

## Equality Impact Assessment (EIA):

<b>Name of Report/Proposal/Strategy:</b>	Home to School Transport		
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Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

### Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

1)	<b>Does this report relate to a key decision?</b>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
2)	<b>Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following:</b>		
	• <b>The Community (including specific impacts upon the vulnerable or equality groups)</b>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
	• <b>Our Partners</b>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
	• <b>The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision)</b>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>

## Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	Clearly set out the purpose of the proposal	<p>To phase out discretionary transport assistance for home to school/college transport. Children's Services will continue to provide the statutory services in relation to home to school / college transport.</p> <p>All local authorities have a statutory duty to make arrangements for the provision of transport as they consider necessary to facilitate school attendance. This includes:</p> <ul style="list-style-type: none"> <li>• Providing transport assistance to pupils of statutory school age travelling to and from school if they live further than the statutory walking distance from their nearest school (this is two miles for pupils aged 7 and under and three miles for pupils aged 8 and over).</li> <li>• Secondary pupils from low income families are entitled to free transport to any of the three nearest suitable schools that are more than two and less than six miles away, and to a denominational school up to 15 miles away.</li> <li>• Normally assistance is in the form of a free bus pass.</li> </ul> <p>Local Authorities have a duty to have regard to parental wishes for a faith/denominational school. They also have a duty to raise the participation in Post 16 education and training.</p> <p>Currently Torbay Council provides additional non-statutory (discretionary) assistance in a range of circumstances, as follows:</p> <ol style="list-style-type: none"> <li>i. A financial contribution to the cost of a bus pass for pupils attending St Cuthbert Mayne on grounds of faith, where they live further than 3 miles away and do not qualify for statutory assistance. In 2012-13 the cost of a bus pass to the council is £515 and we charge parental contributions at £490 so the net cost to the council per paying pupil is £25. There is an additional subsidy of £245 per second child and £490 per third and subsequent child in a single family. The total annual cost to the council of this support to 62 pupils is approximately £4,000. The cost of purchasing an annual bus pass from Stagecoach by a parent is £575.</li> <li>ii. A financial contribution to the cost of a bus pass for pupils attending a selective school who live more than three miles away, are not entitled to statutory transport assistance and live within the designated transport area for the school. The net cost and subsidy are as in (i) above. The total annual cost of this support to 42 pupils is approximately £2,520.</li> <li>iii. The provision of a free bus pass to pupils from low income families to any secondary school between 2 and 6 miles away, even if it is not one of the three nearest suitable schools. This costs the council around £15,000 a year.</li> <li>iv. A financial contribution to the cost of a bus pass for 144 post-16 students studying in school sixth forms, where they live further than three miles away. The council makes a net contribution of £25 per student, or £415 per student for low income families. The annual cost to the council is approximately £22,320.</li> </ol> <p>A block contribution to South Devon College for assistance with transport of <b>£70,000</b> per year.</p>

No	Question	Details
2.	<b>Who is intended to benefit / who will be affected?</b>	<p>Families who currently have access to free or subsidised transport on a statutory basis will continue to receive the appropriate assistance.</p> <p>Families who currently have access to free or subsidised transport on a discretionary basis will be impacted by this decision.</p> <p>There may also be an adverse impact on denominational (i.e. Church of England / Roman Catholic) schools and selective schools (i.e. Grammar schools) in Torbay and on South Devon College.</p> <p>The key stakeholders in relation to this proposal are:</p> <ul style="list-style-type: none"> <li>• Schools</li> <li>• South Devon College</li> <li>• Families</li> </ul>
3.	<b>What is the intended outcome?</b>	To review the policy and criteria in relation to discretionary transport assistance for home to school transport.

## Section 2: Equalities, Consultation and Engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **Equalities, Consultation and Engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

## Evidence, Consultation and Engagement

No	Question	Details
4.	<p><b>Have you considered the available evidence?</b></p>	<p>Pupils living more than 2 miles from school (under 8) or 3 miles (over 8) are legally entitled to free transport and are provided with a bus pass.</p> <ul style="list-style-type: none"> <li>• The number of pupils currently eligible for discretionary transport on faith grounds and paying a contribution towards the cost of transport is 62.</li> <li>• The number of pupils currently eligible for discretionary transport to a selective school and paying a contribution towards the cost of transport is 42.</li> <li>• Parents currently pay £490; the full cost of an annual Stagecoach bus pass is currently £575.</li> <li>• At the moment, parents with a second child receiving this discretionary transport get a 50% discount in their contribution and third children within a family travel free. This discounted travel affects very few pupils.</li> </ul> <p>The greatest impact will be on post-16 students.</p> <ul style="list-style-type: none"> <li>• 48 students attending school sixth forms from low income families currently receive a substantial transport subsidy, paying £100 towards the cost of an annual bus pass.</li> <li>• Approximately 90 students purchase discretionary passes at a cost of £490 per year.</li> <li>• 1026 students on low income attending South Devon College receive free passes funded entirely by the College so these students will not be affected by this proposal.</li> <li>• A further 356 students attending South Devon College receive a discretionary transport subsidy provided in part by Torbay Council and partly by the College. They pay an annual contribution that varies according to the number of days they attend.</li> </ul> <p>Bursaries are now available for post-16 students in care, leaving care or in receipt of some income support. Discretionary bursaries are available for other students to help with costs such as transport. These are distributed directly by post-16 institutions.</p> <p>From September 2013, all secondary schools across Torbay will offer post-16 provision. Students will therefore have the option of studying locally.</p> <p>The alternative of continuing to fund discretionary transport at current levels is not sustainable, as the transport budget is insufficient to meet the current need and increasing demands are being made on it for statutory transport assistance for pupils with Special Educational Needs.</p>

No	Question	Details
5.	How have you consulted on the proposal?	<p>This proposal was considered by the Overview and Scrutiny Priorities and Resources Panel on the 15<sup>th</sup> January 2013. The panel invited members of the public and stakeholder organisations to attend and make representations if they wished to do so. Representations were received from South Devon College, Stagecoach Devon and the Headteacher and parents of pupils of St Cuthbert Mayne School about the proposals to no longer provide discretionary transport assistance.</p> <p>Further to representations made regarding this proposal it was agreed that there would be a consultation in February/March on phasing these proposals over 3 financial years (two academic years) to enable parents and students to plan for changes phased over a longer period. This will mean some pupils/students will have completed their courses and others will have longer to plan for the necessary financial arrangements for travel to school/college to finish their courses if concessionary travel is removed. Parents of children moving school will be able to choose school places in the knowledge of the new policy.</p> <p>A consultation was held for 4 weeks from 29<sup>th</sup> April to 24<sup>th</sup> May 2013. Consultees included all parents and pupils in Torbay, school staff and governors, South Devon College, Anglican &amp; Catholic dioceses and Devon County Council. The consultation was posted on the council's web site. All schools and academies were contacted, also South Devon College, and asked to alert parents, pupils and governors to the consultation and via a press release. Three drop-in sessions were held during the consultation period in the different towns within Torbay.</p>
6.	Outline the key findings	<p><u>Priorities and Resources:</u></p> <p>Representations made at the Priorities &amp; Resources (Overview &amp; Scrutiny) Panel:</p> <ul style="list-style-type: none"> <li>● <i>“Transport is a key barrier to participation”</i></li> <li>● <i>“...the reduction in funds is inevitably going to lead to some loss of patronage on bus services as parents and students decide to either relocate or find alternative means of transport such as the car”</i></li> <li>● <i>“...Several of the routes, particularly for South Devon College, only run at the start and end of the day there is no scope for minor reductions. Withdrawing a route would of course disadvantage all students, not just those who are receiving the support”</i></li> <li>● <i>“Short-sighted decision that may increase the use of cars, or remove children from school”</i></li> </ul> <p>Please Note: The comments of the Overview and Scrutiny Board are set out in paragraphs 4.21-4.24 of its report “Review of Priorities and Resources 2013/2014”</p> <p><u>Consultation</u></p>

No	Question	Details
		There was a very low level of interest shown. The drop-in sessions attracted a total of six people 1 family and 2 members of the youth parliament, who asked questions and were invited to complete a response sheet. 7 calls were received with queries about the proposals. Only one response was actually submitted. The respondent disagreed with the proposals.
7.	<b>What amendments may be required as a result of the consultation?</b>	Amendments were made following the earlier discussion at Scrutiny Committee. Original proposals were to cut all concessionary transport from September 2013. Amended proposals have now been put forward to phase out over three years. No further amendments have been identified as a result of the consultation. <i>At the meeting of the Overview and Scrutiny Board on 24 January 2013, the Mayor and the Executive Lead for Children, Schools and Families announced that they would be recommending that these proposed changes would be phased in and no reductions in discretionary school transport would be made until 2014/2015.</i>

### Positive and Negative Equality Impacts

No	Question	Details		
8.	<b>Identify the potential positive and negative impacts on specific groups</b>	<i>It is not enough to state that a proposal will affect everyone equally. There should be more in-depth consideration of available evidence to see if particular groups are more likely to be affected than others – use the table below. You should also consider workforce issues. If you consider there to be no positive or negative impacts use the ‘neutral’ column to explain why.</i>		
		Positive Impact	Negative Impact	Neutral Impact
	All groups in society generally	Children’s Services will continue to provide the statutory services in relation to home to school / college transport. <ul style="list-style-type: none"> <li>• Children / young people on low incomes attending South Devon College will continue to receive free passes.</li> <li>• Young people who are post-16 carers are eligible for bursaries – bursaries are administered</li> </ul>	Policy only applies to children / young people attending school or further education. This decision may cause some financial hardship and/or limit the choice of schools available for some families to choose from.	To mitigate against the negative impacts on families of increased costs, there will be an appeals process where parents will be able to request discretionary support in exceptional circumstances and cases of genuine hardship. This process is open to all families.

No	Question	Details	
		<p>directly by post-16 institutions and young people are advised to talk to their school / college for assistance. Those children / young people who are carers and under the age of 16 are entitled to the same transport provision as all other young people.</p>	
Older or younger people			<p>Young people are the ones who travel from home to school and will therefore be affected by cuts in discretionary funding. This proposal will affect approximately 1000 children / young people. This decision may cause some financial hardship and/or limit the choice of schools available for some families to choose from.</p>
People with caring responsibilities			<p>Pre-16 carers are entitled to the same transport provision as all other young people.</p> <p>Post-16 carers are eligible for bursaries.</p>
People with a disability			<p>The proposed changes to discretionary transport will not affect entitlement to transport on the basis of inability to walk to school/use public transport to travel to school.</p>
Women or men			<p>The policy will affect all young people eligible for discretionary transport assistance, not just one gender.</p>
People who are black or			<p>This decision does not differentially</p>

No	Question	Details	
	from a minority ethnic background (BME)		impact upon those of different ethnicity over and above that detailed above in respect of all groups generally.
	Religion or belief (including lack of belief)		There will be a negative impact on a number of families who choose to send their child to a faith school and who do not qualify for low income support. This will affect around 60 pupils.
	People who are lesbian, gay or bisexual		This decision does not differentially impact upon a person's sexuality over and above that detailed above in respect of all groups generally.
	People who are transgendered		This decision does not differentially impact upon those who are transgendered over and above that detailed above in respect of all groups generally.
	People who are in a marriage or civil partnership		This decision does not differentially impact upon those who are married or in a civil partnership over and above that detailed above in respect of all groups generally.
	Women who are pregnant / on maternity leave		This decision does not differentially impact upon those who are pregnant or on maternity leave over and above that detailed above in respect of all groups generally.
	Socio-economic impacts (including impact on child poverty issues and deprivation)	<p>Children's Services will continue to provide the statutory services in relation to home to school / college transport.</p> <ul style="list-style-type: none"> <li>Children / young people on low incomes attending South Devon College will continue to receive free</li> </ul>	Policy only applies to children / young people attending school or further education. This decision may cause some financial hardship and/or limit the choice of schools available for some families to choose from.



No	Question	Details	
		<p>passes. Young people who are post-16 carers are eligible for bursaries – bursaries are administered directly by post-16 institutions and young people are advised to talk to their school / college for assistance. Those children / young people who are carers and under the age of 16 are entitled to the same transport provision as all other young people.</p>	
9.	<p><b>Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and / or foster good relations?</b></p>	<p>Assistance with transport to and from school is provided for anyone living more than the statutory distance from their nearest school. There is an additional legal entitlement to support for pupils of statutory school age from low-income families to give them access to a wider choice of learning institutions. Transport assistance is also provided for young people with disabilities who are unable to walk to school or use public transport on medical grounds.</p> <p>To mitigate against the negative impacts on families of increased costs, there will be an appeals process where parents will be able to request discretionary support in exceptional circumstances and cases of genuine hardship. This process is open to all families.</p>	

### Section 3: Steps required to manage the potential impacts identified

No	Action	Details	
10.	<p><b>Summarise any positive impacts and how they will be realised most effectively?</b></p>	<p>Children’s Services will continue to provide the statutory services in relation to home to school / college transport. Children / young people on low incomes attending South Devon College will continue to receive free passes. Young people who are post-16 carers are eligible for bursaries – bursaries are administered directly by post-16 institutions and young people are advised to talk to their school / college for assistance. Those children / young people who are carers and under the age of 16 are entitled to the same transport provision as all other young people.</p>	
11.	<p><b>Summarise any negative impacts and how these will be managed?</b></p>	<p>The negative impact will be an additional cost for transport to school or college for a range of pupils and students. Statutory assistance will continue to be given to those who are entitled to it. The council will work with post-16 institutions where possible to encourage and support access to education and training for all young people up to the age of 18. There will be an appeals process where parents will be able to request discretionary support in exceptional circumstances and cases of genuine hardship.</p>	

## Section 4: Course of Action

No	Action	Details
12.	<p><b>State a course of action</b></p> <p>[please refer to action after section 5]</p>	<p><b>Outcome 3: Continue with proposal</b> - Despite having identified some <u>potential</u> for adverse impact / missed opportunities in relation to equalities or to promote equality. Full justification required, especially in relation to equalities, in line with the duty to have 'due regard'.</p> <p>Although the council has a duty to have regard to parents' wishes for their child to attend a faith school, this does not mean that the council is obliged to offer transport assistance by default. An appeals process will be available for parents to request discretionary transport assistance in exceptional circumstances. New guidelines will be drawn up for the panel. The opening of school sixth forms in former 11-16 schools will mean that most young people will be able to access post-16 provision locally.</p>

## Section 5: Monitoring and Action Plan

No	Action	Details
13.	<p><b>Outline plans to monitor the actual impact of your proposals</b></p>	<p>The number of appeals for discretionary assistance will be monitored.</p>

*Please use the action plan below to summarise all of the key actions, responsible officers and timescales as a result of this impact assessment*

### Action plan

Please detail below any actions you need to take:

No.	Action	Reason for action / contingency	Resources	Responsibility	Deadline date
1	Draw up new guidelines for appeal panel members	To ensure consistency, compliance with the law etc.		Tony Hele/ Tricia Harwood	31 October 2013
2	Monitor the number of appeals made and allowed for discretionary transport assistance	To assess the impact of the change in policy		Tony Hele/ Tricia Harwood	Ongoing, termly