

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated May 2015)

Home to School Transport Review

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যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھیے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Inclusion - CYPS Admissions – CYPS
Lead Officer and contact details	Jane Le Sage, AD Inclusion
Names and roles of other people involved in carrying out the EIA	Gail Chester - SEND Transport Manager William Burchill - Admissions Manager Alice Batley - 2020 Project Manager
How will you pay due regard? e.g. working group, individual officer	This project has been governed through 2020 processes with an Implementation Group, monitored through the 2020 Inclusion Programme Board.

	All changes are going through the formal public consultation process, following this any changes to be made to the Home to School Policy will be signed off at Full Council on 16 th May 2018 and the EIA will be reviewed and finalised depending on the outcome of the updated Policy.
When did the due regard process start?	The project initially started in February 2016.

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

This EIA is about the potential changes to the Home to School Transport Policy. The aim is to establish where efficiencies and savings can be made and where the delivery of services can be improved for existing and future individuals who access them. Following consultation, if decisions to pursue the proposals are made, this will impact on post 16 Mainstream and SEND pupils commencing education from September 2018. Some transport provision is a statutory requirement, as governed by Section 508 of the Education Act 2014. However North Yorkshire County Council currently provides transport in circumstances which is discretionary within the Education Act and Home to school statutory guidance. The contents of which are outlined in more detail in the proposed changes in Section 3 below.

The overarching changes which NYCC is intending to go out to public consultation on are as follows:

Proposal 1: Removal of the FREE Transport statement for SEND Post-16 to 18 students with an EHCP from September 2018, to bring it in line with mainstream transport arrangements.

Proposal 2: Recognise SEND Post-19 students as adults in education, and identify unmet transport need in line with Health and Adult Services social care assessment.

Proposal 3: Promote Parental Transport Allowance to SEND sole-occupancy provision with a realistic enhancement to reflect the young person transport need.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

The proposed changes are due to a significantly growing overspend within the SEND Transport budget and the current transport model not being sustainable going forward. The current forecasted spend in relation to SEND Home to School Transport is estimated as £8.0m in 2017 which represents an approximate overspend of £3.0m on existing budgetary allocation. Based on current trends in SEND continuing and the annual year on year growth estimated at 18% per annum, it is estimated that by 2020 the forecasted spend will be £13.2m. This will continue to increase to £18.4m by 2022, and reach £30m by 2025.

The Local Authority (LA) intends to still provide support to those who need it the most, however, with increased choice for parents and carers as part of a revised transport model. The revised model is intended to provide better outcomes for individuals through the most appropriate transport arrangements for their needs. This will also provide better outcomes for NYCC through effective and efficient use of resources.

The LA must create efficiencies and the proposals outlined below have been developed following significant research and analysis.

The LA must ensure its Home to School Transport policy is fit for purpose and is compliant with the legal requirements and code of practice, this will be reviewed on an annual basis to ensure the policy is up to date and remains fit for purpose.

Section 3. What will change? What will be different for customers and/or staff?

The proposed changes are in the formative stage and further understanding of the impact of the proposed changes will be understood during and following the consultation.

Census data from May 2017 shows that in North Yorkshire we have 67,966 school aged (reception to year 11) children, and a further 5,433 of post 16 (years 12,13 and 14). Of these 73,399 pupils, 11,500 are currently accessing transport.

Currently there are around 2,000 children and young people living in North Yorkshire with an EHC Plan with around 1,100 students accessing home to school transport above and beyond a mainstream provision.

The Home to school transport statutory guidance 2014 only recognises students within statutory education age (5-16), therefore transport provision for pupils over 16 years old is a non-statutory duty. However the Council still wants to offer support to ensure students can access their education provision and recognise the rural nature of North Yorkshire and the lack of public transport available.

The potential proposed changes would only impact on Post-16 or Post-19 pupils in both Mainstream and SEND provision which amounts to 817 students currently requiring transport provision based on 2017/18.

With regard to young people and their carers it is anticipated that any impact arising from changes to their current provision will be mitigated by achieving better outcomes for the individual through personalised services e.g. independent travel training and the potential introduction following the consultation of a personal travel allowance option will provide more flexibility for families to make arrangements which suit their needs. Staff will continue to work closely with everyone who requires transport to ensure the support the young person receives is right for them, although it may be through different types of support.

The information received during the consultation process will enable the Authority to consider further the impact that the proposed changes may have on young people and their families.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

If Executive approve the proposals for consultation a public consultation is scheduled to take place from 8th January 2018 to 2nd April 2018 for 90 days. There will be an online survey available on the NYCC website and Local Offer with paper copies made available for those who require this. Easy Read and Plain English versions can also be made available. Public engagement events in localities will also be held from January 2018 onwards during the day and evening.

Existing communication methods will also be utilised such as promoting the consultation through the Red Bag to schools, Local Offer, NYPACT, NYCC website, corporate Facebook and Twitter accounts.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

The local authority budget on SEND transport is £5.2 million, however due to an increase in demand, expenditure is now expected at £8.2 million.

The proposals to consult on have been developed to attempt to recover contributions towards the cost of non-statutory Home to School Transport to the LA. Which can then be used to offset budgetary pressures in the home to school transport budgets and allow the LA to continue to provide transport support.

The proposals outlined above are to bring the expenditure back in line with the SEND transport budget.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age		✓	✓	<p>Following the recommendations there is a potential for change to the way transport is currently provided to young people with SEND, subject to the outcome of the consultation.</p> <p>In the short term there is a potential for negative impact on young people and their carers who have been used to the traditional transport services as change can be seen as challenging. However, it is anticipated the benefits afforded by greater choice and improved outcomes will mitigate the impact on a longer term basis. Further work to identify the specific impacts will be undertaken as the consultation progresses.</p> <p>The proposed changes will bring SEND students in line with mainstream provision. However this may have a negative impact on all (mainstream and SEND) Post-16 students accessing their education provision if the decision is taken to increase the transport contribution to reflect market value from £490 to £700. This will be applied across Mainstream and SEND provision in the same way going forward depending on the outcome of the public consultation.</p> <p>Low income families will receive an additional subsidy to facilitate the student accessing their education.</p>

				The ages of the young people who may be affected are 16 to 25.
Disability		✓	✓	The main group affected will be those with SEND. It is anticipated the benefits afforded by greater choice and improved outcomes will mitigate the initial impact of change. Further work to identify specific impacts will be undertaken as the consultation progresses.
Sex (Gender)	✓			It is anticipated there would be no identifiable impact on Mainstream or SEND pupils.
Race	✓			It is anticipated there would be no identifiable impact on specific ethnic groups as a result of the project, however the LA will look at the profile of specific groups potentially affected to see if there are any differences and build them into the options accordingly throughout the consultation.
Gender reassignment	✓			It is anticipated there would be no identifiable impact on specific groups in relation to gender reassignment as a result of the project.
Sexual orientation	✓			It is anticipated there would be no identifiable impact on specific groups in relation to sexual orientation as a result of the project.
Religion or belief	✓			It is anticipated there would be no identifiable impact on specific groups in relation to religion or belief as a result of the project.
Pregnancy or maternity	✓			It is anticipated there would be no identifiable impact on specific groups in relation to pregnancy or maternity as a result of the project.
Marriage or civil partnership	✓			It is anticipated there would be no identifiable impact on specific groups in relation to marriage or civil partnership as a result of the project.

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?		✓	✓	Transport for Post-16 is a discretionary award, NYCC recognise that young people living in rural areas and currently provide transport to all eligible children who live in

				<p>locations where other methods of transport are unavailable. If the decision is made to introduce contributions the LA will continue as necessary to make transport arrangements but will seek a contribution from families.</p> <p>However, if Proposal 5 were to be implemented this would have a negative impact on all Post-16 (mainstream and SEND) students regardless of location as transport provision would cease from the Local Authority. This is not one of the recommended options for implementation. The impact on those who do will be mitigated by the continuation of transport due to lack of public transport.</p>
...have a low income?		✓	✓	<p>In order to mitigate this impact It has also been recognised that low income families may receive an additional subsidy to facilitate the student accessing their education. This will be applied across Mainstream and SEND provision in the same way going forward depending on the outcome of the public consultation.</p> <p>The potential introduction following the consultation of a personal travel allowance option will provide more flexibility for families to make arrangements which suit their needs.</p>

Section 8. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.

It is anticipated any changes to the current transport services will impact more on the following:

- Young people with special educational needs and/or disabilities

However any adverse impact should be lessened through managed transition and flexible responsive services such as independent travel training. Transport assessments will be carried out consistently using the Transport Matrix and all needs will be identified and addressed regardless of the new transport model which is put in place following consultation.

All pupils regardless if they are SEND or Mainstream will not be affected if they are within statutory school age and are recognised as an eligible child under statute.

Where young people with several protected characteristics will be affected by the proposed changes to the policy, any adverse impact will be kept under review during and following the consultation process.

Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)

Tick option chosen

1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	✓
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<p>Explanation of why option has been chosen. (Include any advice given by Legal Services.)</p> <p>The reason why ‘Adverse impact - adjust the proposal’ has been selected is due to the proposed changes to the home to school transport policy being subject to public consultation, the LA will consider all responses to the consultation and adjust the proposals if appropriate.</p> <ul style="list-style-type: none"> - To ensure equality across both types of transport provision. - To enable the Local Authority to continue to provide transport support and provision to those who would be disadvantaged without this. - To comply with legal framework and statutory duties in relation to transport provision. - To ensure the least amount of negative impact on children, young people and their families. - To attempt to reduce the significant overspend of the SEND Transport budget provisions with contributions from families being sought where appropriate to offset this cost to ensure appropriate provision can continue to be provided. 	

Section 10. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

Proposals are currently in their formative stage and will be developed following the public consultation being completed.

The effect of the changes if implemented will only affect new Post-16 pupils commencing in education from September 2018. Existing pupils will continue to receive their existing transport if it is an assessed need, until this is reviewed as part of a two year implementation plan from September 2018 to July 2020, and will be fully involved in the reassessment process with staff working closely with all involved. We will continue to monitor the impact these changes may have on young people and accessing their education provision.

The project has a clear project plan, communication strategy and risk log, all with detailed planning which are monitored and updated regularly. There are clear paths to implementation and who the key stakeholders are.

Section 11. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements

90 day public consultation to commence	Jane Le Sage	8 th January 2018	On-Track – Dependent on decision	
Public events to be held across localities	Jane Le Sage / Gail Chester / Alice Batley	From January 2018 onwards	Dates and times to be confirmed following decision from The Executive on 19 th December.	Public events and feedback from these events will be monitored through a working group with representatives from Inclusion, the Communications Team, Finance and Project Management support.
90 day public consultation to end.	Jane Le Sage	2 nd April 2018.	Scheduled.	
All responses and feedback to be collated and reviewed following consultation.	Jane Le Sage / Gail Chester / Alice Batley	3 rd April – 13 th April 2018	Scheduled.	Reviewed by a working group with representatives from Inclusion, Legal, Finance and Project Management support.
Options to be revised (if required) and Final Business Case to be developed, EIA to be revised and Policy to be updated.	Jane Le Sage / Gail Chester / Alice Batley	16 th April – 11 th May 2018.	Scheduled.	This will be completed by a working group with representatives from Inclusion, Legal, Finance and Project Management support.
Sign-off of revised proposals and updated Home to School Transport Policy	Jane Le Sage	16 th May 2018 (Full Council)	Scheduled	
Publish updated Home to School Transport policy	Jane Le Sage	31 st May 2018	Scheduled	
Development and sign-off of Implementation and Transition Plan	Jane Le Sage / Gail Chester / Alice Batley	1 st June – 31 st August 2018.	Scheduled	This will be completed by a working group with representatives from Inclusion, Legal, Finance and Project Management support.
Commencement of delivery of Implementation and Transition Plans.	Jane Le Sage / Gail Chester / Alice Batley	1 st September 2018 onwards for two years.	Scheduled	Inclusion Service.

Section 12. Summary (Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.)

The Home to School transport budget is significantly overspent, with a forecast for the rise in demand to continue therefore the Local Authority has to consider alternative options. At this stage the proposals are at an early stage and the public consultation will develop and refine them further.

Although the LA has identified the proposals if implemented may have a negative impact on some children and young people, the changes are necessary to ensure provision can continue. It is anticipated any changes to the current home to school transport services will impact more on the following: Young people aged 16 to 25; People with special educational needs and disability; particularly those living in a rural area or families with a low income. Because these groups are more likely to find change challenging, there is potential for some negative impact. Therefore, if changes are made to current services, they will need support to make the transition.

The Authority anticipates that some changes if implemented may bring positive impacts to the young people and their families particularly in respect of independent travel training and more flexibility with personal budgets for transport allowances.

Every effort will be made to consult with parents, carers and young people on the proposed changes throughout the 90 day consultation period.

Due to the potential for some adverse impact, which will be closely monitored and mitigations identified if necessary the proposed Home to School Transport Policy and EIA will be revised following the consultation dependent on the responses received and prior to the new Policy being implemented.

There will also be a post implementation review to ensure that any adverse impacts on young people are mitigated.

Section 13. Sign off section

This full EIA was completed by: Jane Le Sage

Name: Jane Le Sage

Job title: AD, Inclusion

Directorate: Children and Young People's Services

Signature:

Completion date: 08.12.2017

Authorised by relevant Assistant Director (signature): Jane Le Sage

Date: 8.12.17