

## Equality Impact Assessment – Stage Two

<p><b>.What is the decision Executive is being asked to make?</b></p> <p><b>Please add a summary of relevant legislation and whether the proposed decision conflicts with any of the Council's key strategic priorities</b></p>	<p>To achieve savings in the Council's Home to School Transport Policy by charging families a contribution towards the cost of transport for post 16 students with SEND (Special Educational Needs and Disabilities)</p> <p>We are required under the Education Act 1996 to provide assistance with transport for young people over 16 with a Statement or EHC Plan, whose nearest suitable school or college is more than three miles from the family home, if this is necessary for the young person to access education.</p> <p>However, there is no requirement to provide transport free of charge. Parents of young people over the age of 16 who do not have SEND are expected to make a contribution to the cost of their child's transport. This charge will be £703 per pupil per annum from April 2017. There is no reason, legally, why a similar charge cannot be made in respect of young people over 16 with SEND and many councils levy such a charge.</p> <p>Our Home to School Transport Policy states that a charge may be made in respect of pupils over 16 with SEND, so charging would be compliant with this policy.</p> <p>This proposal does not conflict with any of the Council's key strategic priorities.</p>
<p><b>Budget Holder for item being assessed:</b></p>	<p>Jane Seymour</p>
<p><b>Name of assessor:</b></p>	<p>Jane Seymour</p>
<p><b>Name of Service &amp; Directorate</b></p>	<p>Education Service, Children and Young People's Directorate</p>
<p><b>Date of assessment:</b></p>	<p>10.1.17</p>
<p><b>Date Stage 1 EIA completed:</b></p>	<p>10.1.17</p>

**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		Census Data	
Information from Trade Union		Community Intelligence	
Previous Equality Impact Analysis	x	Staff Survey	
Public Consultation	x	Other (please specify)	

**2. Please summarise the findings from the available evidence for the areas you have ticked above.**

The proposal to introduce charging for transport for young people with SEND over the age of 16 years has been subject to public consultation.

We published all the proposals on our website on 31 October 2016 with feedback requested by midnight on 11 December 2016.

Respondents were directed to a [central index page](#), which outlined the overall background to the exercise, and provided links to each of the individual proposals on our [Consultation Portal](#).

Each individual page included further details on the specifics of what the proposal contained and what we thought the impact might be, along with any other elements we'd taken into account. Feedback was then invited through an online form and through a dedicated email address. Hard copies of the proposal documents and surveys were also made available on request. A letter was also sent out to the families of all students currently accessing Post 16 SEND transport to explain the proposal and invite feedback.

As well as publishing the consultations on our website, we also emailed members of the West Berkshire Community Panel (around 800 people), local stakeholder charities, representative groups and partner organisations notifying them of the exercise and inviting their contributions.

Finally, we issued a press release on the 31 October 2016, and further publicised our consultations through our Facebook and Twitter accounts. We also placed posters in our main offices and libraries, and made them available to WBC Councillors and Parish and Town Councils to put up in the wards/parishes.

In total, 43 responses were received. Of those that responded::

- 14 identified themselves as users of the service
- 26 as residents of West Berkshire
- 6 as council employees
- 5 as Parish/Town Councillors
- 1 as service providers

- 1 as partner organisations
- 1 as other, including Unison

The majority of responses received from respondents were against the proposal (69%), mainly on the basis that it would impact on an already vulnerable section of the community. Respondents made the point that families with children who have Special Educational Needs and Disabilities (SEND) are often under financial strain; this may be in part due to not being able to work full time as they act as carers for their children, as well as other additional costs which might be associated with their child's needs.

Many respondents felt that the charge should be means tested, or only applied to those not receiving income related benefits. Also it was felt that the proposal would be harder hitting on those in rural areas where families may not have the option of public transport. Respondents felt that families would benefit from time to pay in instalments, or a staged increase.

Some respondents believed that the charge could also mean that some students with SEND would not be able to attend college.

**3. If you have identified any gaps in the evidence provided above, please detail what additional research or data is required to fill these gaps? Have you considered commissioning new data or research eg a needs assessment?**

**If 'No' please proceed to Step 2.**

No

## STEP 2 – Involvement and Consultation

**1. Please outline below how the findings from the evidence summarised above when broken down, will affect people with the 9 protected characteristics. Where no evidence is available to suggest that there will be an impact on any specific group, please insert the following statement '*There is no evidence to indicate that there will be a greater impact on this group than on any other.*'**

Target Groups	Describe the type of evidence used, with a brief summary of the responses gained and links to relevant documents
<b>Age</b> – relates to all ages	Families will have to pay a contribution towards the cost of transport to school or college for young people with SEN & Disabilities (SEND) who are over 16. Families already pay a contribution towards transport for young people over 16 who do not have SEND.
<b>Disability</b> - applies to a range of people that have a condition (physical or mental) which has a significant and long-term adverse effect on their	Parents of young people over 16 who have SEND will be charged a contribution for their child's transport in

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<p>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 same way that parents of young people over 16 who do not have SEND are already charged a contribution. The Council will continue to provide transport. Families who experience financial difficulty can seek support from their child's school or college through the Bursary Fund.</p> <p>There are currently 67 post 16 students with SEND who are receiving free transport, although there will be some changes to the cohort by September 2017 as some young people will have completed their education and others currently in the system will have reached the age of 16 by then.</p>
<p><b>Gender reassignment</b> - 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 for them to undergo medical supervision.</p>	<p>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>
<p><b>Marriage and Civil partnership</b> –.protects employees who are married or in a civil partnership against discrimination. Single people are not protected.</p>	<p>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>
<p><b>Pregnancy and Maternity</b> - 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>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>
<p><b>Race</b> - includes colour, caste, ethnic / national origin or nationality.</p>	<p>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>
<p><b>Religion and Belief</b> - 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>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>
<p><b>Sex</b> - applies to male or female.</p>	<p>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>

<p><b>Sexual Orientation</b> - protects lesbian, gay, bi-sexual and heterosexual people.</p>	<p>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>
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**2. Who are the main stakeholders (eg service users, staff etc) and what are their requirements?**

The main stakeholders are young people aged 16 years and above who have Special Educational Needs and Disabilities and who live more than 3 miles from the nearest suitable school or college, and their parents. This group of young people may need transport assistance to get to school or college because of the distance. The Council will continue to provide assistance, which may take the form of a bus or train pass, a taxi or a minibus, but a contribution of £703 per annum will be charged.

**3. How will this item affect the stakeholders identified above?**

Parents of young people over 16 who have SEND will be charged a contribution for their child's transport to school or college in the same way that parents of young people over 16 who do not have SEND are already charged a contribution. This will be an additional cost for these families who have not previously been charged a contribution.

Families will not be expected to make their own transport arrangements unless they choose to do so. Transport will continue to be provided as long as parents make the financial contribution.

Some respondents to the consultation have argued that some young people with SEND may drop out of further education if there is a charge for transport, but exactly the same could apply to mainstream students who already have to contribute to the cost of transport. Some families will be able to afford the annual contribution of £703. Families who would have financial difficulty with the contribution due to being on a low income can request financial support from the school or college's bursary fund.

Students with SEND may be more likely than mainstream students to attend a school or college which is more than 3 miles from their home, as the nearest school or college may be unable to meet their special educational needs. Mainstream students may attend a more distant college as a matter of choice, for example, when the local college does not do the course they would like to do. They would be able to make this choice in the knowledge that they would then incur a fee for transport. A SEND student may be attending a more distant college, not through choice, but because it is the nearest placement which can meet their needs. Post 16 students with SEND may be more likely therefore to incur a charge than mainstream post 16 students.

It has also been argued by respondents to the consultation that families of young people with SEND may be on a lower income than other families, for example, if one parent is unable to work full time, or at all, due to their caring responsibilities.

**STEP 3 – Assessing Impact and Strengthening the Policy**

**What have you assessed the impact as being? If there are potential adverse or differential impact on protected groups, what are the measures you will take to mitigate against such impact. Is there any opportunity to promote equality and good relations?**

Impact is as described above.

The measures to mitigate impact are that any families who will have financial difficulty with the contribution will be able to seek assistance from their school or college's bursary fund.

#### **STEP 4 – Procurement and Partnerships**

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

**If 'yes', will there be any additional requirements placed on the contractor? Have you done any work already to include equality considerations into the contract? 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 make a clear statement of the recommendation being made as a result of the assessment. This will need to take into account whether the Council will still meet its responsibilities under the Public sector Equality Duty (Section 149 of the Equality Act), which states:-**

***A public authority must, in the exercise of its functions, have due regard to the need to:-***

- (i) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;***
- (ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, in particular the need to:-***
  - (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;***
  - (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;***
- (iii) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.***

The outcome of the assessment is that the proposal can go ahead, subject to monitoring that families with genuine financial difficulty receive appropriate support through school or college bursary funds. If there is evidence to suggest that this is not the case, there may need to be consideration of a more formal means testing arrangement being applied.

#### **STEP 6 – Monitoring, Evaluating and Reviewing**

**Once the change has taken place, how will you monitor the impact on the 9 protected characteristics?**

Families who are affected by the proposal are highly likely to contact the Local

Authority if they are in financial difficulty and are not able to get assistance from their school or college's bursary fund.

This will give an indication of the number of families affected and the extent of the impact. This information will be reported to senior managers and elected members and will inform decisions about whether a formal means testing system should be applied in the future.

**STEP 7 – Action Plan**

	<b>Actions</b>	<b>Target Date</b>	<b>Responsible Person</b>
<b>Involvement &amp; consultation</b>			
<b>Data collection</b>	To collate information on any families who are unable to access support through bursary funds	Ongoing from implementation date	Jane Seymour
<b>Assessing impact</b>	To analyse data as described above including information provided in each individual case	Ongoing from implementation date	Jane Seymour
<b>Procurement &amp; partnership</b>			
<b>Monitoring, evaluation and reviewing</b>	To report data on impact to senior managers and elected members on a termly basis	At the end of each term following implementation	Jane Seymour

**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.**

**Contributors to the Assessment**

**Name:** Jane Seymour

**Job Title:** Service Manager, SEN & Disabled Children's Team

**Date:** 11.1.17

<b>Head of Service (sign off)</b>		
<b>Name:</b> Ian Pearson	<b>Job Title:</b> Head of Education Service	<b>Date:</b> 12.1.17