

Budget Proposals 2014/15 and 2015/16: Equality Impact Assessment (EIA) - School Transport Review Charges for post 16 Students on SEN (Special Educational Needs) Courses

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Business Unit:	Schools Commissioning	Directorate:	Children's Services
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The council and its partners are facing a significant challenge in the savings it needs to make over the next couple of years. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of their proposals on the community. As a council we need to ensure that we are able to deliver the savings that we need to make while mitigating against any negative or adverse impacts on particular groups across our communities.

This EIA will evidence that the Council have fully considered the impact of the proposed changes and has carried out appropriate consultation on those changes with the key stakeholders. This EIA and the evidence provided within it will allow Councillors to make informed decisions as part of the decision-making process regarding the council's budget.

Executive Lead / Head Sign off

Executive Lead(s)	Ken Pritchard	Executive Head:	Richard Williams
Date:	6 th February 2014	Date:	6 th February 2014

Summary from Overall Budget Proposals:

Proposals – Outline	Savings for 2014/15 and 2015/16		Implementation Cost <i>Include brief outline + year incurred</i>	Delivery <i>When will this proposal realise income / savings</i>	Risks / impact of proposals <ul style="list-style-type: none"> • <i>Potential risks</i> • <i>Impact on community</i> • <i>Knock on impact to other agencies</i> • <i>If statutory service please state relevant legislation section and Act together with any statutory guidance issued.</i> 	Type of decision		
	Income £ 000's	Budget reduction £ 000's				Internal	Minor	Major
<p>Efficiencies within School Transport:</p> <p>This proposal will reduce the subsidy for post 16 students on SEN courses over the next two years.</p>	<p>Year 1 (14/15) 12,000</p> <p>Year 2 (15/16) 26,000</p>		No Implementation Costs	01/04/14	<p>In July 2013, the Council agreed to phase out subsidy of discretionary transport for students including post 16 students on mainstream courses.</p> <p>The potential impact of this proposal will be explored through consultation. An Equality Impact Assessment will be undertaken in relation to this proposal.</p>		X	

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	<p>Clearly set out the proposal and what is the intended outcome.</p>	<p>The proposal is to introduce contributory charges for post-16 transport for students on SEN courses. Children's Services will continue to provide a statutory service in relation to home to school / college transport and will continue to subsidise SEN transport for post-16 students on SEN courses where a need is identified.</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"> • Providing transport assistance to pupils of statutory school age (5-16) 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). • 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. • Normally assistance is in the form of a free bus pass. <p>In July 2013 Torbay Council agreed to phase out the subsidy of discretionary transport for all students including SEN post-16 students on mainstream courses. This means that from September 2014 all post 16 students on mainstream courses (even if they have a special educational need) will be charged a £400 contribution for transport to school/college for the year and from September 2015 they will pay the full price for an annual bus pass.</p> <p>The position of post 16 students on SEN courses has now been reviewed in light of the changes to charging post 16 students on mainstream courses. This proposal seeks to introduce a contributory charge for post 16 students on SEN courses to remove the inequity of some students paying for transport (all those on mainstream courses) whilst others currently make no contribution (those on SEN courses).</p> <p>From September 2014 all students attending mainstream courses (including SEN students on mainstream courses) will be charged a £400 contribution for transport to school/college and from September 2015 they will pay the full price for a bus pass. Under this proposal a similar contribution will be introduced for post 16 students on SEN courses of £400 for the year from September 2014 and £600 from September 2015. This would be reviewed annually and aligned with the cost of a bus pass to other students.</p> <p>Where post 16 students attending SEN courses are assessed as needing special transport e.g. taxi or minibus they will</p>

No	Question	Details
		<p>continue to receive support from the local authority over and above the contributory amount i.e. all additional costs over £400 from September 2014 and £600 from September 2015 will be met by the local authority.</p> <p>While this proposal is being put forward as part of the budget setting process and will deliver savings for the Council, it is intended the proposal will remove the inequity of the current charging policy and ensure that all post-16 students are treated the same in terms of the contribution they are asked to make for transport to school/college.</p>
2.	Who is intended to benefit / who will be affected?	<p>Post 16 students on SEN courses who receive discretionary transport assistance - in 2012-13 there were 50 students, of whom 7 received a bus pass and 43 had special SEN transport provided. For 2013-14 this number has reduced slightly to 45 students because South Devon College are now making their own transport arrangements for students.</p> <p>Parents / carers of children who are post-16 students on SEN courses.</p>

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																								
3.	Have you considered the available evidence?	<p>In 2012-13 there were 50 post-16 students on SEN courses who received free transport to school/college, 7 by bus and 43 by taxi or other SEN transport. To date the figures for 2013-14 are 38 students travelling by taxi or other SEN transport and 12 travelling by bus. This excludes students travelling by bus to South Devon College as the college now arranges this transport directly. Numbers will vary from year to year as needs are very specific. Details of transport provision are as follows:</p> <table border="1"> <thead> <tr> <th colspan="2"></th> <th colspan="2">Bus Pass</th> <th colspan="2">Taxi/Minibus</th> <th colspan="2">Total</th> </tr> <tr> <th colspan="2"></th> <th>2012/13</th> <th>2013/14</th> <th>2012/13</th> <th>2013/14</th> <th>2012/13</th> <th>2013/14</th> </tr> </thead> <tbody> <tr> <td colspan="2"></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			Bus Pass		Taxi/Minibus		Total				2012/13	2013/14	2012/13	2013/14	2012/13	2013/14								
		Bus Pass		Taxi/Minibus		Total																				
		2012/13	2013/14	2012/13	2013/14	2012/13	2013/14																			

No	Question	Details						
		South Devon College SEN Section	4	n/a	12	12	16	12
		Exeter College SEN Section	1	-	1	1	2	1
		Bridgwater College	-	-	1	-	1	-
		Paignton Community & Sports Academy	-	1	2	-	2	1
		Royal School for the Deaf	-	-	1	-	1	-
		West of England School	-	-	1	2	1	2
		Dartington Bidwell Brook School	-	-	1	1	1	1
		Mayfield School	-	-	13	14	13	14
		On Track Education Services Totnes	2	-	11	8	13	8
		Combe Pafford	-	11	-	-	-	11

The annual cost of a bus pass for students in Torbay for 2013-14 is £505.

The cost of providing SEN transport to 38 students for 2013-14 is expected to be in the region of £70,000 - £75,000.

The alternative of continuing to fully fund SEN transport 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. For example, the cost of bus passes increased by 4% in 2012, adding £22,000 to the annual transport budget; Mayfield School has added 10 places and Combe Pafford has an additional 35 places. A primary centre for alternative primary provision has been established in Brixham, and 16 pupils are currently being transported to this provision.

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 on low incomes to help with costs such as transport. These are distributed directly by post-16 institutions.

Many other local authorities have already introduced charges for post-16 transport for SEN students. For example, Devon County Council is asking for a contribution of £500 for 2013-14, Essex is charging £510, Leicester are charging £252, Lincolnshire are charging £405; and Cambridgeshire charges range from £450-£618. Some of these local authorities have a discounted rate for students from low income families; others rely on bursaries to support low income students.

No	Question	Details
4.	How have you consulted on the proposal?	<p>Consultation on this proposal commenced following the announcement of the Mayor's draft budget proposals in November 2013.</p> <p>Consultation papers were sent directly to year 11 and year 12 SEN students who would be most immediately affected by the proposals.</p> <p>All secondary schools, special schools and South Devon College were contacted and asked to disseminate information to a) governing bodies and b) parents/students who would be affected by the proposals. Whilst it is suggested that not all of the schools did this, it is believed that the consultation responses received are a fair representation of the views held by parents.</p> <p>The consultation was also promoted through the Parent Participation Forum. A drop in session was held in Paignton for anyone who required further information.</p> <p>To ensure that all potential future users of this service were given the opportunity to have their say, information along with a questionnaire was made available online and in paper as part of the wider consultation on the Mayor's budget.</p> <p>The consultation was open for 10 weeks and closed on 16th January 2014.</p> <p>See appendix 1 for the consultation report</p>
5.	Outline the key findings	<p>A total of 23 responses were received. These were a mix of completed response sheets and emails. Only one person attended the drop in session.</p> <p>The great majority of respondents disagreed with the proposal. There were three main areas of concern:</p> <p>Cost</p> <ul style="list-style-type: none"> • People on low incomes are concerned about finding the money • There are concerns if the charge can't be paid in instalments • Families don't have a choice not to pay because of the raising of the participation age • The changes should be phased in over a longer period <p>Fairness</p> <ul style="list-style-type: none"> • There often isn't a local institution to choose for students with special needs so students have to travel a long way and

No	Question	Details
		<p>therefore have to have transport</p> <ul style="list-style-type: none"> • It's not fair to target people who will never be able to travel independently • Young people with special needs often have to spend longer in education than other young people <p>Practicality</p> <ul style="list-style-type: none"> • These students can't function independently and this would make them more dependent • As above, students often can't attend a local institution because it does not cater for their needs
6.	What amendments may be required as a result of the consultation?	No amendments are proposed. The bursary for students on low income will address many of the issues raised. Note: original proposal figures have been adjusted slightly to take into account current estimated numbers of pupils using transport

Positive and Negative Equality Impacts

No	Question	Details		
7.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact	Neutral Impact
	Older or younger people	<p>Children's Services will continue to provide a statutory service in relation to home to school / college transport, as set out in question 1 above and young people who need special transport will continue to have this provided.</p> <p>Bursaries are now available for young people who are post-16 carers, in care, leaving care or in receipt of income support these bursaries are administered directly by post-16 institutions and young people are advised to talk to their school / college for assistance.</p>	<p>This proposal will affect approximately 50 young people. This proposal may cause some financial hardship and/or limit the choice of schools available for some families to choose from. However bursaries are available for post-16 students on low incomes.</p>	

No	Question	Details	
		Bursaries are available for post-16 students on low incomes.	
	People with caring responsibilities	<p>Children's Services will continue to provide the statutory services in relation to home to school / college transport, as set out in question 1 above and young people who need special transport will continue to have this provided.</p> <p>Bursaries are available for post-16 students on low incomes.</p>	Parents / carers of post 16 students on SEN courses may be affected by this proposal. However bursaries are available for post-16 students on low incomes.
	People with a disability	<p>Where students on SEN courses need special transport e.g. taxi or minibus, they will continue to receive support from the local authority and these costs will be covered by the local authority.</p> <p>Under the changes already agreed in relation to school transport post 16 SEN students attending mainstream courses will from September 2014 be required to make a contribution towards the costs of their transport. This proposal will remove the inequity between those attending SEN courses and those attending mainstream courses as all students will be required to make a contribution towards their transport costs.</p> <p>Post-16 bursaries are available for students on low incomes.</p>	This proposal will affect approximately 50 young people on post 16 SEN courses. This proposal may cause some financial hardship and/or limit the choice of schools available for some families to choose from. However bursaries are available for post-16 students on low incomes.
Women or men	This proposal does not differentially impact on women or men		
People who are black or			

No	Question	Details		
	from a minority ethnic background (BME)	This proposal does not differentially impact on those from different ethnicities		
	Religion or belief (including lack of belief)	This proposal does not differentially impact on those from different religions		
	People who are lesbian, gay or bisexual	This proposal does not differentially impact on those who are lesbian, gay or bisexual		
	People who are transgendered	This proposal does not differentially impact on those who are transgendered		
	People who are in a marriage or civil partnership	This proposal does not differentially impact on those who are married or in a civil partnership		
	Women who are pregnant / on maternity leave	This proposal does not differentially impact on those who are pregnant or on maternity leave		
	<p>Socio-economic impacts (Including impact on child poverty issues and deprivation)</p>	<p>Children's Services will continue to provide the statutory services in relation to home to school / college transport, as set out in question 1 above and young people who need special transport will continue to have this provided.</p> <p>Bursaries are now available for young people who are post-16 carers, in care, leaving care or in receipt of income support these bursaries are administered directly by post-16 institutions and young people are advised to talk to their school / college for assistance.</p> <p>Bursaries are available for post-16 students on low incomes.</p>	<p>This proposal may cause some financial hardship for some post 16 students on SEN courses and their families. However bursaries are available for post-16 students on low incomes.</p>	
	Public Health impacts (How will your proposal impact on the general health of the	This proposal does not have any public health impacts.		

No	Question	Details
	population of Torbay)	
8a.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	None identified at this stage
8b.	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	None identified

Section 3: Mitigating action

No	Action	Details
9.	Summarise any negative impacts and how these will be managed?	<p>The negative impact will be an additional cost for transport to school or college for post-16 students attending SEN courses. The Council is proposing to phase in the changes to the policy to mitigate the potential impact. Students from families on low income will be required to make a contribution of £400 for the year in September 2014, and in September 2015 will be required to fund the total cost of a bus pass (estimated at £600 for the academic year). Other students will receive a £25 subsidy in September 2014 and will fund the total cost of a bus pass for September 2015. Payment by instalments will be permitted.</p> <p>The local authority will continue to subsidise transport costs over and above the contribution where there is a need identified.</p> <p>There is an appeals process where parents and students will be able to request discretionary support in exceptional circumstances and cases of genuine hardship. This process is open to all families.</p>

Section 4: Monitoring

No	Action	Details
10.	Outline plans to monitor the actual impact of your proposals	The number of appeals for discretionary assistance will be monitored.

Section 5: Recommended course of action

No	Action	Outcome	Tick	Reasons/justification for recommended action
11.	State a recommended course of action Clearly identify an option and justify reasons for this decision. The following four outcomes are possible from an assessment (and more than one may apply to a single proposal). Please select from the 4 outcomes and justify the reasons for your decision	Outcome 1: No major change required - EIA <i>has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken</i>	✓	
		Outcome 2: Adjustments to remove barriers – <i>Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality</i>		
		Outcome 3: Continue with proposal - 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'.	✓	A bursary is available for students on low income to offset travel contributions. There will be an appeals process for any student with exceptional circumstances. These students will not be asked to pay more than other post-16 students. All additional transport costs will be met by the council.

		Outcome 4: Stop and rethink – EIA has identified actual or potential unlawful discrimination in relation to equalities or adverse impact has been identified		
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Appendix 1

Consultation Data: HOME TO SCHOOL/COLLEGE TRANSPORT CHARGES FOR POST-16 SEN STUDENTS

1. INDIVIDUAL RESPONDENTS

1.1 Methodology

A simple response sheet with an opportunity to write any relevant comments was prepared with supporting information about the proposal. This was displayed on the council's web site. The consultation opened on 22 November 2013 with a closing date of 16 January 2014. In addition, the consultation papers were sent directly to all known year 11 and year 12 SEN students who are currently receiving transport support.

All secondary schools and special schools were written to, also South Devon College. They were asked to alert Governing Bodies and parents of SEN students to the consultation. Whilst it is suggested that not all of the schools did this, it is believed that the consultation responses received are a fair representation of the views held by parents.

A drop-in session was held in the foyer of Paignton Library during the consultation period. One person attended this session.

Proposals were discussed with the steering group of the Parent Partnership Forum and information about the proposal was then sent by email to all members.

A total of 23 responses were received. This includes email correspondence.

1.2 Results

Only one direct question was asked: whether or not the respondent agreed with the proposal to introduce charges. Results were as follows:

Agree	Disagree	Not able to comment
1	21	1

Respondents categorised themselves as follows (some ticked more than one category):

	Number	Percent
Student with special educational needs	3	13%
Parent of student with special educational needs	17	74%
Parent of student with no special educational needs	2	9%
School/college governor	1	4%
Member of school/college staff	1	4%

Concerns expressed by individuals are split into themes and indicative comments are included below:

Theme	Examples of comments
Cost	<p><i>My parent can't afford to pay for the bus pass because we have trouble with money</i></p> <p><i>All families won't be able to afford the cost of transport. Every child between 16 and 18 has a right to an education and a lot of parents with special needs children are older carers.</i></p> <p><i>I am on a state pension... and will be unable to afford the additional cost</i></p>

Theme	Examples of comments
	<p><i>These charges may dissuade parents of SEN children from enrolling them on courses (that they may be quite capable of undertaking) because of the costs involved. SEN children have enough problems to face day to day without added financial pressures.</i></p> <p><i>As we are on an extremely low income and live as far away from school as is possible this additional expense and worry will cause distress and anxiety for us.</i></p> <p><i>The amount being asked to contribute is large. It might be easier for families if this can be paid weekly/monthly.</i></p> <p><i>The school leaving age has been raised to 18 years for all young people who are not in full-time employment or an apprenticeship. For most young people attending special schools, full-time employment or apprenticeships will never be an option. Families will have no choice but to pay...if they want to continue receiving support with transport to the school that they must by law attend.</i></p>
<p>Fairness</p>	<p><i>The majority of SEN children have delayed development and need more time for education, not less. They need more opportunities and socialising to develop independence. They are not adults at the same age of others and do not need to be discriminated against.</i></p> <p><i>Not all post 16 educational establishments offer the same support and facilities for young people with SEN. A non-SEN student has the option to choose a local school/college whereas the SEN students have no choice but to go to the school/college that offers the support they need.</i></p> <p><i>Children with special needs require special transport with escorts. They aren't ever going to be able to travel independently. It's greatly unfair to target them again for cuts. We as families are already having respite and help cut from us. This extra cost is crippling.</i></p> <p><i>It is not equitable to try and equate a child with severe disabilities with that of a normal 16 year old... I accept the point that a normal 16 year old might want a bus pass but they would also have the option to attend a local school or walk/ride a bike. My daughter has no option</i></p>

Theme	Examples of comments
	<p><i>and so should not have to pay.</i></p> <p><i>We don't see why we should have to contribute to transport costs when this is the student's designated school. The student is unable to use the bus without an escort and we only live a short distance from school.</i></p> <p><i>These young people have themselves had to face lots of inequities in life</i></p>
<p>Practicality</p>	<p><i>There is no local school for my son so he has to travel 12 miles to a special school... if this were to happen then he would be placed in full time care, or I would be requesting a place at the local school which would mean a 1:1, ramps, changing rooms, hoists and other specialist equipment, plus staff trained in resuscitation etc.</i></p> <p><i>For SLD and PMLD students there are limited places available, they cannot attend their nearest 6th form college in the same way as other students.</i></p> <p><i>These children cannot get a bus, walk or cycle to school on their own... you will be making them more dependent on their families rather than encouraging their independence and putting further stress on families already pushed to the limits by the demands of caring for children with special needs</i></p>

2. INSTITUTION RESPONSES

The only response was from South Devon College. They commented that the proposed changes would have an immediate and significant negative impact on all families of SEN learners and in particular a disproportionate negative impact on low income families.

They proposed a phased alternative as follows:

Contribution level	2014	2015	2016
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Low income	£150	£300	£600
All others	£300	£450	£600

They believe this would still reduce costs and address inequality and would align with the decision made by the council on post 16 transport for other students that was phased.

3. General Budget consultation

Torbay Council's Consultation Team undertook a general Budget consultation using a survey which was made available to the public. This included a question specifically relating to the proposal, the results are collated as follows.

Question: Efficiencies within School Transport - do you support this proposal. If no please tell us why you do not support this proposal.

This proposal would reduce the subsidy for post-16 students on Special Educational Needs courses and introduce a contributory charge. This is expected to save £38,000 over two years.

Do you support this proposal?	Number	Percent
Yes	284	69.4
No	96	23.5
No response	29	7.1
Total	409	100.0

Of the 96 respondents who selected 'No' they do not support the proposal, 77 respondents made comments related to the proposal. These have been summarised into themes below:

Category	Examples of comments – where respondents said ‘No’ above
<p>Affect access to education</p>	<p><i>“This will prejudice some students from accessing further education. Not conducive to equality and diversity.”</i></p> <p><i>“This will potentially stop some young people with special needs attending.”</i></p>
<p>Families</p>	<p><i>“Parents with children with special needs are restricted with earning level because of caring responsibilities.”</i></p> <p><i>“Already these pupils have disadvantaged condition of learning, why penalise them further?”</i></p> <p><i>“Support for students with Special Educational Needs is vital in the current economic climate.”</i></p>
<p>Less cut/no cut</p>	<p><i>“School transport should not be subject to any changes because families are struggling enough financially.”</i></p>
<p>Other</p>	<p><i>“Access (to education) would be limited by the reduction.”</i></p>