

Equality & Human Rights Impact Assessment (EHRIA) v0.7 (Final)

This Equality and Human Rights Impact Assessment (EHRIA) will enable you to assess the **new, proposed or significantly changed** policy/ practice/ procedure/ function/ service** for equality and human rights implications.

Undertaking this assessment will help you to identify whether or not this policy/ practice/ procedure/ function/ service** may have an adverse impact on a particular community or group of people. It will ultimately ensure that as an Authority we do not discriminate and we are able to promote equality, diversity and human rights.

Before completing this form please refer to the EHRIA [guidance](#), for further information about undertaking and completing the assessment. For further advice and guidance, please contact your [Departmental Equalities Group](#) or equality@leics.gov.uk

***Please note: The term 'policy' will be used throughout this assessment as shorthand for policy, practice, procedure, function or service.*

Key Details	
Name of policy being assessed:	School Transport Policy (this sits within Part 1 of the Special Educational Needs (SEN) and Social Care Transport Project)
Department and section:	Environment & Transport
Name of lead officer/ job title and others completing this assessment:	Katy Lynch – Project Manager
Contact telephone numbers:	0116 3056270
Name of officer/s responsible for implementing this policy:	Tony Kirk (Head of Transport Operations) Mark Watters (Team Manager Passenger Transport Services)
Date EHRIA assessment started:	EHRIA for original project completed: 31 st May 2016 <u>New</u> EHRIA started: 28 th March 2017
Date EHRIA assessment completed:	26 th July 2017 (Screening pre-consultation) 30 th Jan 2018 (full assessment post)

Section 1: Defining the policy

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You should begin this assessment by defining and outlining the scope of this policy. You should consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights, as outlined in Leicestershire County Council's Equality Strategy.

1 What is new or changed in this policy? *What has changed and why?*

Context:

This EHRIA is being completed as part of proposals that sit within the SEN and Social Care Transport Project (the Full Business Case for this was approved by Transformation Delivery Board on 27th July); Part 1 of the Project seeks to consult the public on a range of School Transport Policy proposals.

Leicestershire County Council (LCC) is currently undergoing a significant period of change. The council has to make £66m of savings over the next four years, this is on top of the £161m saved since 2010 – this means difficult decisions about services in all areas of the council's work.

By 2019/20, the Environment and Transport Department's budget is expected to reduce to £58m. This is a 27% reduction from the 2010/11 budget of £80m, not allowing for inflation.

At the same time SEN transport costs have increased from £6.5m in 2011/12 to £9.2m in 2016/17, an increase of 42%. Furthermore, without intervention, these costs are expected to grow by 4 to 5% every year.

Significant reductions to local government funding in recent years have widely impacted across the Council's education and social care services, and the Council has a responsibility to review all of its policies in order to make best use of available resources. The last consultation and major change to the SEND Post 16 Policy was implemented in September 2013.

Changes in statutory guidance rightly mean that young people are engaged in education, employment or training up to the age of 18. This means more people need transport to school. However, LCC does not have a statutory duty to provide home to /school/college transport free of charge for learners between the age of 16 to 19 in the same way as it does for compulsory school aged children (5-16 year olds). The same applies to home to nursery transport for children aged under 5 years old.

Currently, LCC provides transport to nursery and school/college for some children with SEN under 5 years old or between the age of 16-25, as well as Post 16 main stream (non-SEN) students. The County Council charges an annual contribution fee to such students, but this charge does not cover the full cost of the transport. This fee is currently waived for students from low income families.

The cost per annum of Special Educational Need Transport is £9.3m (for all ages); with costs anticipated to grow by 5% every year unless the Council does something to manage spending. Furthermore, the budget for 2016/17 was overspent by £485,000. The County Council will need to manage its budget for SEN transport to ensure we can continue to provide transport for statutory age pupils. The increase in cost is due to a gradual increase in the number of pupils with a statement or Education and Health Care plan since 2010.

Over the past couple of years, national policies have re-focussed, aimed at supporting and enabling individuals, families and communities to be independent and resilient.

In support of this agenda, the Council has successfully introduced Personal Transport Budgets as an alternative option to Council provided transport, this offer is available to eligible SEN children and young people (all ages); this gives families' greater freedom and independence to source the transport solution that is best for them. Currently 7.9% of students (132) have accepted a Personal Travel Budget; this offer will continue to be available in future academic years.

Other Local Authorities are increasingly expecting non-statutory age students and their parents to utilise a range of resources available to aid travel, they also advise that the level and type of travel assistance will vary depending upon individual circumstances. For example, a student/student's family may already be in receipt of some or all of the following which would help determine the level of support required from the Council.

Types of support taken into consideration include:

- Free School meals;
- Maximum level of working tax credit;
- Any level of Universal Credit;
- Any level of Council Tax Reduction;
- The Higher Rate Mobility Component of the Disability Living Allowance
- Enhanced Mobility Component of a Personal Independence Payment
- National government schemes.
- Any financial support for travel owing to Special Educational Needs, a Disability or Mobility difficult
- Financial or any other support for travel from the school/college to be attended
- A bursary from the school/college to be attended

What is the current policy?

Special Educational Needs (SEN) nursery and post 16:

Currently, we provide transport to nursery and school/college for approximately 400 children with SEN under five, and between the ages of 16-19.

We charge an annual contribution of £660 for this transport, but pupils/students from low income families are currently exempt from this charge. Some forms of transport provided, e.g. taxi and minibus provision cost the council much more than the contribution made by families.

Recently national policies have been re-focussed and are aimed at supporting and enabling individuals, families and communities to be more independent and resilient. In support of this, we have introduced Personal Transport Budgets as an alternative option to council provided transport. This offer is open to eligible children and young

people with SEN (all ages) giving families greater freedom and independence to source the transport solution that is best for them. 132 students (8%) have requested a Personal Transport Budget for this academic year with 131 agreed; this offer will continue in future years.

Mainstream post 16:

The majority of mainstream post 16 students already make their own transport arrangements to access post 16 education and training with no help from the council. This includes using the local bus network, accessing one of the privately run bus services (arranged by schools or bus companies) or by other arrangements; in these instances students go directly to the operator to purchase a bus pass (prices vary depending on the route).

Where a student is eligible for post 16 transport, we will consider how best to transport the student (at a cost of £660 per year unless they are exempt due to low income). The following options are currently being offered:

Privately run bus services: we will purchase bus passes on local or privately run bus services for eligible post 16 students who apply.

LCC contracted school buses: these are school buses we arrange to transport eligible primary and secondary school students aged 5-16. Under our current policy we ensure there are enough additional seats on these school buses for eligible mainstream post 16 students. Any spare seats on these routes are made available as “fare paying seats”, to any other post 16 students (not eligible for transport support) on a first come first served basis for £800 per year.

Taxi: where neither of the above two options work for eligible post 16 student (e.g. as a result of living in a rural isolated area), we would arrange taxi transport.

With the above in mind, the department plans to consider the following transport policy changes:

Proposal 1 – reduce the level of discount available to children and young people from Low Income Families for transport to nursery and post 16 education

The current policy is more generous than most other Local Authorities, with the majority of LAs expecting students to pay a contribution towards the cost of transport.

We are considering reducing the level of discount applied to students from low income families’ attending non-statutory age education (those aged 0-4 and 16-19, and aim to seek feedback in particular on the appropriate level of discount we should apply in future. The proposal is broken down into 3 age groups as outlined below.

Please note that Students aged 5-16 (statutory school age children) are not affected by this proposal, as this age group is eligible for free school transport (students do not have to be from low income families to receive free school transport).

Proposal 1.1

Student (type) affected: Eligible SEN nursery aged children**Approximate number of students affected: 38**

Parents of students affected by the proposal would instead need to make use of alternative funding streams to support travel arrangements for example the Mobility Allowance element within a PIP/DLA award.

The revised policy would come into effect in Sep 2019 and would apply to all new and existing children affected by this part of the policy.

Proposal 1.2**Student (type) affected: Eligible Post 16 students with SEN****Approximate number of students affected: 151**

The revised policy would come into effect in Sep 2019 and would apply to all new and existing children affected by this part of the policy.

Students affected by the proposal would instead be expected to make use of alternative funding streams to support travel arrangements for example the Mobility Allowance element within a PIP/DLA award, and signposting to the Government's national 16-19 Bursary Fund.

Proposal 1.3**Student (type) affected: Eligible Post 16 main stream students****Approximate number of students affected: 32**

The revised policy would come into effect in Sep 2019 and would apply to all new and existing children affected by this part of the policy.

Students affected by the proposal would instead be expected to make use of alternative funding streams to support travel arrangements for example the Government's national 16-19 Bursary Fund.

In relation to these 3 proposals, consultees would be asked to consider a reduced level of discount as set out as options below:

Discount level for students from low income families - options	Based on 17/18 fee, the proposed annual contribution for affected students would be as follows:
No discount	£660
25% discount of £660	£495
50% discount of £660	£330
70% discount of £660	£198
Full discount	£0 (current position)
Other discount	Views sought

Proposal 2 – Stop offering council arranged taxi and minibuses to transport SEN transport students to Post 16 provision and offer a Personal Travel Budget instead

Current policy:

Transport for those aged 16-19 with SEN costs the council an estimated £1.9m every year. The cost per student, based on around 375 pupils being transported by the council in 2017/18, is approximately £5,000 per year. The cost of transporting a young person

with SEN is, on average, eight times higher than that of a mainstream post 16 student and reflects the more complex support they require.

A significant proportion of the budget is spent on taxis and minibuses. We take SEN students to 86 post 16 destinations both inside and outside of Leicestershire - this is costly and not sustainable.

Therefore, in line with other councils, we are proposing to explore alternative ways to enable SEN students to continue to access post 16 education and training with a Personal Transport Budget. Transport provision through taxi or minibus would only be provided in exceptional circumstances.

Personal Transport Budgets have already been rolled out as an alternative for SEN students and their parents; 15% of SEN post 16 students have already chosen this option for the 2017/18 academic year. More information about Personal Transport Budgets is available on page 7.

There will be a continuing expectation that students contribute towards the cost of transport to post 16 education, and this would be reflected in the Personal Transport Budget allocated. The Personal Transport Budget may be higher for students from low income families. Students would still need to be eligible under the post 16 transport policy rules to qualify.

Proposal 3 To stop providing transport to post 16 education for eligible mainstream post 16 students

Under this proposal, we would stop offering transport to all eligible mainstream post 16 students. They would be expected to make alternative travel arrangements, such as:

- using local bus services, this might involve buying separate passes where a connection is required;
- using privately run school buses not organised by the council;
- Paying £800 for a fare paying space on council arranged transport (including school buses). As at present, spaces would not be guaranteed and would be allocated on a first come first served basis;
- Making their own transport arrangements, for example by lifts with other families or walking/cycling to local bus services

In order to help students from low income families and/or students living in rurally isolated areas access the above options, the council would offer a travel allowance of up to £150 per year towards a student's private travel arrangements. This is in line with other councils. The travel allowance amount would be determined on a case by case basis.

We are also seeking views on whether a higher annual travel allowance should apply to mainstream post 16 students from low income backgrounds.

What this would mean for...

SEND Post 16 learners:

- Personal Transport Budgets (PTBs) and contracted school buses would be the transport offer available to eligible SEND Post 16 transport users. Parents would be asked to think creatively about how their PTB could be used (how the money

is spent will not be monitored); for example, parents could join up with other parents to pool the budgets and make shared arrangements, parents or carers could travel on public transport with their child (purchasing two annual public bus passes) or ask that the school helps provide the transport and parents could pay using their PTBs as a contribution to those costs.

- Parents would also be signposted to external funding streams that would help contribute towards the cost of making transport arrangements, therefore Parents will be expected to pool resources that are available at their disposal for example the 16-19 Bursary Fund, Disabled Living Allowance (DLA) Motability Allowance etc.

PTBs would be based on distance from home to school (2 single journeys per day), however there will be flexibility in the amount paid to individuals to accommodate exceptional circumstances where a higher payment might be necessary to meet need, for example, where an escort would need to be paid to support a student to travel as a result of a student's medical or behavioural condition which therefore means the indicative PTB offered is not sufficient. The approximate average annual value of PTBs paid to parents in 2017/18 was £2,400 (paid in monthly instalments). PTBs would be paid monthly directly into a bank account chosen by the student/parent.

This approach is in line with the Council's wider ambition to encourage person centred planning, which is about helping a **person to plan** all aspects of their life, and planning for the future.

Other benefits of PTBs include:

- freedom and flexibility to make travel arrangements that best meet their family's needs and circumstances
- choice and control over how funding to support their child's needs is spent
- opportunities to share with other parents and potentially increase buying power

There may be a number of exceptional cases which might result in a PTB not being appropriate, through the consultation exercise we will seek to understand what exceptions might apply.

If proposals are accepted, the policy would come into effect in September 2019 and apply to all new and existing students.

Students affected (type)	Approximate number of students affected
Eligible Post 16 SEN students	360-375

Proposal 2.2

Main stream Post 16 learners:

Stop providing taxi provision where a student is unable to access the public transport network or an LCC contracted school bus (e.g. due to rurality), instead a travel allowance towards private transport arrangements could be offered (this is in line with other Local Authorities).

The proposed level of annual travel allowance available (paid annually in one lump sum) is:

- Option A - £110 per year
- Option B – Up to £150 per year (amount determined on a case by case basis)

	<ul style="list-style-type: none"> Option C – Nil (no allowance provided) <p>This proposal would have no transitional arrangements, therefore if proposals are accepted; the policy would come into effect in September 2019 and apply to all new and existing students.</p> <table border="1" data-bbox="240 320 1489 506"> <thead> <tr> <th data-bbox="240 320 919 394">Students affected (type)</th> <th data-bbox="919 320 1489 394">Approximate number of students affected</th> </tr> </thead> <tbody> <tr> <td data-bbox="240 394 919 506">Eligible Post 16 mainstream students (those students currently supported by LCC in getting to Post 16 by taxi)</td> <td data-bbox="919 394 1489 506">26</td> </tr> </tbody> </table>	Students affected (type)	Approximate number of students affected	Eligible Post 16 mainstream students (those students currently supported by LCC in getting to Post 16 by taxi)	26		
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2	<p>Does this relate to any other policy within your department, the Council or with other partner organisations? <i>If yes, please reference the relevant policy or EHRIA. If unknown, further investigation may be required.</i></p> <p>Directly relates to:</p> <ul style="list-style-type: none"> SEN Transport Policy for Nursery and Further Education students Post 16 Transport Policy (mainstream) <p>Indirectly links to the activity being undertaken within Children and Families Department regarding the High Needs Block Project (there is activity ongoing to review placements of SEN pupils, of which some of these individuals will be eligible for school transport)</p>						
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <table border="1" data-bbox="240 1200 1445 2042"> <thead> <tr> <th data-bbox="240 1200 740 1238">Target group</th> <th data-bbox="740 1200 1445 1238">Intended change/outcome for them</th> </tr> </thead> <tbody> <tr> <td data-bbox="240 1238 740 1899">Young People with Special Educational Needs and Disabilities (SEND) currently eligible for Post 16 transport support, and their parents/families</td> <td data-bbox="740 1238 1445 1899"> <p>Proposals 1.2 and 2.1</p> <p>The way in which a young person gets to school would change; removal of taxi and minibus provision.</p> <p>SEN students attending Post 16 would be expected to make their own arrangements or coordinate with other students in order to get to education, training or employment from 16 years old; this could in turn impact on their parents and what is expected of them e.g. this could have consequences for some parents in their ability to work.</p> <p>There is a small safeguarding risk should alternative arrangements not be suitable or safe, or if learners were to walk/cycle on unsuitable routes or travel alone.</p> </td> </tr> <tr> <td data-bbox="240 1899 740 2042">Young People currently eligible for Post 16 transport support living in rural communities</td> <td data-bbox="740 1899 1445 2042">Proposal 2.1 and 2.2; the proposal to cease taxi and minibus transport will have a negative impact on those living in rural communities, post 16 learners will be expected to make their</td> </tr> </tbody> </table>	Target group	Intended change/outcome for them	Young People with Special Educational Needs and Disabilities (SEND) currently eligible for Post 16 transport support, and their parents/families	<p>Proposals 1.2 and 2.1</p> <p>The way in which a young person gets to school would change; removal of taxi and minibus provision.</p> <p>SEN students attending Post 16 would be expected to make their own arrangements or coordinate with other students in order to get to education, training or employment from 16 years old; this could in turn impact on their parents and what is expected of them e.g. this could have consequences for some parents in their ability to work.</p> <p>There is a small safeguarding risk should alternative arrangements not be suitable or safe, or if learners were to walk/cycle on unsuitable routes or travel alone.</p>	Young People currently eligible for Post 16 transport support living in rural communities	Proposal 2.1 and 2.2; the proposal to cease taxi and minibus transport will have a negative impact on those living in rural communities, post 16 learners will be expected to make their
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Young People currently eligible for Post 16 transport support living in rural communities	Proposal 2.1 and 2.2; the proposal to cease taxi and minibus transport will have a negative impact on those living in rural communities, post 16 learners will be expected to make their						

		own arrangements to Post 16 – where a person does not live near public transport services this will be more challenging. This could also limit student choice if they were dissuaded from choosing establishments or courses away from public transport, potentially increasing the number of NEETS (not in education, employment or training)	
	Young people (both SEN and main stream) receiving free nursery or post 16 transport (as a result of being from low income families) and their families	Proposals 1.1,1.2 and 1.3. reducing or removing the low income discount might impact low income families who would be expected to pay a contribution towards their child's transport costs; learners may face financial barriers in accessing education or training or be dissuaded from choosing establishments or courses that are not easy for them to get to, this could affect their future economic wellbeing,	
	Special Educational Needs Assessment staff (SENA coordinators)	SENA coordinators will be expected to have earlier conversations with parents and students regarding planning for the future in a way that will support young people to gain maximum independence throughout their whole life (this will ensure students have sufficient time to prepare and make informed choices about Post 16 and beyond)	
4	Will this policy meet the Equality Act 2010 requirements to have due regard to the need to meet any of the following aspects? (Please tick and explain how)		
		Yes	No
	Eliminate unlawful discrimination, harassment and victimisation	x	
			<p>The project has sought considerable external legal advice regarding the proposals and there is ongoing engagement from legal colleagues who continue to provide advice regarding any Equality Act or other legal implications</p> <p>Any proposed changes to policy will be subject to robust consultation with target groups outlined in this EHRIA.</p>
	Advance equality of opportunity between different groups	X	
			<p>Any proposed changes to policy will be subject to robust consultation with target groups outlined above.</p> <p>The existing Transport offer does advance equality of opportunity for children and young people with SEN (and their families) as well as families on low income considerably, the current offer is thought to be generous</p>

			and therefore proposals brought forward in the Full Business Case will be to bring LCC's offer in line with other Local Authorities to ensure the future offer is sustainable. Project proposals will ensure there is sufficient flexibility to consider exceptions on a case by case basis. Proposals will not preclude LCC from continuing to facilitate access to Post 16 education, training or employment; however this facilitation might be through information and advice regarding travel solutions where this is deemed appropriate. Some SEN students might take longer to complete Post 16 courses as a result of their disability and therefore such individuals might incur higher transport costs; proposals do not impact the length of time transport support is given so a student will not be prevented from finishing a course.
Foster good relations between different groups	x		Any proposed changes to policy will be subject to robust consultation with target groups outlined above. A variety of service user forums and representatives will be engaged with during the process of designing the consultation exercise and as part of the consultation itself. A consultation plan and schedule has been drafted including considerable stakeholder mapping to achieve this.

Section 2: Equality and Human Rights Impact Assessment (EHRIA) Screening

Section 2: Equality and Human Rights Impact Assessment Screening

The purpose of this section of the assessment is to help you decide if a full EHRIA is required.

If you have already identified that a full EHRIA is needed for this policy/ practice/ procedure/ function/ service, either via service planning processes or other means, then please go straight to [Section 3](#) on Page 7 of this document.

Section 2 A: Research and Consultation

5.	Have the target groups been consulted about the following? a) their current needs and aspirations and what is important to them; b) any potential impact of this change on them (positive and negative, intended and unintended); c) potential barriers they may face	Yes	No*
		X	
			X
			X
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?	x	
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?	X	
8.	*If you answered 'no' to the question above, please use the space below to outline what consultation you are planning to undertake, or why you do not consider it to be necessary.		
	Considerable consultation (60 days) will be planned once approval to proceed further with policy proposals for consultation has been sought from Council Members in September 2017. Any changes to policy will not be implemented until September 2019 to give sufficient time over the next year to engage and consult with key stakeholders, and give those directly affected sufficient time to consider and plan their travel arrangements.		

Section 2**B: Monitoring Impact**

9.	Are there systems set up to: a) monitor impact (positive and negative, intended and unintended) for different groups; b) enable open feedback and suggestions from different communities	Yes	No
		X	
		X	

Note: If no to Question 8, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.

Section 2**C: Potential Impact**

10.	Use the table below to specify if any individuals or community groups who identify with any of the ‘protected characteristics’ may <u>potentially</u> be affected by this policy and describe any positive and negative impacts, including any barriers.		
	Yes	No	Comments
	Age	X	Negative: Post 16 aged students might not be offered the current level of

			<p>support in arranging transport to post 16 provision</p> <p>Positive: Reducing support will encourage young adults to prepare themselves for adulthood and increase independence</p> <p>Age group effected: 16 -19yrs (main stream), under 5 year olds and 16-19 yrs for SEN</p>
	Disability	X	<p>Negative: Post 16 SEN students might not be offered the current level of support in arranging transport to post 16 provision</p> <p>Positive: future approaches to transport will be about enabling individuals to be independent and able to travel to local post 16 so that networks closer to home can be established. Exceptions will be considered on the grounds of individual need; reducing the offer to those that can access Post 16 through alternative solutions will ensure there is sufficient resource to continue to support the most vulnerable.</p>
	Gender Reassignment		X
	Marriage and Civil Partnership		X
	Pregnancy and Maternity		X
	Race		X
	Religion or Belief		X
	Sex		X
	Sexual Orientation		X

	<p>Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities</p>	x		<p>Parent carers and carers for adults with social care needs might be relied on more to help their child with SEN or relative to access services; such individuals are already under considerable pressure as a result of having to support their child or relative in other aspects of their lives.</p> <p>Disadvantaged/deprived communities: Low income families may be unable to afford to pay a contribution towards the cost of nursery/ post 16 transport which might put the family at risk of debt or prevent their child from being able to attend Post 16/nursery education.</p> <p>Rural Isolation – some students and service users will find it more difficult to access education and support provision due to the location of where they live, which might not be supported with sufficient community or public transport offers resulting in more high cost transport options being needed; if the transport offer for post 16 was removed or restricted to PTBs, a person in a more rural area might incur a higher cost in order to for them to be able to access provision.</p>
	<p>Community Cohesion</p>	x		<p>Transport policy option that supports a person to attend their nearest post 16 college etc will support the person to access community resources/networks closer to their home, with the ultimate objective of enabling the person to belong/integrate in the community where they live.</p>
11.	<p>Are the human rights of individuals <u>potentially</u> affected by this proposal? Could there be an impact on human rights for any of the protected characteristics? (Please tick)</p>			

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		X	
Article 3: Right not to be tortured or treated in an inhuman or degrading way		X	
Article 4: Right not to be subjected to slavery/ forced labour		X	
Article 5: Right to liberty and security		X	
Article 6: Right to a fair trial		X	
Article 7: No punishment without law		X	
Article 8: Right to respect for private and family life	X		Some policy options could be deemed as impacting on family life if changes to transport provision are introduced that means service users have to be transported by alternative means (increases reliance on the family disproportionately)
Article 9: Right to freedom of thought, conscience and religion		X	
Article 10: Right to freedom of expression		X	
Article 11: Right to freedom of assembly and association		X	
Article 12: Right to marry		X	
Article 14: Right not to be discriminated against	X		When implementing changes to policy as well as PTBs and existing policy, the Transport Service will need to ensure that policy is applied consistently whilst acknowledging exceptions, thereby recognising that some individuals will need to be treated differently when they are in significantly different situations or when a neutral policy has a disproportionate impact on

				individuals or groups.
Part 2: The First Protocol				
	Article 1: Protection of property/ peaceful enjoyment		x	
	Article 2: Right to education		x	Children and young people in statutory education (5-16 years old) are not affected by the transport policy change proposals. Young people of non-statutory school age (under 5 and over 16s) are affected by the policy change proposals, however it must be noted that transport provision is discretionary; There is statutory guidance for 16-18 year olds to be in employment, education or training and there is an expectation that Local Authorities facilitate this access, but this doesn't need to be through physically arranging post 16 transport provision.
	Article 3: Right to free elections		x	
Section 2				
D: Decision				
12.	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;	X		
	b) any section of the community may face barriers in benefiting from the proposal	X		
13.	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"/>
Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.				

14.	Is an EHRIA report required?	Yes <input checked="" type="checkbox"/> The project intends to complete a full EHRIA report for policy proposals once the consultation exercise has been completed in Autumn 2017.	No <input type="checkbox"/>
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Section 2: Completion of EHRIA Screening

Upon completion of the screening section of this assessment, you should have identified whether an EHRIA Report is required for further investigation of the impacts of this policy.

Option 1: If you identified that an EHRIA Report is required, continue to [Section 3](#) on Page 7 of this document to complete.

Option 2: If there are no equality, diversity or human rights impacts identified and an EHRIA report is not required, continue to [Section 4](#) on Page 14 of this document to complete.

Section 3: Equality and Human Rights Impact Assessment (EHRIA) Report

Section 3: Equality and Human Rights Impact Assessment Report

This part of the assessment will help you to think thoroughly about the impact of this policy and to critically examine whether it is likely to have a positive or negative impact on different groups within our diverse community. It is also to identify any barriers that may detrimentally affect under-represented communities or groups, who may be disadvantaged by the way in which we carry out our business.

Using the information gathered either within the EHRIA Screening or independently of this process, this EHRIA Report should be used to consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights as outlined in Leicestershire County Council's Equality Strategy.

Section 3

A: Research and Consultation

When considering the target groups it is important to think about whether new data

needs to be collected or whether there is any existing research that can be utilised.

- 15.** Based on the gaps identified either in the EHRIA Screening or independently of this process, how have you now explored the following and what does this information/data tell you about each of the diverse groups?
- current needs and aspirations and what is important to individuals and community groups (including human rights);
 - likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights);
 - likely barriers that individuals and community groups may face (including human rights)

A 12 week consultation exercise took place from Sep to Dec 2017 in order to gain feedback from the public regarding the proposals, specifically targeting parents/carers of students that might be impacted by the proposals. During the consultation period there were 226 responses to the consultation questionnaire (70% of respondents were parent/carer or users of school transport), with additional qualitative information given during and after consultation events. A detailed analysis of consultation responses is



SEN Transport 2017
- Consultation report
attached

a. current needs and aspirations and what is important to individuals and community groups (including human rights)

Proposal ref.	Consultation analysis
1. Reduced discount for low income families	<p>Reduce discount for SEN nursery children:</p> <ul style="list-style-type: none"> • 74% disagreed with the proposal to reduce the discount available • 58% suggested a full discount needed to continue, 32% suggested that if a discount were introduced, a discount of 25-75% would be acceptable • Only 6% agreed that no discount should be available • Some suggested a means-tested discount of based on income <p>Reduce discount for SEN Post 16 students:</p> <ul style="list-style-type: none"> • 80% disagreed with the proposal to reduce the discount available • Parents of children aged 16-17 were less likely to disagree with the proposal (73%) compared to parents of younger children (87%) • 60% suggested a full discount needed to continue, 33% suggested that if a discount were introduced, a discount of 25-75% would be acceptable • Some suggested a means-tested discount of

	<p>based on income</p> <p>Reduce discount for mainstream Post 16 students:</p> <ul style="list-style-type: none"> • 62% disagreed with the proposal to reduce the discount available • Parents of children aged 5-10 were more likely to disagree with the proposal (75%) compared to other parents (54%) • 35% suggested a full discount needed to continue, 45% suggested that if a discount were introduced, a discount of 25-75% would be acceptable • Some suggested a means-tested discount of based on income
2. Replace taxis/minibuses with Personal Travel Budgets	<ul style="list-style-type: none"> • 83% disagreed with the proposal • Parents/carers of school transport users were more likely to disagree (88%) than members of the public • 48% of respondents agreed that students from low income families should receive a larger PTB • Respondents with at least 1 vehicle in their household were more likely to agree with the proposal
3. Stop providing mainstream post 16	<ul style="list-style-type: none"> • 59% of respondents disagreed with the proposal • 42% disagreed and 42% agreed with the proposal to offer an annual travel allowance up to £150 • 57% agreed that children from low income families should get a larger travel allowance • Transport should be considered on a case by case basis based on income or distance from home to college

b. likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights)

Proposal ref.	Consultation analysis
1. Reduced discount for low income families	<p>Reduce discount for SEN nursery children:</p> <ul style="list-style-type: none"> • 35% suggested children would not be able to access nursery • 25% said that families of SEN already face many difficulties acquiring everyday support • 26% said that the proposal would further negatively impact family health, relationships and ability to maintain employment • 20% felt child's outcomes would be worse if they were unable to attend nursery • Some children may end up in care if not supported with transport • If unable to attend then children will be unable to access socialising opportunities

	<p>Reduce discount for SEN Post 16 students:</p> <ul style="list-style-type: none"> • May result in child being unable to attend college as family would struggle to pay or not afford the transport • Childs outcomes might worsen if unable to attend post 16 • 26% said that the proposal would further negatively impact family health, relationships and ability to maintain employment <p>Reduce discount for main stream Post 16 students:</p> <ul style="list-style-type: none"> • Mixture of positive and negative suggestions provided for this proposal. • 23% felt it may result in child being unable to attend college as family would struggle to pay or not afford the transport • 14% felt child's outcomes might worsen if unable to attend post 16 • 12% said that the proposal would further negatively impact family health, relationships and ability to maintain employment
2. Replace taxis/minibuses with Personal Travel Budgets	<ul style="list-style-type: none"> • 29% said that the proposal would further negatively impact family health, relationships and ability to maintain employment • PTB may result in the ability to tailor school transport to the child's needs
3. Stop providing mainstream post 16	<ul style="list-style-type: none"> • 15% felt child would not be able to attend college • Reductions in main stream post 16 transport appeared to be more acceptable as mainstream pupils have more options than SEN pupils, such as using public transport or finding employment.

c. likely barriers that individuals and community groups may face (including human rights)

Proposal ref.	Consultation analysis
1. Reduced discount for low income families	<p>Reduce discount for SEN nursery children:</p> <ul style="list-style-type: none"> • Some parents will not be able to afford to transport their child to nursery • 25% said limited local availability of SEN nurse provision leads to long travel distance already • Alternative funding streams – not accessible or insufficient monetary value <p>Reduce discount for SEN Post 16 students:</p> <ul style="list-style-type: none"> • 18% said limited local availability of SEN specialist Post 16 provision leads to long travel distance already • Alternative funding streams – not accessible or insufficient monetary value

	<p>Reduce discount for main stream Post 16 students:</p> <ul style="list-style-type: none"> • Discriminates against vulnerable groups including low income families – money/affordability is a barrier • Alternative funding streams – not accessible or insufficient monetary value
2. Replace taxis/minibuses with Personal Travel Budgets	<ul style="list-style-type: none"> • 27% felt the monetary value of a PTB would be insufficient to cover travel costs • 25% felt families would not be able to transport the child to college as a result of the costs involved, their work commitments or not having access to a vehicle • 20% felt their child might not be able to attend post 16 as a result of the proposal • Other concerns included safety, security and sustainability of alternative transport methods • Alternative funding streams – not accessible or insufficient monetary value
3. Stop providing mainstream post 16	<ul style="list-style-type: none"> • 26% felt monetary value of the allowance was insufficient to meet travel costs • 11% wouldn't be able to transport their child due to costs involved/work commitments or no access to a vehicle • Alternative funding streams – not accessible or insufficient monetary value
16.	Is any further research, data collection or evidence required to fill any gaps in your understanding of the potential or known affects of the policy on target groups?
No	
When considering who is affected by this proposed policy, it is important to think about consulting with and involving a range of service users, staff or other stakeholders who may be affected as part of the proposal.	
17.	Based on the gaps identified either in the EHRIA Screening or independently of this process, <u>how</u> have you further consulted with those affected on the likely impact and <u>what</u> does this consultation tell you about each of the diverse groups?
N/A	
18.	Is any further consultation required to fill any gaps in your understanding of the potential or known effects of the policy on target groups?
No	

Section 3

B: Recognised Impact

19.	Based on any evidence and findings, use the table below to specify if any individuals or community groups who identify with any 'protected characteristics'
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are <u>likely</u> be affected by this policy. Describe any positive and negative impacts, including what barriers these individuals or groups may face.	
	Comments
Age	Nursery aged students or post 16 aged students may be negatively impacted if their parents are unable to identify alternative means of getting the child to nursery or college.
Disability	<p>SEN nursery and SEN post 16 students are recognised to have disabilities and therefore may have additional needs in terms of the transport arrangements they require in order to get to nursery or college; this might make arrangements more costly.</p> <p>Provision for SEN students/children can often require a longer travel to get to nursery and post 16 due to specialist provision needed, this will naturally require more time travelling at a higher cost which the parent may not be able to meet.</p> <p>Disabled parents with children that require transport support may be disproportionately impacted if they are expected to get their child to school e.g. they may not be able to drive due to a disability</p>
Gender Reassignment	N/A
Marriage and Civil Partnership	N/A
Pregnancy and Maternity	N/A
Race	N/A
Religion or Belief	N/A
Sex	N/A
Sexual Orientation	N/A

	<p>Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities</p>	<p>Students that are rurally isolated and live a considerable distance from the nearer nursery or post 16 may have no means of getting to the provision resulting in no attendance.</p> <p>Deprived – low income households may not receive a sufficient amount of money in order to make their own transport arrangements resulting in their child not attending</p>
	<p>Community Cohesion</p>	<p>N/A</p>

<p>20.</p>	<p>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?</p>	
	<p style="text-align: right;">Comments</p>	
	<p>Part 1: The Convention- Rights and Freedoms</p>	
	<p>Article 2: Right to life</p>	<p>N/A</p>
	<p>Article 3: Right not to be tortured or treated in an inhuman or degrading way</p>	<p>N/A</p>
	<p>Article 4: Right not to be subjected to slavery/ forced labour</p>	<p>N/A</p>
	<p>Article 5: Right to liberty and security</p>	<p>N/A</p>
	<p>Article 6: Right to a fair trial</p>	<p>N/A</p>
	<p>Article 7: No punishment without law</p>	<p>N/A</p>
	<p>Article 8: Right to respect for private and family life</p>	<p>Some respondents suggested the proposals could be an additional burden on families that already face a large number of difficulties in every day life. Proposals could result in increased stress, poorer health, diminished ability to work and strain on family relationships</p>
	<p>Article 9: Right to freedom of thought, conscience and</p>	<p>N/A</p>

	religion	
	Article 10: Right to freedom of expression	N/A
	Article 11: Right to freedom of assembly and association	N/A
	Article 12: Right to marry	N/A
	Article 14: Right not to be discriminated against	The proposals were seen as discriminatory against vulnerable groups, such as families with SEN children and low income, and would result in greater inequality between those groups and non-vulnerable families.
Part 2: The First Protocol		
	Article 1: Protection of property/ peaceful enjoyment	N/A
	Article 2: Right to education	Schools/colleges were considered vital for children's social and cognitive development, and the organised transport provision itself was a vital mainstay of children's education due to the social and experiential benefits for the child. As a result of the proposals respondents felt some children would not be able to attend school/college and that their future outcomes would deteriorate as a result.
	Article 3: Right to free elections	N/A
Section 3		
C: Mitigating and Assessing the Impact		
Taking into account the research, data, consultation and information you have reviewed and/or carried out as part of this EHRIA, it is now essential to assess the impact of the policy.		
21.	If you consider there to be actual or potential adverse impact or discrimination, please outline this below. State whether it is justifiable or legitimate and give reasons.	
<p>Based on the feedback from consultation there is a potential adverse impact or discrimination for some families of students affected by the proposals, the impact is justified although is not necessarily applicable across the board as different families find themselves in different scenarios. The following impacts are justified:</p> <ul style="list-style-type: none"> • Affordability of travel costs particularly for those from low income families or those with disabled children whose transport arrangements can be more costly • Limited local availability of specialist provision results in longer journey time impacting some parents ability to take their children to school due to other commitments • Families would not be able to transport the child to college as a result of having 		

no access to a vehicle; this impact is justified if both parents or carers were unable to use a vehicle due to parents also having a disability

The following impacts could be challenged:

- The monetary value of a PTB or travel allowance would be insufficient to cover travel costs; LCC has an obligation to facilitate access to Post 16 education, employment or training and therefore if the amount being offered (combined with other funds the parent may be able to access) was deemed insufficient, a higher amount would be offered to ensure it was sufficient.
- Families would not be able to transport the child to college as a result of work commitments; a PTB or travel allowance does not necessarily translate as the parent having to physically transport their child to nursery or post 16, the proposal suggests there may be other ways that could be considered in order to get their child to school.
- Families would not be able to transport the child to college as a result of having no access to a vehicle; a PTB could be creatively used to purchase a vehicle or pay someone else to take their child to school for example
- Fewer opportunities for respite – the proposals do not impact respite journey arrangements as respite transport is not in scope.
- Safeguarding in terms of a child's safety in a taxi where a driver is not DBS checked; all commercial taxis are assessed rigorously by the council before a taxi license is given, this assessment requires taxi companies to have all drivers DBS checks in place,

N.B.

i) If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately.

ii) If you have identified adverse impact or 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.

- 22.** Where there are potential barriers, negative impacts identified and/or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.
- a) include any relevant research and consultations findings which highlight the best way in which to minimise negative impact or discrimination
 - b) consider what barriers you can remove, whether reasonable adjustments may be necessary, and how any unmet needs that you have identified can be addressed
 - c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a particular group, please explain why

Negative impacts/ barriers

Proposed mitigations

<p>Affordability of travel costs particularly for those from low income families or those with disabled children whose transport arrangements can be more costly. Resulting in child unable to access provision</p>	<ul style="list-style-type: none"> • Exceptions built into the school transport policy – exceptions would be considered on a case by case basis and not blanket approach e.g. an exception might be if both parents are disabled and on low income the LCC would consider continuing to provide traditional transport at no cost • As part of the Post 16 transport application process the default approach would be to apply for a PTB or travel allowance but with the option for the parent to tell LCC why a PTB would not work for them – exceptions would be determined based on the information provided • Parents/carers will have the opportunity to challenge the PTB offered and all challenges will be considered by LCC • Where an exception was requested, such applications would be risk assessed to determine the appropriate PTB required or transport arrangements needed (if PTB deemed inappropriate) • The application process would also contain an appeals process should a Parent/carer disagree with the transport solution being offered to them • PTBs and Travel allowances would be increased where it was evident that the amount being proposed was insufficient for a person to travel • Undertake further work with some of the Post 16 colleges to determine whether there was an opportunity for parents to pay the colleges direct using the PTB for special schools and other further education providers to provide the transport. • Any changes to the policy and revised application process will be outlined and explained in plain English so that it is accessible to parents/carers • During implementation of the new policy the transport service will ensure advice is available should a parent/carer need the changes and implications explaining to them so that there is no misunderstanding
<p>Limited local availability of specialist education provision results in longer journey time impacting some parents ability to take their children to school due to other work/family commitments</p>	
<p>Families would not be able to transport the child to college as a result of having no access to a vehicle e.g. both parents or carers were unable to use a vehicle due to parents also having a disability</p>	

	<ul style="list-style-type: none"> • Ensure there is a mechanism between the schools and children and families department to flag any families or students that appear to be directly impacted by any transport decision e.g. signs of families tipping into poverty or risk of a child needing to go into social care due the family not being able to cope; such instances would lead to an escalation to the transport service to re-consider their decision and treat such individuals as exceptions • Ensure students and their parents/carers to be explicitly made aware of additional funding streams which might offset financial pressures such as the 16-19 Bursary Fund which supports disadvantaged learners with the costs of accessing education and learning
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Section 3

D: Making a decision

- 23.** Summarise your findings and give an overview as to whether the policy will meet Leicestershire County Council's responsibilities in relation to equality, diversity, community cohesion and human rights.

As long as the mitigations are accepted and approved as part of the final proposals, it is believed that the new policy would meet LCCs responsibilities in these areas.

Section 3

E: Monitoring, evaluation & review of your policy

- 24.** Are there processes in place to review the findings of this EHRIA and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact?

Transport applications would be considered on a case by case basis, with an appeals process available for parents to appeal any transport decisions made. Leicestershire Equalities Challenge Group and individual internal department equalities group will also consider the findings outlined in this EHRIA.

- 25.** How will the recommendations of this assessment be built into wider planning and review processes?
e.g. policy reviews, annual plans and use of performance management systems

	<p>If the policy receives approval, this would be published in September 2018 and come into effect from September 2019, therefore a post implementation review of the policy would be built in 3-6 months after go live to ensure those impacted are not discriminated against and that students continue to be able to access nursery and Post 16 provision.</p>
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Section 3:
F: Equality and human rights improvement plan

Please list all the equality objectives, actions and targets that result from the Equality and Human Rights Impact Assessment (EHRIA) (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

Equality Objective	Action	Target	Officer Responsible	By when
Students from deprived or disadvantaged families are unable to afford travel costs for nursery or post 16 education resulting in inability to access provision	1. Include an exception clause in a revised policy that can be considered and applied on a case by case basis (exceptions clause would result in a higher financial contribution or traditional transport being provided by LCC)	Ensure deprived or disadvantaged families can continue to access provision following any policy changes	Team Manager Passenger Transport Services	September 2018 (dependent on a decision from Members to agree changes to the policy)
Disabled students are unable to access suitable provision as parents/carers unable to transport due to work and/or other family commitments	2. Information regarding additional funding streams which might offset financial pressures to be made available and accessible to students and their parents/carers	Ensure students with the most complex needs/disabilities (those needing specialist provision) can continue to access provision following any changes to policy	Team Manager Passenger Transport Services	September 2018 (dependent on a decision from Members to agree changes to the policy)
Students are unable to access provision as parents/carers unable to transport them due to a disability		Students with parents/carers that are unable to drive as a result of a disability will be able to access	Team Manager Passenger Transport Services	September 2018 (dependent on a decision from Members to agree changes to the policy)

Equality Objective	Action	Target	Officer Responsible	By when
		provision following any changes		
Students and parents/carers impacted by a new school transport policy are unable to understand the process and thus unable to appeal against decisions where necessary	<p>3. Review customer facing information on website and associated leaflets, so that new process and expectations are set out in plain English</p> <p>4. Review the nursery and post 16 application forms in light of the changes, setting out clearly in forms and other literature what the informal challenge and subsequent appeals process is and what is entailed</p>	New policy and application process is understood and accessible by all	<p>Team Manager Passenger Transport Services and Communications Officer</p> <p>Transport Policy Officer</p>	<p>January 2019</p> <p>January 2019</p>
Transport pressures on disadvantaged families results in students being pushed into social care	5. LCC Children and Family Services Department to develop robust escalation mechanism in place with schools should a student be deemed likely to enter care as a result of transport pressures – such instances would be	Children and young people will not be pushed into care as a result of any school transport policy changes	Head of Service SEND & Children with disabilities DBSS HCPC and Head of Transport Operations	April 2019

Equality Objective	Action	Target	Officer Responsible	By when
	fast tracked to the transport team for re-assessment and application of the exceptions policy			
Not all students will be deemed exceptions and thus travel options may be limited or deemed unsuitable by the student or their parent/carer	6. Commence discussions with schools and colleges regarding the potential for schools to develop their own travel schemes which students could purchase using their personal travel budgets	Suitable travel options will be available to all students impacted by the policy	Head of Transport Operations	April 2018

Section 4: Sign off and scrutiny

Upon completion, the Lead Officer completing this assessment is required to sign the document in the section below.

It is required that this Equality and Human Rights Impact Assessment (EHRIA) is scrutinised by your [Departmental Equalities Group](#) and signed off by the Chair of the Group.

Once scrutiny and sign off has taken place, a depersonalised version of this EHRIA should be published on Leicestershire County Council's website. Please send a copy of this form to louisa.jordan@leics.gov.uk, Members Secretariat, in the Chief Executive's department for publishing.

Section 4

A: Sign Off and Scrutiny

Confirm, as appropriate, which elements of the EHRIA have been completed and are required for sign off and scrutiny.

Equality and Human Rights Assessment Screening

Equality and Human Rights Assessment Report

1st Authorised Signature (EHRIA Lead Officer):Katy Lynch

Date: ...5th February 2018.....

2nd Authorised Signature (DEG Chair):Ian Vears

Date:5th February 2018.....

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