

Equality & Human Rights Impact Assessment – Home to School Transport

Title of service being assessed: Potential change to Home to School Transport policy and non-statutory provision.

Name of Department: Department of Environment & Transport

Name and role of the officers completing this assessment:

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Summary of need for assessment update:

The current policy on Mainstream Home to School Transport has not substantially changed since it was determined in 2006. The policy was made subject to a rider with effect from 31st May 2012 in effect crystallising catchment areas, applicable age ranges and eligibility for free transport at that point (referred to as Transport Eligibility Areas – TEAs). This position is no longer tenable and a new policy is required.

The context for developing a new policy is that schools that were once under the control of the County Council, as academies, have already or are looking to change age ranges and admission catchment areas. Government policy also encourages the formation of new schools, such as free schools and studio schools, which will set their own admission catchment areas.

Under the previous regime, admission catchment areas did not overlap, therefore there was no ambiguity about which was the school to which a pupil would be entitled to be given statutory free transport. In practice, there were instances where the catchment school was further from the child's home than another school and the policy for transport was *catchment or nearer school*. In certain instances, the nearer school was actually outside the county.

Overlap of admission catchment areas creates dual or multiple eligibility for transport, if all admission catchment areas are deemed valid for transport entitlement purposes. Academy Trusts are not required to take into account existing catchment areas nor respect administrative boundaries when determining their own admission catchment areas. The proposed new policy will seek to make it clear which areas are eligible to transport assistance to which school and will allow Leicestershire residents to continue to have transport provided to Leicestershire schools when over qualifying distances.

Defining the service:

1. What are the aims, objectives of purpose of the service? Are these reflected in the relevant service plan?

The purpose of the home to school transport service is to enable young people to benefit from free travel to and from school, if they live more than the distance specified by statute from their nearest or TEA school. Other discretionary concessions are currently available, including transport for students remaining at school beyond statutory school age, transport for students attending denominational schools and transport for non-entitled students at a

cost to the user. The potential changes to the scheme would involve discontinuing the concession that allows children of statutory school age to have free transport to their traditional catchment school when that school has become an academy and changed its admissions catchment area and/or age range.

The proposal is that for pupils aged between 5 and 16 years we will continue to provide free transport for pupils who live over the statutory walking distances (2 miles for primary age and 3 miles for secondary age) from home to the nearest school (or educational placement) with available spaces; but in addition we propose providing:

- free transport to the nearest Leicestershire school, with places available. A school will not be seen as appropriate for these purposes if it does not offer a transfer entry point that is compatible with the current school attended by the pupil

but

- where there have been no changes to the catchment area or age ranges of pupils attending the school since May 2012 we propose continuing free transport to the catchment area school in those areas

Similar proposals are being made for Post 16 students – giving the choice of nearest school or Sixth Form/Further Education College or nearest Leicestershire school or Sixth Form/Further Education College; but where there have been no changes to catchment areas or age ranges since May 2012 to continue to provide free transport to the catchment school in those areas.

2. What outcomes does the service want to achieve and for whom? How have these been determined? Please also list any relevant performance indicators.

The legal framework (Education Act 1996 (as amended) and statutory guidance) determines the requirements for the home to school transport service. The desired outcomes are that available school transport services fulfil the statutory duties and that those students entitled to free travel under the arrangements currently stipulated use the services provided. The potential changes to the scheme may provide some protection against the risk of additional transport costs in future. There are no specific performance indicators related to this provision, although the use of home to school transport by those entitled has a beneficial impact by reducing the numbers of car journeys made in the county of Leicestershire and in relieving congestion and improving safety around schools at opening and closing times. Providing this service also makes it easier for parents to ensure students' attendance at school.

During the 2012/13 academic year there were approximately 3,500 students taking up the existing subsidised 16+ transport scheme.

3. Who is responsible for delivering the service? Are there any other organisations involved? If other organisations are involved are they fully compliant with the Council's Equality Policy?

Leicestershire County Council is responsible for delivering the service. The Sustainable Travel Group work in tandem with private bus service companies and taxi companies to deliver the service. These external organisations are aware and supportive of the Council's Equality Policy.

4. Consider the answers given questions 1, 2 and 3 and assess whether your service results, or could result in adverse impact on or discrimination against different groups of people. If you consider that there is adverse impact or discrimination, or the potential for either, please outline below and state whether it is justifiable or legitimate and give your reasons for this.

Target Equality Group	Does it have a Positive Impact?	Does it have a Negative Impact?	If it has a negative impact, is the level of this impact high or low?
Age	<p>Yes. The statutory requirement provides a service specifically to children of statutory school age.</p>	<p>No in respect of children under 16. There is a statutory requirement to provide transport to the nearest school only, with available spaces. This policy proposal still provides transport over and above that minimum requirement. Yes for Post 16 students. Reducing the range of the current discretionary provision may make it more difficult for 16 to 19 year olds to access further education. NB: it is noted that new legislation commenced in September 2013 that requires young people up to the age of 17 to be in education or training (Raising Participation Age - RPA). There has been no corresponding change of legislation requiring LAs to provide transport for this. The RPA increases up to 18 years of age from September 2015.</p>	<p>Low.</p> <p>Those students under age 16 from low income families are protected by additional special statutory arrangements in respect of school choice with free transport.</p> <p>Post 16 students on low income are exempt from the charge for transport assistance and all Post 16 students will still retain an element of choice of educational establishments.</p> <p>Although there will be a reduction from full choice of any suitable college at Post 16; students will still have a choice of assisted transport to either an academic or vocational based learning opportunity.</p> <p>The Sustainable Transport</p>

			<p>Group will provide professional services to academies and Colleges seeking to provide a wider range of transport services directly to students.</p> <p>The impact is lessened by the provision of commercial student season tickets on commercially operated bus services in Leicestershire; and by some schools/colleges assisting with transport arrangements.</p>
Belief or faith	No change proposed. The current discretionary policy provides a service specifically to students attending schools chosen for reasons of faith: similar provision is not generally available to other students falling outside the statutory requirements to provide school transport.	No.	
Disability	No. Transport for disabled students and those with special educational needs is provided under different policy and provisions.	No. Transport for disabled students and those with special educational needs is provided under different policy and provisions.	
Sexual Orientation	No. An individual's sexual orientation does not feature in the administration of school transport and is not relevant in respect of younger children.	No. An individual's sexual orientation does not feature in the administration of school transport and is not relevant in respect of younger children.	
Gender	No. An individual's gender does not	No. An individual's gender does	

	feature in the administration of school transport.	not feature in the administration of school transport.	
Race	Yes. Documents are available in alternative languages.	No. An individual's race does not feature in the administration of school transport.	
Marriage and civil partnership	No. An individual's marital status does not feature in the administration of school transport.	No. An individual's marital status does not feature in the administration of school transport.	
Gender reassignment	No. An individual's gender reassignment does not feature in the administration of school transport.	No. An individual's gender reassignment does not feature in the administration of school transport.	
Pregnancy or maternity	No. An individual's pregnancy or maternity does not feature in the administration of school transport.	No. An individual's pregnancy or maternity does not feature in the administration of school transport.	

Other relevant factors to the assessment are as follows:

- Providing free travel to the nearest school to a child's home address that is over the statutory walking distance is a legal requirement. However, providing free travel to the TEA school when it is not the nearest school is discretionary. Current policy is therefore inequitable since as a result some children are entitled to free travel to a school that is not the nearest school as well as free travel to a nearer school, while other families are denied free travel to any other school than their nearest school.
- The current discretionary arrangement incurs additional costs for the council. In the current economic and funding climate the County Council may not feel it is able to fund non-statutory services.
- Consultations are being conducted to seek interested persons views and opinions on whether to continue funding non-statutory services. It is noted that the residents' response to the Council's recent public consultation on its Medium Term Financial Strategy was to list "Travel to Schools" as the targeted service that most warranted a budget reduction.
- In many cases, students will be able to find alternative means of transport, albeit at a generally higher cost.
- There is no requirement to offer discretionary home to school transport services and an increasing number of other Local Authorities have already ceased providing these services or are considering opting not to do so for budgetary reasons.
- Notwithstanding the above, the Authority has responded to previous consultation responses by recognising the request to continue to provide transport to the traditional catchment school only when that school has not changed either its admissions catchment area or age range. It will also additionally offer transport to the nearest Leicestershire school if this is not the nearest school.

5. Are the human rights of individuals potentially affected by this proposal? Could there be an impact on human rights for any of the protected characteristics?

Explain why you consider that any particular article in the Human Rights Act may apply to your policy/ practice/ function or procedure and how the human rights of individuals are likely to be affected below: [NB. Include positive and negative impacts as well as barriers in benefiting from the above proposal]			
	Yes	No	Comments
Part 1: The Convention- Rights and Freedoms			
Article 2: Right to life		✓	
Article 3: Right not to be tortured or treated in an inhuman or degrading way		✓	
Article 4: Right not to be subjected to slavery/ forced labour		✓	

Article 5: Right to liberty and security		✓	
Article 6: Right to a fair trial	✓		Any new policy will reflect the requirement to have an internal appeals process in place. Revised procedures to determine the level of service provision, the letting of contracts and the awarding of contracts will need to be fair and transparent.
Article 7: No punishment without law		✓	
Article 8: Right to respect for private and family life	✓		Any new transport picking up/dropping off points arising from the proposed change in arrangements should be chosen to minimise disruption to or interference with adjoining or nearby private properties.
Article 9: Right to freedom of thought, conscience and religion		✓	Discretionary provision to help children attending faith schools is not affected by these proposals.
Article 10: Right to freedom of expression		✓	
Article 11: Right to freedom of assembly and association		✓	
Article 12: Right to marry		✓	
Article 14: Right not to be discriminated against		✓	Although the proposed policy includes positive discrimination duties to help low income families, this is required by law and does not arise out of a protected ground. There is no discrimination in relation to any other convention rights.
Part 2: The First Protocol			
Article 1: Protection of property/ peaceful enjoyment		✓	
Article 2: Right to education		✓	
Article 3: Right to free elections		✓	
Is there evidence or any other reason to suggest that:		Yes	No
			Unknown

a) this policy could have a different affect or adverse impact on any section of the community;		✓	
b) any section of the community may face barriers in benefiting from the proposal		✓	
Based on the answers to the questions above, what is the likely impact of this policy?			
No Impact <input type="checkbox"/>	Positive Impact <input type="checkbox"/>	Neutral Impact <input type="checkbox"/>	Negative Impact or Impact Unknown <input checked="" type="checkbox"/>

Based on any evidence and findings, use the table below to specify if any particular Articles in the Human Rights Act are <u>likely</u> apply to your policy. Are the human rights of any individuals or community groups affected by this proposal? Is there an impact on human rights for any of the protected characteristics?	
	Comments
Part 1: The Convention- Rights and Freedoms	
Article 2: Right to life	
Article 3: Right not to be tortured or treated in an inhuman or degrading way	
Article 4: Right not to be subjected to slavery/ forced labour	
Article 5: Right to liberty and security	
Article 6: Right to a fair trial	As at present, there may be disputes about eligibility for assistance under the proposed criteria, and about the letting and awarding of transport contracts. Human rights can be protected by implementing fair and transparent procedures and a robust appeals system overseen by senior council officers. The Council operates such a system.
Article 7: No punishment without law	
Article 8: Right to respect for private and family life	

Article 9: Right to freedom of thought, conscience and religion	The council does not have a statutory obligation to provide assisted transport to faith schools but will continue to provide transport assistance on a discretionary basis to help children attend such schools. This provision will be reduced in future years and has been assessed by a separate consultation.
Article 10: Right to freedom of expression	
Article 11: Right to freedom of assembly and association	
Article 12: Right to marry	
Article 14: Right not to be discriminated against	The proposed policy includes positive discrimination to help low income families, as required by law.
Part 2: The First Protocol	
Article 1: Protection of property/ peaceful enjoyment	
Article 2: Right to education	
Article 3: Right to free elections	

6. If you have identified adverse impact of discrimination that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people. This arises out of the duty to promote good relations between people of different groups and is in keeping with the Council's approach to social cohesion.

List process and criteria	Essential?	Barriers identified and groups affected
Public consultation	Yes	All affected groups (largely parents and schools/academies/colleges) are invited to comment on the proposals. The consultation documentation is available by web, post and large print on request.

7. Consider what barriers you can remove, and what reasonable adjustment may be necessary to ensure the service is accessible (this could include providing the

service elsewhere). Consider what actions you will need to take to address any unmet needs that you have identified.

Barriers and reasonable adjustments:

Literature about the scheme must be accessible and so must be clear, simple and concise avoiding jargon where possible. Some language barriers may still exist, but the use of the County Council's corporately procured interpreting service may mitigate most of these. Application forms signpost the availability of versions in alternative languages.

Reasonable adjustments include ensuring that all literature should be available in other formats upon request and available through schools and colleges, as well as directly to students, parents and guardians via the County Council website.

8(a). What does analysis of the data tell you about how well your service is meeting the needs of the various equality groups? How up to date is the information.

The statutory home to school transport service is used by a large majority of students who qualify for transport assistance. If the proposed new policy is adopted, it is likely to lead to a reduction in the need for Council services but it is accepted that there are alternatives for some users (public transport; commercial school services; school-subsidised services).

There is currently some resistance to use of the discretionary services for students beyond statutory school age and those travelling to faith schools. The reasons are cost of the service compared to alternatives; the duration of some home-to-school journeys and the inconvenience for 16 to 18 year old students of not being able to vary their daily start and finish times if using the services. These reasons apply across all equality strands within the eligible groups.

(b) Which groups of people are you hearing from? Are there groups of people that you are not hearing from? What can you do to ensure that people are able to provide feedback on the service? Is there information on service user needs held by other services that would be appropriate for your services?

Data Type	Source (s)	Analysis of the data and/or gaps in information	When last gathered
Compliments, complaints and comments	Feedback through drivers, bus companies, school staff and the County Council's Customer Services Centre and website.	Verbal and written comments, including compliments and complaints	Ongoing

Consultation responses	Widely circulated consultation document about potential changes to the scheme	Responses by web, phone and hard copy	Feb/March 2014
Individual appeals against refusal of eligibility to transport assistance	Written appeals.	Appeals processed by a 2 Stage system. Can highlight areas of concern.	Ongoing
Post 16 Transport Forum	Quarterly meetings attended by all regional Post 16 FE establishments	Provides conduit for student voice at Post 16	Regular

9. Social cohesion is a priority for Councils. Review all the actions and targets that you have identified as a result of this equality impact assessment as to what social cohesion issues could arise.

The potential changes to home-to-school transport may very marginally reduce social cohesion due to preventing a minority of students of non-statutory school age from pursuing further education, although an exemption to the charge for those students from qualifying low income backgrounds will provide some mitigation. It is also thought that the potential for a reduction in social cohesion would not be any different in Leicestershire to places elsewhere where the discretionary home-to-school transport service is not provided.

10. Action Plan

Objective	Actions	Targets	Responsible Officer	By when
Explain service changes to all groups	Publicise via County Council website, through schools and in published guidelines leaflets for students, parents, school staff, Post 16 Forum and transport contractors. Make information in alternative languages and formats available.	Ensure information is clear, concise and available to all.	Group Manager	In sufficient time both to allow parents and students to assess choices on future education. Also to allow time to complete relevant application forms and to allow LCC staff to make transport arrangements for students. Long lead time – changes will not take place until September 2015.

NOTE: this document remains in draft format as Leicestershire County Council will continue to review and update it as the consultation progresses and any new issues emerge.