

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 3 – 16 to 19 Transport – Special Educational Needs (SEN) for students with additional needs

Currently the Council provides free transport for 16-19 year olds who; have complex special needs which prevent them from walking accompanied by an adult to school that is under three miles away from their home address, or have complex special needs and are attending their nearest suitable school which is over three miles walking distance from their home address.

There are legal requirements for the authority to provide this transport however this does not have to be free of charge. The proposal would mean that from September 2014, all students in this category would see the introduction of an £1,200 annual fee. Consideration would be given to families that are on low income. There will also be separate conversations with foster carers in relation to children in care that fall within this category. The current cost of transporting children with special educational needs (all ages, not specifically post 16 and excludes any administration costs) range from £480 to £30,000, with the average cost being £5,200 per child, per year. The Council currently provides 150 post 16 SEN students with free transport, of which 56 students currently qualify under hardship grounds.

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 |
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| Target group / area | | | |
| Race and ethnicity (including Gypsies and Travellers; migrant workers, asylum seekers etc.) | The proposal should have no immediate impact on the basis of ethnicity. People who have English as an additional language may have less awareness and | | Changing residence more frequently may lead to more changes in schools which may lead to more transport implications. A lack of established support |

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| | <p>understanding of both transport and admission to school policies and therefore increased potential for school placement to have unforeseen transport implications for parents.</p> | | <p>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 backgrounds, including Gypsies and Travellers, are more likely to be bullied or harassed due to their ethnic background.</p> <p>Medium – close working with Gypsy, Roma, Traveller Advisory Service to minimise impact.</p> |
| <p>Disability (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>The charge of £880 is the charge that is currently made to Post 16 mainstream students for transport provided by the Council. It is also representative of the average cost of transporting eligible under 16 pupils to their nearest school. The implementation of this policy and the revised rate would bring parity with mainstream students and an element of positive discrimination as the Council would continue to provide transport for eligible post 16 SEN students in future where transport for Post 16 mainstream students will be withdrawn from</p> | <p>The Independent Travel Training (ITT) scheme offers the opportunity for individuals to develop independent life skills in order to prepare them for adulthood and improve outcomes for children and young people.</p> | <p>For some young people their disability may significantly restrict their ability to travel independently, others may have to rely heavily on public transport – this may increase costs where a carer accompanies the disabled young person however the proposed charge would not discriminate as it would be a fixed cost.</p> <p>Access to suitable alternative transport may be more limited for disabled young people depending upon their individual needs</p> |

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| | September 2014. | | <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 bullied or harassed.</p> <p>Concern about personal safety on public transport</p> <p>Medium impact - ITT scheme developed to encourage, where appropriate, all young people from the end of school year 6 -7, who have special educational needs have access to independent travel training. To become self reliant travellers and foster independence as they reach adulthood.</p> <p>Medium impact – close partnership working between CWAC and Cheshire Constabulary to ensure safety within the community.</p> <p>Medium impact - The Council would continue to be able to apply its powers of discretion for those cases which may be considered exceptional.</p> |
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| <p>Gender/gender reassignment</p> | <p>The proposal should have no immediate impact on the basis of gender/gender reassignment.</p> | | <p>Individuals are more likely to be bullied or harassed.</p> <p>Young women are more likely to be concerned about personal safety when travelling alone, including walking to and from travel points (e.g. bus stops, train stations)</p> <p>Young men are more likely to be involved in incidents, including personal attack, both as victims and perpetrators. This would also apply to travelling on public transport.</p> <p>Specific personal safety issues for transgender young people. – may be targeted bullying.</p> <p>Medium impact – legislation assumes all children and young people up to the age of 18 will be accompanied as necessary when considering the statutory walking distances (two miles for pupils aged under eight and three miles for pupils aged eight and above).</p> <p>Medium impact – close partnership working between CWAC and Cheshire Constabulary to ensure safety</p> |
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| | | | within the community. |
| Religion and belief | The proposal should have no immediate impact on the basis of religion and belief. | | |
| Sexual orientation (including heterosexual, lesbian, gay, bisexual) | The proposal should have no immediate impact on the basis of sexual orientation. | | <p>There is no evidence a particular impact on young people or parents/carers in relation to sexual orientation. There may be potential risks for lesbian, gay or bisexual (LGB) young people choosing cheaper alternatives such as walking or cycling which could make them more vulnerable to bullying or harassment.</p> <p>Medium impact – close partnership working between CWAC and Cheshire Constabulary to promote safety within the community.</p> |
| Age (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). | By definition, the proposal would negatively impact on the 16-19 SEN age group. The proposal may mean that fewer 16-19 year olds will continue in education | | <p>Could raise issues regarding safety and vulnerability of pupils</p> <p>Alternative travel using a car will be limited by the high insurance costs for this age group.</p> <p>In addition, younger parents who, on average, have lower incomes may also be impacted by affordability issues.</p> |

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| | | | <p>Medium impact – legislation assumes all children and young people up to the age of 18 will be accompanied as necessary when considering the statutory walking distances (two miles for pupils aged under eight and three miles for pupils aged eight and above).</p> <p>Medium impact - The authority would continue to provide travel assistance to those legally entitled to it. This will enable continued equality and opportunity to access educational provision for those families.</p> |
| <p>Rural communities</p> | | | <p>Young people in rural areas may have more limited access to public transport.</p> <p>Restricted choice of school</p> <p>Medium impact - The authority would continue to provide travel assistance to those pupils who are legally entitled to receive it including those families on low income.</p> <p>Officers would continue to assist and support schools and colleges in developing travel plans in order</p> |

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| | | | to promote sustainable travel solutions. |
| Areas of deprivation | | | <p>Increased costs for families</p> <p>Restricted choice of schools/college</p> <p>Medium impact - The authority would continue to provide travel assistance to those pupils who are legally entitled to receive it.</p> |
| Human rights | | | <p>Restricted choice of schools/college</p> <p>Medium impact - the authority would continue to provide travel assistance to those pupils who are legally entitled to it.</p> |
| Health and wellbeing (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) | | <p>Accredited Independent Travel Training scheme developed to encourage, where appropriate, all young people from the end of school year 6 -7, who have special educational needs have access to independent travel training. To become self reliant travellers and foster independence as they reach adulthood.</p> | <p>For some young people their disability may significantly restrict their ability to travel independently</p> <p>Individuals are more likely to bullied or harassed.</p> <p>Concern about personal safety on public transport</p> <p>Medium impact - The authority would continue to provide travel assistance to those pupils who are legally entitled to receive it.</p> |

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| | | | Close partnership working between CWAC and Cheshire Constabulary to promote safety within the community. |
| Procurement/partnership (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. | Accredited Independent Travel Training | |

Evidence (see guidance note for details of what to include here):

Statutory legislation is less generous than the current CWAC home to school transport policy in respect of children and young people within this category. There is a legal obligation for the authority to provide transport however this does not have to be free of charge. 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 inform 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 Post 16 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 Council would continue to meet its statutory obligations in providing Post 16-19 SEN transport but it is not required to do this free of charge. Consultation feedback was largely opposed to the proposal but there was also concern that the proposed rate of charging was too high. There was also challenge around equity of charging compared to post 16 mainstream children who are perceived to have choice and an ability to attend their nearest provision should they wish to do so rather than attend specified provision based on need as is often the case for students with SEN.

The recommendation to reduce the annual charge to £880 is in recognition of these points. The charge of £880 is the charge that is currently made to Post 16 mainstream students for transport provided by the Council. It is also representative of the average cost of transporting eligible under 16 pupils to their nearest school. The implementation of this policy and the revised rate would bring parity with mainstream students and an element of positive discrimination as the Council would continue to provide transport for eligible post 16 SEN students in future where transport for Post 16 mainstream students will be withdrawn from September 2014.

Action plan:

| Actions required | Key activity | Priority | Outcomes required | Officer responsible | Review date |
|---------------------------------|--|-----------------|---|----------------------------|--------------------|
| Monitor impact on school intake | Support schools in developing their travel plans | | School travel plans to promote sustainable travel solutions | | |
| Community safety issues | Continue working in partnership with Cheshire Constabulary | | Monitor safety issues/incidents | | |
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| Sign off | |
| Lead Officer: | Claire Gregory, Senior Manager School Planning |

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| Approved by Head of Service: | Mark Parkinson Achievement and Wellbeing |
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| Moderation and/or scrutiny | |
| Date: 27.02.14 | |
| Date analysis to be reviewed based on rating (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>