

Equality Impact Assessment Template – Stage Two

Please complete this template if completion of the Stage 1 template has identified that a full Equality Impact Assessment is required.

Before proceeding with the Stage 2 Equality Impact Assessment, you should discuss the scope of the analysis with service managers in your area. You will also need to refer to the equality impact assessment guidance.

Name of item being assessed:	Home to School Transport – Available Routes
Version and release date of item (if applicable):	V1
Owner of item being assessed:	Caroline Corcoran
Name of assessor:	Caroline Corcoran
Date of assessment:	04/01/2016
Date Stage 1 EIA completed:	7/10/2015

STEP 1 – Scoping the Equality Impact Assessment

1. What data, research and other evidence or information is available which will be relevant to this Equality Analysis? Please tick all that apply.

Service Targets		Performance Targets	
User Satisfaction		Service Take-up	
Workforce Monitoring		Press Coverage	
Complaints & Comments	x	Census Data	
Information from Trade Union		Community Intelligence	x
Previous Equality Impact Analysis	x	Staff Survey	
Other (please specify)			

2. Please provide details on how you have used the available evidence, information you have selected as part of your Impact Assessment?

As a result of the consultation with the public, we have compiled the following documentation to summarise the feedback which has been received:

- Summary Report
- Appendix A - You said, we responded
- Appendix B - Equalities Impact Assessment
- Appendix C - Highways response to the community group SoB consultation response
- Appendix D - Mind Map
- Overview and Recommendations

Councillors will also have the verbatim responses from the consultation for reference.

We have conscientiously taken the views of respondents into account.

The Mind Map demonstrates the key concerns that have emerged – some of these are general concerns and some are related to specific routes.

The “You said, we responded” document provides more detail of our thinking about the concerns which have been raised.

In relation to the Mortimer to Willink route, a community-led Save our Buses (SoB) group submitted a report, and Highways have provided a formal response to the route issues that were raised.

For each item, we have considered the responses and determined:

- Whether the feedback on impact means that the proposal should be abandoned
- Whether the feedback means that reasonable amendments could be made to the proposal
- Where mitigation could be proposed to alleviate some of the impact of the proposal
- Whether there are any equalities issues which have emerged as a result of the consultation, which need to be considered

3. If you have identified any gaps in relation to the above question, please detail what additional research or data is required to fill these gaps? Have you considered commissioning new data or research? If ‘No’ please proceed to Step 2.

As a result of the analysis outlined in Question 2, we have identified the following concerns from residents which are relevant to Equalities:

- Age – concerns about the impact on children if they walk to school.
- Disability – concerns about how children with disabilities would walk to school, and concerns that the Council is not meeting its statutory responsibilities for children with Special Educational Needs and Disabilities.
- Sex – concerns that the expectation that a child would be accompanied by an adult is indirect discrimination against women, who may have to give up work to accompany their child. This also included the impact on lone parent families who are more likely to be women.

STEP 2 – Involvement and Consultation

1. Please use the table below to outline any previous involvement or consultation with the appropriate target groups of people who are most likely to be affected or interested in this policy, strategy, function or service

Target Groups	Describe what you did, with a brief summary of the responses gained and links to relevant documents, as well as any actions
<p>Age – relates to all ages</p>	<p>The Home to School Transport Policy applies to all children of Home to School Transport Age and provides statutory transport provision (as defined in Home to School Travel and Transport guidance (Statutory guidance for Local Authorities, July 2014). The transport provision in the Policy meets the LA’s statutory duties under the statutory guidance.</p> <p>The changes will have an impact on all children, who currently receive discretionary free home to school transport from the following areas:-</p> <ul style="list-style-type: none"> • Aldermaston Wharf to Aldermaston C of E Primary School • Bucklebury to Kennet School • East Garston to Shefford C of E Primary School • Gidley Wood to Chieveley Primary School • Mortimer to the Willink School <p>This specifically relates to children below the age of 8 who live less than 2 miles from their school and aged 8-16 who live less than 3 miles from their school.</p> <p>Respondents raised concerns about the impact of the proposal on children (a full list is in the Summary Report).</p> <p>Proposal about Available Routes: Responses have queried the length of the routes and the time it would take to travel.</p> <p>The routes fall within the transport expectations for distance and travel time in relation to the age of the pupils, as outlined in the statutory guidance.</p> <p>Responses have outlined the following concerns about the impact on children:</p> <ol style="list-style-type: none"> a. Dangers to unaccompanied children (attacks, bullying) and unaccompanied children would not be able to access help on an isolated route. b. Children should be allowed to travel independently c. Secondary pupils should not have to be accompanied by their parent <p>Home to School Transport statutory guidance July 2014 states: “An authority should also consider whether it is reasonable to expect the child’s parent to accompany the child along a route which would otherwise be classified as being unsafe”</p>

“When considering whether a child’s parent can reasonably be expected to accompany the child on the journey to school a range of factors may need to be taken into account, such as the age of the child and whether one would ordinarily expect a child of that age to be accompanied. The general expectation is that a child will be accompanied by a parent where necessary, unless there is a good reason why it is not reasonable to expect the parent to do so”.

In making the assessment of the route, we have relied on the nationally recognised Road Safety GB guidelines in terms of our assessment for entitlement to free transport. We have determined that it is reasonable, for assessment purposes, to expect a parent to accompany a child as they will know the child’s temperament and level of maturity. Any decision about whether a child should be accompanied would be the parents’ decision, and would be based on their assessment of what is in the best interests of their child.

The Road Safety GB: Assessment of Walked Routes to School 2012 also states:

“It is assumed that children are accompanied as necessary by a responsible parent or carer”

“In the case of Regina v Rogers and another, the judgement by the House of Lords supported the line consistently taken by Essex County Council that for a route to be available, it must be a route along which a child, accompanied as necessary, can walk with reasonable safety to school. A route would not fail to qualify as “available” because of dangers which would arise if the child was unaccompanied (in this case the route was across common land).”

We have relied on this case in determining that the concerns outlined in the consultation responses could reasonably be mitigated by the child being accompanied by an adult. This would include if a child was unwell on the journey.

None of the other concerns raised about the impact on a child in the Summary Report are relevant to the assessment of Equalities Impact:

- Children will be tired because they have had to walk
- Children will not want to wear appropriate footwear/ clothing
- Children have too much equipment to carry (i.e. musical instruments, DT equipment, sports clothing, homework) and carrying addition clothing/footwear is impractical
- Children will get dirty
- Children will have to get up earlier
- Children will not have time to do their homework

	<p>We have, however, included mitigation proposals in our report which may address some of these issues – for example:</p> <ul style="list-style-type: none"> • Provision of Fare Payer places on the school bus • Support from the Council to establish a community/school-led bus scheme • Offer of the provision of lockers for outdoor clothing and footwear, for those affected by the proposal.
<p>Disability - applies to a range of people that have a condition (physical or mental) which has a significant and long-term adverse effect on their ability to carry out 'normal' day-to-day activities. This protection also applies to people that have been diagnosed with a progressive illness such as HIV or cancer.</p>	<p>The DfE Home to School Travel & Transport Guidance July 2014 states that the eligibility of children with special educational needs, a disability of mobility problem should be assessed on an individual basis to identify their particular transport requirements. Usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to SEN and/or disability. Therefore transport arrangements should be made for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of the mobility issue of their parents.</p> <p>The Home to School Transport policy has specific entitlement to transport for children with Special Educational Needs and Disabilities and also in relation to parents who cannot accompany their children due to temporary or permanent illness of disability – Positive Effect.</p> <p>Pupils who qualify for SEN transport provision are not affected by this proposal. There is provision for pupils with SEN in the Policy. However, the guidance also states that the arrangements should consider whether some of these children might benefit from independent travel training which can result in a skill for life and this is an option which the Council considers where it is suitable based on the individual child.</p> <p>Proposal about Available Routes:</p> <p>The proposal is about mainstream transport provision for mainstream pupils.</p> <p>Some consultation responses mentioned students with physical disabilities which would prevent them walking the route, or where a parent has a physical disability which affects their ability to accompany their child. There is already provision for these circumstances within the Home to School Transport Policy.</p> <p>The Policy also includes the ability to consider exceptional circumstances.</p>
<p>Gender reassignment - definition has been expanded to include people who chose to live in the opposite gender to the gender assigned to them at birth by removing the previously legal requirement</p>	<p>Gender is not a distinguishing factor in the application process or the allocation of school transport. There should be no greater impact on this group than on any other.</p>

<p>for them to undergo medical supervision.</p>	
<p>Marriage and Civil partnership –.protects employees who are married or in a civil partnership against discrimination. Single people are not protected.</p>	<p>Marriage and Civil Partnership are not distinguishing factors in the application process or the allocation of school transport. There should be no greater impact on this group than on any other.</p>
<p>Pregnancy and Maternity - protects against discrimination. With regard to employment, the woman is protected during the period of her pregnancy and any statutory maternity leave to which she is entitled. It is also unlawful to discriminate against women breastfeeding in a public place</p>	<p>Pregnancy and maternity are not distinguishing factors in the application process or the allocation of school transport.</p> <p>In practice, however, it may be more difficult for women in the later stages of pregnancy.</p> <p>In normal circumstances, the parent is expected to determine how their child will get to school and this may include making appropriate arrangements such as with a friend or a childminder to ensure that the child is accompanied, as appropriate.</p> <p>The Home to School Transport Policy includes provision where a parents' disability prevents them from accompanying the child along a walking route.</p> <p>We would normally expect other adult(s) with parental responsibility to take the child to school or make appropriate arrangements. However, we can consider a temporary medical condition for a parent under the provision for exceptional circumstances. This could include issues associated with pregnancy where there is medical evidence from the GP and/or Consultant. Transport or alternative support may be provided for a time-limited period based on the medical information available.</p>
<p>Race - includes colour, caste, ethnic / national origin or nationality.</p>	<p>Race is not a distinguishing factor in the application process or the allocation of school transport. There should be no greater impact on this group than on any other. The consultation was made available in different language formats on request.</p>
<p>Religion and Belief - covers any religion, religious or non-religious beliefs. Also includes philosophical belief or non-belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.</p>	<p>The DfE Home to School Travel & Transport Guidance July 2014 states that 'under the European Convention on Human Rights (ECHR), parents do not enjoy a specific right to have transport arrangements made to and from any religious or secular school. In addition, the Equality Act 2010 does not apply to the exercise of an authority's functions in relation to transport.'</p> <p>The Guidance also states that 'the Act places a duty on local authorities to make arrangements for secondary pupils from low income backgrounds to attend the nearest school preferred on grounds of "religion or belief", where that school is between 2 and 15 miles from their home. Local authorities should pay particularly careful attention to the potential impact of any changes on low income families (those not eligible under extended rights) whose parents adhere to a particular faith or</p>

	<p>philosophy, and who have expressed a preference for a particular school because of their religious or philosophical beliefs.’</p> <p>The affected secondary schools are Willink and Kennet schools, and neither is faith-based. Therefore, there is no impact from this proposal.</p>
<p>Sex - applies to male or female.</p>	<p>If responsibility for ensuring that the children affected by the changes get to school falls more to one gender, this could be said to have a greater impact, particularly in relation to single parents. Feedback from the consultation includes the following comments:-</p> <ul style="list-style-type: none"> • Impact on parents who rely on their wages to make ends meet (including single parents). • The proposal is discriminatory on the basis that parents would have to leave their jobs to accompany their children, which is discrimination against women as most of those parents would be female. <p>This issue was raised by residents in Mortimer.</p> <p>The statutory guidance states that it is the parents’ responsibility to accompany the child to school, and this expectation affects both genders. For assessment purposes to determine entitlement to free transport, parental responsibility is equally shared by both parents. It is for each family to decide how to manage their domestic arrangements, and what works for them. In a 2-parent household, this may rely on one parent more than the other in terms of school runs. A family may rely on assistance such as childminders (for younger children) or breakfast/after school clubs and may have children in more than one school. We do not determine the family’s choice of domestic arrangements, but we recognise that families rely on the bus services to make their family lives easier.</p> <p>We have considered whether this proposal leads to any form of discrimination against women. 48.8% of responses to the consultation were from women.</p> <p>In terms of the impact on working parents, the response to the consultation overwhelmingly asked for bus provision to continue, so that working parents could continue with their current working patterns and jobs. The proposal includes mitigation to allow a bus service to continue but there would be a fee. This may create issues regarding affordability for some families, and we have included provision for low income families who might be affected by the proposal. Where families are above the low income threshold, the fee would apply, and this is consistent in our application of the Fare Payer Scheme across West Berkshire. The fee can be paid in instalments to spread the impact on family budgets. The fee is also proportionate in that it is in line with public bus fares in our region and is equal to £3.60 per return journey per school day.</p>

	<p>We recognise that the introduction of a fee would be an unwelcome addition to family budgets. However, like families elsewhere in West Berkshire, Mortimer families would have the option of using the school bus, using public transport, walking to school or making arrangements with others to support the school journey. Families do not have to choose to pay the fee and use the school bus, although many consultation responses offered to pay a fee rather than lose the bus provision. Families can opt for alternative arrangements which better suit their circumstances and budget.</p> <p>In terms of lone parent families, the census from the Office of National Statistics 2011 recorded 126 Lone Parent Households with dependents in Mortimer Ward. The lone parents were male (14 – 11%) and female (112 – 88%). The percentage gender split for Mortimer is consistent with the percentage gender split for the whole of West Berkshire.</p> <p>These statistics do not explain whether the dependent children mentioned are of secondary school age and would be affected by the proposal.</p> <p>In lone parent households, 10/14 men (71%) were in full time or part time employment, compared to 63/112 (63% of women).</p> <p>Consultation responses from women in lone parent families were about the time to accompany their child to school affecting their ability to manage their other children and/or to get to work. Some of these respondents already qualified for transport under the low income criteria or the criteria relating to a child's disability.</p> <p>Summary</p> <p>The mitigation which proposes a Council or community-led school bus would address the time concerns expressed by working parents and parents of lone parent families of both genders.</p> <p>We are unable to establish from the survey data how many dependent children in lone parent families are from families with low income. The financial impact of the proposed mitigation is addressed by the additional provision for low income families, and an instalment plan to spread the cost for those who are not. This provision would apply to women in low earning jobs, and women leading lone parent households.</p>
<p>Sexual Orientation - protects lesbian, gay, bi-sexual and heterosexual people.</p>	<p>Sexual Orientation is not a distinguishing factor in the application process or the allocation of school transport. There should be no greater impact on this group than on any other.</p>

Best practice suggests that we should consider other attributes that may affect the way our decisions impact on people - this could include people who live in rural areas, lone parents, people on low incomes, travellers and gypsies, looked-after children and people with caring responsibilities

The DfE Home to School Travel & Transport Guidance July 2014 states that 'where charges are imposed, good practice suggests that children from low income groups (those not eligible for extended rights, either due to being just outside financial eligibility or live outside of the distance criteria and therefore not in receipt of free travel) should be exempt.'

We are only able to assess low income families based on entitled to free school meals or receipt of maximum Working Tax Credit. There will be no impact on children who meet the extended rights eligibility for free transport. All legislative requirements will continue to be met.

Feedback from the consultation includes the following comments:-

- Parents cannot afford the time to go with their children/work commitments.
- Some parents feel disadvantaged as they do not have a car and would be forced to walk.
- The proposal is discriminatory between those who can afford to transport their children and those who have to walk – affecting their health and attainment.

Respondents expressed a strong desire for a bus service to continue, and outlined the impact of the removal of a bus service on family arrangements, children and on arrival at school.

We have included mitigation proposals in our report which may address some of these issues – for example:

- Provision of Fare Payer places on the school bus
- Support from the Council to establish a community/school-led bus scheme

These measures would ensure that there were school bus-related options for the families, and would address the issues of time, impact on employment and perception of disadvantage from having to walk. However, the option of a school bus in these mitigation measures would incur a fee. For the Council-run Fare Payer Scheme, the fee can be paid in up to 8 instalments (August – March) to spread the impact on family budgets.

Some consultation responses mentioned the ability of low income families to pay for a Fare Payer place. There is already additional statutory provision for low income families within the Home to School Transport Policy.

2. Who are the main stakeholders and what are their requirements?

Parents and children: Respondents expressed a **strong desire** for a bus service to continue, and outlined the impact of the removal of a bus services on family arrangements, children and on arrival at school.

3. Amongst the identified groups in the previous question, what does your information tell you about the potential take-up of resulting services?

Respondents suggested that they are willing to pay a low amount (i.e. less than £100) for a seat on the school bus. The current Scheme has banded prices of £230/ £440/ £800, and therefore a reduction to a price of £100 would require a financially unsustainable subsidy from the Council. The Council has proposed moving to a single Standard Rate of £684 for all routes.

It is possible that the Standard Rate of £684 would be a disincentive for parents to use the Fare Payer Scheme as an alternative to walking. However, **the retention of a bus service would address the many concerns expressed by parents about the impact on their family lives, and especially where working parents have outlined their concerns about the impact on their ability to work. This would include the potential impact on women which was raised during the consultation.**

An alternative to the Council-run Fare Payer Scheme would be the establishment of a community/school-led Bus Scheme. There are examples of this across West Berkshire already where there are large numbers of non-entitled pupils and arrangements have been put in place between either the parents or the school/community and the relevant operator. The operators are also more experienced in making commercial decisions on passenger choices and how to price commercial tickets to reflect this. This may provide a route for the community to establish bus provision at a cost which is lower than the Council Fare Payer Scheme, in line with the consultation responses.

In relation to these matters, we have proposed the following mitigation measures:

- Where free entitlement to a seat has ceased, we could offer a seat on a Fare Payer basis. Capacity could be based on applications made during the application window in Term 6 for September. This could provide a significant number of Fare Payer places at the new Standard Rate of £684 (£3.60 per day). The Fee can be paid in 8 instalments.
- We could encourage the school or community to set up a bus service and provide help and advice to get the new service established. This option may be able to deliver a more competitive fare for the community through direct negotiation with the vehicle operator.

STEP 3 – Assessing Impact and Strengthening the Policy

What will be done to improve access to and take-up of, or understanding of the policy, strategy, function or service? (these are the measures you will take to mitigate against adverse impact)

We believe the most likely outcome of the removal of free entitlement would be a combination of the following choices for getting from home to school:

- Some families would pay for a seat on a Council-run or school/community-led Bus (if this was available)
- Some families would decide to drive their children to school (and this may include car sharing arrangements with other parents)
- Some families would walk together, and it is likely that those walking would be in friendship clusters or location-based clusters
- Some families will decide to allow their children to walk in a group with their friends

At this stage, we cannot be certain of the proportions for these likely options. However, we will write to the affected families to outline the options which are available to them, and also respond to queries to ensure that families can consider their decision in light of the full facts. This will include explaining any mitigation that has been included in the proposal following the consultation, the details of the Council's Fare Payer Scheme (including cost, instalments and how to apply) and how exceptional circumstances and matters such as disability or low income can be considered.

STEP 4 – Procurement and Partnerships

Is this project due to be carried out wholly or partly by contractors? No

If 'yes', have you done any work to include equality considerations into the contract already? Specifically you should set out how you will make sure that any partner you work with complies with equality legislation.

STEP 5 – Making a Decision

Summarise your findings and give an overview of whether the policy, strategy, function or service will meet the authority's responsibilities in relation to equality and support the Council's strategic outcomes?

We have carefully and conscientiously taken the views of respondents into account and considered the impact of the proposals in relation to equality. We have considered whether the proposal could lead to actual or potential discrimination, and have considered whether the mitigation we have proposed is sufficient.

We believe that the mitigation measures that we have proposed demonstrate that we have met the authorities responsibilities in relation to equality

- Provision of Fare Payer places on the school bus
- Support from the Council to establish a community/school-led bus scheme
- Offer of the provision of lockers for outdoor clothing and footwear, for those affected by the proposal who walk to school.

It is noted that some concerns were already addressed through provisions within our Home to School Transport Policy, and these have been clarified in this Assessment.

STEP 6 – Monitoring, Evaluating and Reviewing

Before finalising your action plan, you must identify how you will monitor the policy/function or the proposals following the Equality Impact Assessment and include any changes of proposals you are making.

What structures are in place to monitor and review the impact and effectiveness of the new policy, strategy, function or service?

An Equalities Impact Assessment is completed each year as part of the annual review of the Policy. The review includes a public consultation process, where changes are proposed.

STEP 7 – Action Plan

Any actions identified as an outcome of going through Steps 1-6 should be mapped against the headings within the Action Plan. You should also summarise actions taken to mitigate against adverse impact.

	Actions	Target Date	Responsible post holder & directorate
Involvement & consultation	Propose mitigation measures outlined in documentation provided to Councillors, who determine final outcome of proposal.	1 March 2016	Rachel Wardell, Director Communities Directorate
Data collection	Annual consultation on the Home to School Transport Policy	Summer 2016	Caroline Corcoran, Service Manager, Education Service
Assessing impact	Letter to each of the affected families outlining the outcome of the proposal. If the proposal went ahead, this would also cover the options available too and would include 6 weeks' notice if free transport was being withdrawn, as per the Home to School Transport Policy.	4 March 2016	Caroline Corcoran, Service Manager, Education Service
Procurement & partnership			
Monitoring, evaluation and reviewing	Annual Review of Equalities Impact Assessment	Summer 2016	Caroline Corcoran, Service Manager, Education Service

STEP 8 – Sign Off

The policy, strategy or function has been fully assessed in relation to its potential effects on equality and all relevant concerns have been addressed.

Assessor		
Name: Caroline Corcoran	Job Title: Service Manager	Date: 4/1/2016

Service Director or Senior Officer (sign off)		
Name:	Job Title:	Date:

Please email a copy of the EIA to Rachel Craggs, Principal Policy Officer (Equality & Diversity): Rachel.craggs@westberks.gov.uk