

Budget Proposals 2015/16 and 2016/17: 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 Services	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)	Cllr Ken Pritchard	Executive Head:	Suzie Franklin / Richard Williams
Date:		Date:	

Summary from Overall Budget Proposals:
Copy from Overall Budget Proposal template

Proposals – Outline	Savings for 2015/16 and 2016/17		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
Efficiencies within Transport – Review charges for post 16 students on SEN courses		12,000	No Implementation Costs	01/09/15	In July 2013, the Council agreed to phase out subsidy of discretionary transport for students including post 16 students on mainstream courses. This review will consider the position in relation to post 16 students on SEN courses and/or using specialist transport. A consultation has been undertaken.		X	
Efficiencies within Transport - Review charges for post 16 students on SEN courses		24,000	No Implementation Costs	01/09/16	In July 2013, the Council agreed to phase out subsidy of discretionary transport for students including post 16 students on mainstream courses. This review will consider the position in relation to post 16 students on SEN courses and/or using specialist transport. A consultation has been undertaken.		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, also for post-16 students with medical needs requiring taxi/minibus transport. 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). Likewise students with medical needs who are provided with taxi or minibus transport will be asked for a contribution.</p> <p>Under this proposal a contribution will be introduced for post 16 students on SEN courses, and students with medical needs requiring taxi/minibus transport, of up to £600 for the year from September 2015 (£400 for students from families on low income) and up to £600 for all post 16 students on SEN courses/with medical needs from September 2016. This will</p>

No	Question	Details
		<p>be reviewed annually and aligned with the cost of a bus pass to other students. (N.B. If the cost of a bus pass is lower than £600 then the contribution will also be lower. Currently a Torbay Termrider costs £540 for a year. The charges for 2015 and 2016 will not exceed the figures given here.)</p> <p>Where post 16 students attending SEN courses/with medical needs are assessed as needing special transport e.g. taxi or minibus they will continue to receive support from the local authority over and above the contributory amount i.e. all additional costs over £600 /£400 from September 2015 and £600 from September 2016 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.	<p>Who is intended to benefit / who will be affected?</p>	<p><i>Who will be affected by this proposal, whether this is a positive or negative impact?</i></p> <p>Post 16 students on SEN courses who receive discretionary transport assistance: in 2013-14 there are 44 students who would be affected by these proposals. Also post-16 students with medical needs requiring taxi/minibus transport: in 2013-14 there are 8 of these students.</p> <p>Parents / carers of children who are post-16 students on SEN courses/have medical needs.</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><i>Consider data and research already available locally and nationally. Your assessment should be under-pinned by up-to-date and reliable, factual information about the different groups the proposal is likely to affect. For instance, population profile, satisfaction data, deprivation statistics and how this helps to build a picture around your proposal.</i></p> <p>In 2013-14 are 33 students on SEN courses travelling by taxi or other SEN transport and 11 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></th> <th>Bus Pass</th> <th>Taxi/Minibus</th> <th>Total</th> </tr> <tr> <th></th> <th>2013/14</th> <th>2013/14</th> <th>2013/14</th> </tr> </thead> <tbody> <tr> <td>South Devon College SEN Section</td> <td>0</td> <td>12</td> <td>12</td> </tr> <tr> <td>Exeter College SEN Section</td> <td>0</td> <td>1</td> <td>1</td> </tr> <tr> <td>Bridgwater College</td> <td>0</td> <td>1</td> <td>1</td> </tr> <tr> <td>Paignton Community & Sports Academy</td> <td>2</td> <td>0</td> <td>2</td> </tr> <tr> <td>WESC Foundation</td> <td>0</td> <td>2</td> <td>2</td> </tr> <tr> <td>Dartington Bidwell Brook School</td> <td>0</td> <td>1</td> <td>1</td> </tr> <tr> <td>Mayfield School</td> <td>0</td> <td>10</td> <td>10</td> </tr> <tr> <td>On Track Education Services Totnes</td> <td>2</td> <td>5</td> <td>7</td> </tr> <tr> <td>Combe Pafford</td> <td>7</td> <td>0</td> <td>7</td> </tr> <tr> <td>Duchy College (part of journey twice per week)</td> <td>0</td> <td>1</td> <td>1</td> </tr> <tr> <td>TOTAL</td> <td>11</td> <td>33</td> <td>44</td> </tr> </tbody> </table> <p>The annual cost of a bus pass to the Council for students in Torbay for 2013-14 is £525. For 2014-15 it will be £540.</p>		Bus Pass	Taxi/Minibus	Total		2013/14	2013/14	2013/14	South Devon College SEN Section	0	12	12	Exeter College SEN Section	0	1	1	Bridgwater College	0	1	1	Paignton Community & Sports Academy	2	0	2	WESC Foundation	0	2	2	Dartington Bidwell Brook School	0	1	1	Mayfield School	0	10	10	On Track Education Services Totnes	2	5	7	Combe Pafford	7	0	7	Duchy College (part of journey twice per week)	0	1	1	TOTAL	11	33	44
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No	Question	Details
		<p>The cost of providing SEN transport to 33 students for 2013-14 is expected to be in the region of £70,000 - £75,000. The cost of providing taxi/minibus transport to the students with medical needs for 2013-14 is expected to be approximately £19,830. In addition the council pays for the employment of an escort where appropriate to accompany students.</p> <p>The alternative of continuing to fully fund SEN and medical 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 12 pupils are currently being transported to this provision in 4 taxis.</p> <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 on low incomes to help with costs such as transport. These are distributed directly by post-16 institutions.</p> <p>Many other local authorities have already introduced charges for post-16 transport for all students including 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.</p>

No	Question	Details
4.	<p>How will / have you* consulted on the proposal?</p> <p><i>*delete as appropriate</i></p>	<p><i>Have you carried out any consultation on your proposal and if so how? Focus groups / survey / events? Remember that it may be important to also consult on any alternative options. Also include who will you / have consulted with and if applicable which specific groups you will / have consulted with (i.e. groups who may be specifically affected by your proposal, specific equality or hard to reach groups).</i></p> <p>Consultation on this proposal commenced following the announcement of the Mayor's draft budget proposals in November 2013. Money was then found to cover the planned savings for 2014-15 and a decision taken to re-consult to introduce changes for September 2015. The second consultation ran for 8 weeks and closed on 7th July 2014.</p> <p>For this second consultation, papers were sent directly to all secondary age students currently being transported on taxi/minibus transport by the council (321 individual letters sent).</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. The consultation was also promoted through the Parent Participation Forum.</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 on the council's web site.</p>
5.	<p>Outline the key findings</p>	<p>In the first consultation, a total of 23 responses were received. In the second consultation there were also 23 responses. It is not known how many of these were from the same respondents as in the first consultation.</p> <p>The great majority of responses were disagreeing 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 – both those on benefits and those just above the threshold for benefits • Families do not feel they have a choice not to pay because of the raising of the participation age • Families already have additional costs to pay to care for these young people • Fear that a financial contribution is the first step to being asked to pay the full cost <p>Fairness</p> <ul style="list-style-type: none"> • There is often no local institution to choose for students with special needs so students have to travel a long way and therefore have to have transport

No	Question	Details
		<ul style="list-style-type: none"> • These families are already disproportionately affected by other cuts to services • These young people do not have the choice of walking, cycling or travelling by moped • This would add additional pressure to an already challenging lifestyle and to those who are most vulnerable • Post-16 SEN courses are essential to give students optimal life chances. They do not have other options e.g. apprenticeships at age 16 <p>Practicality</p> <ul style="list-style-type: none"> • These students cannot function independently and this proposal would make them more dependent • As above, students are often unable to attend a local institution because it does not cater for their needs • Concerns about safety if free transport is not provided and more students have to make their own way to school/more parents use their car to get them to school
6.	What amendments may be required as a result of the consultation?	A phased introduction to charging has been proposed as an alternative (over 3 years and differentiating costs for families on low incomes). However, this would extend the period of different costs for different student groups and would reduce the savings to be made. The facility to pay in instalments will be made available to help spread the cost.

Positive and Negative Equality Impacts

No	Question	Details		
7.	Identify the potential positive and negative impacts on specific groups	<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. EVERY BOX MUST BE COMPLETED – if there is no impact please state either ‘No Positive Impact’ or ‘No Negative Impact’.</i>		
		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>Bursaries are available for post-16 students on low incomes.</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.	
	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/with medical needs may be affected by this proposal.	

No	Question	Details	
	<p>People with a disability</p>	<p>Where students on SEN courses/with medical needs require 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/requiring specialist transport 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>	<p>This proposal will affect approximately 50 young people on post 16 SEN courses/with medical needs. This proposal may cause some financial hardship and/or limit the choice of schools available for some families to choose from.</p>
Women or men	This proposal does not differentially impact on women or men		
People who are black or 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	This proposal does not differentially impact on those who are married or in a civil partnership		

No	Question	Details	
	marriage or civil partnership		
	Women who are pregnant / on maternity leave	This proposal does not differentially impact on those who are pregnant or on maternity leave	
	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, 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/with medical needs and their families.</p>
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	This proposal does not have any public health impacts.	
8a.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	<p><i>Are any cumulative impacts identified across your service area from proposals in other departments OR from other service areas? Please explain what these might be (you may need to revisit this section once proposals have been further defined)</i></p> <p>None identified at this stage</p>	

No	Question	Details
8b.	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	<i>Are any cumulative impacts identified across your service area from proposals in other public services or partner organisations? Please explain what these might be (you may need to revisit this section once proposals have been further defined)</i> None identified at this stage

Section 3: Mitigating action

No	Action	Details
9.	Summarise any negative impacts and how these will be managed?	<i>Outline each negative impacts identified relating to equalities in question 7 and how each impact will be managed / monitored so that they are reduced / eliminated or mitigated. What ways can the negative impact be minimised?</i> The negative impact will be an additional cost for transport to school or college for post-16 students attending SEN courses/with medical needs. The Council is proposing to phase in the changes to the policy for students from families on a low income to mitigate the potential impact. Students will be required to make a contribution of up to £600 for the year in September 2015 (£400 for students from low income families), and in September 2016 will be required to contribute up to £600 for the academic year. In future years the contribution will be aligned to the cost of a bus pass. Post 16 students on SEN courses/with medical needs will be asked to make a contribution towards their transport costs, the local authority will continue to subsidise transport costs over and above the contribution where there is a need identified. 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.

Section 4: Monitoring

No	Action	Details
10.	Outline plans to monitor	<i>The full impact of decisions will only be known once it is introduced. Identify arrangements for reviewing the actual impact</i>

	<p>the actual impact of your proposals</p>	<p><i>of proposals once they have been implemented, including dates and methods.</i></p> <p>The number of appeals for discretionary assistance will be monitored and the outcome of these appeals</p>
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Section 5: Recommended course of action

No	Action	Outcome	Tick ✓	Reasons/justification for recommended action
11.	<p>State a recommended course of action <i>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</i></p>	<p>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></p>		
		<p>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></p>	x	<p><i>The charges will be phased in over two years for students on a low income, with a year's notice. Bursaries will generally be available to support students from families on low income but there will be an appeal process for students with exceptional circumstances.</i></p>
		<p>Outcome 3: Continue with proposal - Despite <i>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'.</i></p>		
		<p>Outcome 4: Stop and rethink – EIA has <i>identified actual or potential unlawful discrimination in relation to equalities or adverse impact has been identified</i></p>		