

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 Judith Kirk - CYPS
Names and roles of other people involved in carrying out the EIA	Gail Chester - SEND Transport Manager William Burchill - Admissions Manager
How will you pay due regard? e.g. working group, individual officer	All proposed changes are subject to a formal public consultation of no shorter than 28 Days and the recommendations if approved will influence changes to be made to the Home to School Policy. This will be signed off at Full Council on 24 th July 2019 and the EIA will be

	reviewed and finalised depending on the outcome of the updated Policy.
When did the due regard process start?	The original project initially started in February 2016. With the first phase to realign mainstream and SEND transport into a single policy direction

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 proposed changes to the Home to School Transport Policy following public consultation and consideration of its impact on key groups with protected characteristics.

The Council is under statutory duties to provide Home to school transport for eligible children and it is a demands led service. Whilst mainstream growth has been minimal, SEND provision has continued to grow dramatically since the introduction of the Children & Families Act 2014 and SEND Code of Practice 2014.

The aim of the changes is to create efficiencies and where possible improve the delivery of services for existing and future individuals who access them. Proposal 2, 3, 4, 5, and 6 will impact on some families from September 2019. Proposal 1 policy will not be effective in full until the September of 2020, as families have already based the school selection on the existing policy. Proposal 7 is hoped to be introduced in September 2020.

These proposals are submitted to continue to meet the requirement of providing transport provision as a statutory requirement, as governed by the Education Act 1996. However these proposals are to reduce the provision the Local Authority currently provides in excess of statutory duties, ie its discretionary powers.

The proposal requested for consultation are all additional discretionary arrangements which the Local Authority have historically and currently continue to provide.

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 an increased pressure on the Transport budget and the current transport model not being sustainable going forward. These proposals were raised during the Home to School Transport changes to policy in 2018, however as the 2015 policy was not coherent between Mainstream and SEND, before any review of discretionary arrangements could commence, this discrepancy between the 2 areas needed rectification. This was achieved in May 2018.

The Local Authority intends to honour agreements made on previous policy as the statutory guidance is clear when eligibility should be assessed, and that any transport granted is based on the policy at the time of assessment. Therefore existing arrangement shall be honoured until the next assessment point, The revised model is intended to remove any area of inconstancy and provide more clarity on the responsibility of the Authority to meet its statutory duty. This will also provide better outcomes for the Local Authority through effective and efficient use of resources.

The Local Authority 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 going forward following implementation 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?

Census data from May 2017 shows that in North Yorkshire there are 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.

The Home to School Transport Statutory Guidance 2014 places a duty on the local authority to provide transport assistance for eligible children of statutory school age (5-16). Therefore transport provision for pupils over 16 years old is a non-statutory duty, ie discretionary. However the Local Authority 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 Local Authority rejected in 2018 to remove all discretionary transport as elected members recognised the negative impact this would have on young people and families living in North Yorkshire.

Proposal 1

- This proposal will reduce the number of schools a parent may request transport to, in line with statutory guidance of nearest school only. However the proposal will still allow for Catchment schools to be included.
- This proposal will not impact on SEND, as Special schools do not carry a catchment zone, so already operate on the nearest school to meet the age, ability and aptitude of the child
- This proposal will not be effective until the start of the 2020 academic year

Proposal 2.

- This proposal will remove any future second address from September 2019.
- This proposal may impact families with shared parental responsibilities, the Council will recognise the home address used for the purpose of an application for a school place.

Proposal 3

- This proposal is to reinforce our duty in relation to the environmental impact and sustainability of transport provision.
- This will require some adjustment from families who live some distance from the main road.
- This proposal will be implemented throughout the 4 year cycle of Local Area Reviews.

Proposal 4

- This proposal will enhance the current offer and provide assistance to families who child is born between January and August.
- This proposal is designed to reduce officers time and yearly complaints/appeals regarding the eligibility criteria
- This will allow all reception children access to education from the start of the academic year

Proposal 5

- The proposal will have some impact on families who currently purchase a spare seat provision as this will be an increase on the family expenditure – however it should be noted that spare seats are not a guaranteed year on year provision, and require re-application each academic year.
- This proposal will introduce a low income reduction for statutory aged pupils

Proposal 6

- This proposal is to place value on the provision, the first pass is free, and in line with statutory guidance however the authority will be occurring administration costs when processing additional passes outside the normal distribution time.
- Consideration will be given when replacement are required for reason beyond the bears control.

Proposal 7

- The view is to adopt an application process to ensure that the authority is not over commissioning above and beyond requirements
- The process will need developing in partnership with families to ensure ease of use

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 Local Authority will also continue to promote independent travel training for young people that would benefit.

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?)

Details and questions of the different proposals will be available on our public website (www.northyorks.gov.uk/consultations). The consultation will include an on line survey for completion. This information will also be available in easy read, alternative language or formats on request. In addition to the survey we will considered any feedback received by email, telephone and from meetings during the consultation period.

The consultation will be promoted via the Schools E-red bag, NYPACT, NYCC website, corporate Facebook and Twitter accounts with regular releases on social media ahead of the public events. In addition to the above channels we have also make local radio stations including BBC Radio York, Radio Tees and Yorkshire Coast Radio aware of the public consulation dates. We will also include a notice and link to the consultation in the April Transport Operator newsletter which is produced by Integrated Passenger Transport to ensure transport providers are aware of the proposed changes and can respond to the consultation.

We intend to host Public meetings either in schools or a central location in the following areas:

- Public Meetings:
 - Harrogate
 - Northallerton
 - Skipton
 - Scarborough
 - Selby
 - Richmond
 - Whitby
 - Ryedale

Throughout the consultation a weekly breakdown will be provided to the project (Lead Officers) to review responses and feedback.

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

The current financial projection for Home to School Transport is demonstrating a continuous growth which is applying budgetary pressures on the Council to meet its statutory duties.

Whilst the Council must discharge its responsibilities appropriately, it must also ensure that areas where the Council has been able to provide additional support this cannot be maintained in light of the current expenditure and growth within the transport sphere.

The proposals to be consulted on are being put forward as areas where additional support has been given. These proposals are expected to address the long term management of growth and budget expenditure.

These proposals will not impact on the current expenditure as the local authority's offer is based on the policy in place at the time of allocation. Therefore we are unable to remove the provision for existing users until they reach the next eligibility check point. This would be at primary to secondary or secondary to post 16 education.

If the proposals are implemented it will assist with controlling expenditure in line with our statutory responsibility, however, it is also anticipated that within proposal 7 this could be realise the potential for reducing the current automatic allocation of transport to one which is based on applications only.

These proposals will bring the Council closer in line with the statutory minimum requirements whilst also reflecting on the rural nature of the authority.

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	✓	✓		These proposals are not based on the age of a pupil, with the exception of proposal 4, which increases the offer for children born between January and August, eliminating any discrimination based on age.
Disability	✓			None of these proposals have a negative impact of on children and young people with special educational needs or disability. As a number of these proposals are already implemented with this particular group.
Sex	✓			It is anticipated there would be no identifiable impact on Mainstream or SEND pupils as a result of their sex.

Race	✓			It is anticipated there would be no identifiable impact on specific ethnic groups as a result of the proposals, 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 proposals.
Sexual orientation	✓			It is anticipated there would be no identifiable impact on specific groups in relation to sexual orientation as a result of the proposals.
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 proposals.
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 proposals.
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 proposals.

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?		✓	✓	<p>In respect of proposal 3 there will be an expectation that families bring their child to the safe pick up point. This could put additional responsibility onto the family.</p> <p>In respect of proposal 4 this may assist parent with parents whose child is not statutory school age to access education at the earliest point.</p> <p>During consultation, subject to approval, consideration will be given to the potential adverse impact.</p>
...have a low income?		✓	✓	Proposal 5 increases the charge for discretionary transport. However, in aligning transport across all areas it will introduce a reduction of that charge for low income families in line with the current post 16 policy statement.

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.

No, no combination identified at this stage.

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 on the proposed changes to the Home to School Transport Policy:</p> <p>The 2018 consultation outlined a number areas which are above and beyond the statutory duty, these proposals have been submitted to protect the remaining areas in which the Council are aware that removal will have significant impact to families across the Council.</p> <p>Following the review to present these proposals, the area in which it is felt an adjustment would be required is to include a Low income reduction into the Discretionary arrangements as given in the post 16 charging.</p> <p>The following reasons for choosing to proceed with the recommendations for consulting remain the same:</p> <ul style="list-style-type: none"> • To protect the provision of discretionary transport to still enable children and young people to access their education. • To take corrective action to address overspend whilst maintaining a sustainable transport offer. • To ensure the Council is legally compliant. 	

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?)

The effect of the changes if implemented will be phased through the next 6 years as we have a legal requirement to protect those who transport arrangements were awarded on the previous policies. The implementation will be realised when comparing like for like moving forward and review anticipated growth.

The project has a clear project plan, communication strategy and risk log, all with detailed planning which have been monitored and will continue to be updated regularly throughout implementation. Following implementation there will be a 6 and 12 month Post Implementation Review.

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
60 day public consultation to commence	Jane Le Sage / Judith Kirk	25 th March 2019	Requested	
Public events to be held across localities	William Burchill / Gail Chester	Throughout April and May 2019	Scheduled.	Public events and feedback from these events will be monitored through a working group with representatives from CYPS
60 day public consultation to end.	Jane Le Sage / Judith Kirk	16 th June 2019.	Scheduled	
All responses and feedback to be collated and reviewed following consultation.	Jane Le Sage / Judith Kirk/ William Burchill / Gail Chester	16 th June- 24 th June 2019	Scheduled.	Reviewed by lead officers.
Options to be revised (if required), EIA to be revised and Policy to be updated.	Jane Le Sage / Judith Kirk / William Burchill / Gail Chester	27th June 2019	Scheduled	This will be completed by a lead officers
Sign-off of revised proposals and updated Home to School Transport Policy	Jane Le Sage / Judith Kirk	16 th July 2019	Scheduled	

Adoption of Home to School Transport Policy	Jane Le Sage / Judith Kirk	24 th July 2019 (Full Council)	Scheduled	
Publish updated Home to School Transport policy	Jane Le Sage / Judith Kirk	31 st July 2019	Scheduled	
Development and sign-off of Implementation and Transition Plan	Jane Le Sage / Judith Kirk / William Burchill / Gail Chester	1 st August – 31 st August 2019.	Scheduled	This will be completed by a working group
Commencement of delivery of Implementation and Transition Plans.	Jane Le Sage / Judith Kirk / William Burchill / Gail Chester	1 st September 2019 onwards for up to six years.	Scheduled	CYPS.

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 and therefore the Local Authority has to consider alternative options. Home to school transport is a statutory requirement and a demand led service, a significant proportion of the service which the Council provides is governed by legislation with no options to adjust this. However, the proposals which we propose to consult upon are the only areas of provision which have some scope for change, as they are discretionary, to ensure transport provision remains sustainable and fit for purpose.

Although the Council has identified the recommended proposals may have a negative impact on some families, the changes are necessary to ensure provision can continue. An early stage proposal to remove all non-statutory provision was rejected in 2018 consultation.

This EIA will be revised following the consultation based on the responses received to incorporate feedback and this will be reflected in the recommendations for implementation to Full County Council.

Following any implementation, there will be a 6 and 12 month 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/Judith Kirk

Name: Jane Le Sage/Judith Kirk

Job title: AD, Inclusion and AD Education and Skills

Directorate: Children and Young People's Services

Signature:

Completion date: 26th February 2019

Authorised by relevant Assistant Director (signature):

Date:

