not have to be free of charge.

The LA has considered our current and potential SEN community at length in order to identify the impact of this proposal on them. It could be argued that there is positive discrimination within the proposal in so far as the Council would continue to provide post 16 SEN transport from September whilst post 16 transport for mainstream pupils is to be withdrawn.

The adoption of this proposal would ensure that the Council continues to meet its statutory obligations in providing transport for pre-school children with statements of SEN but there is no requirement to do so free of charge. The recommendation proposes a reduction in the level of charge to £880 per year. This reflects the recommended reductions in charging levels in the accompanying proposals and provides equity. There would remain consideration for hardship.

**Action plan:**

<b>Actions required</b>	<b>Key activity</b>	<b>Priority</b>	<b>Outcomes required</b>	<b>Officer responsible</b>	<b>Review date</b>

<b>Sign off</b>	
Lead Officer:	Claire Gregory, Senior Manager School Planning
Approved by Head of Service:	Mark Parkinson Achievement and Wellbeing
<b>Moderation and/or scrutiny</b>	
Date: 27.02.14	
<b>Date analysis to be reviewed based on rating</b> (high impact – review in one year, medium impact - review in two years, low impact in three years)	

Please forward the completed Equality Analysis to the Equality and Diversity Managers for publishing on the Council's website

Please go to the Executive webpage to see the documentation

<http://cmttpublic.cheshirewestandchester.gov.uk/ieListDocuments.aspx?CId=443&MId=3916&Ver=4>