

## Initial equality impact assessment screening form

This form is an equality screening process to determine the relevance of equality to an activity, and a decision whether or not a full EIA would be appropriate or proportionate.

<b>Directorate:</b>	Children and Adults Services
<b>Service Area:</b>	Education
<b>Activity being screened:</b>	SEND Transport Assistance Policy for Children and Young People (CYP) with Special Educational Needs and/or Disability (SEND)
<b>Officer(s) carrying out the screening:</b>	Eleanor Marshall School Forum Monitoring and Support Officer
<b>What are you proposing to do?</b>	<p>Implement a new SEND Transport Assistance Policy.</p> <p>The Policy will offer families, parents/carers and children and young people with SEND</p> <ul style="list-style-type: none"> <li>- A formalised annual application and review process</li> <li>- A personal travel assistance budget and cash allowance</li> <li>- Independent Travel training</li> </ul> <p>The Policy will outline the circumstances that the Council considers the most appropriate to provide transport.</p> <p>This Policy was the focus of a public consultation in October-November 2018.</p>
<b>Why are you proposing this? What are the desired outcomes?</b>	<p>A new Transport Assistance Policy for Children and Young People with SEND has been developed. This policy offers the opportunity to support a key aim of the Special Educational Needs and Disabilities Reform 2014 which is preparing children and young people with special educational needs (SEN) and disabilities for adulthood.</p> <p>Currently the home to school transport budget has been consistently overspent and this is likely to increase as has been the 5 year trend.</p> <p>Adoption of a new SEND Transport Assistance Policy will provide families, children and young people with opportunities to independent travel training, ensuring an effective preparation for</p>

	adulthood, access to work and leisure activities. Options for travel will be considered on an annual basis to ensure appropriateness for children and young people's needs which may change over time.
<b>Does the activity involve a significant commitment or removal of resources? Please give details</b>	It is likely that through the implementation of this Policy savings can be made to an already overspent budget.

**Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or any other socially excluded groups?**

**As part of this assessment, please consider the following questions:**

- **To what extent is this service used by particular groups of people with protected characteristics?**
- **Does the activity relate to functions that previous consultation has identified as important?**
- **Do different groups have different needs or experiences in the area the activity relates to?**

**If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate.**

<b>Protected characteristic</b>	<b>Yes</b>	<b>No</b>	<b>Don't know/ Info not available</b>
Age			<b>X</b>
Disability			<b>X</b>
Sex (gender)		<b>X</b>	
Race		<b>X</b>	
Sexual Orientation		<b>X</b>	
Religion or belief		<b>X</b>	
Gender reassignment		<b>X</b>	
Pregnancy or maternity		<b>X</b>	
Marriage or civil partnership		<b>X</b>	
<b>Other</b>			
<b>Does the activity relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.</b>	Yes – this activity relates to children and young people with special educational needs and/or disabilities 0-25 and therefore will have potential impacts relating to age and disability.		
<b>Will the activity have a significant effect on how other organisations</b>	Whilst the implementation of a new SEND Transport Assistance Policy		

<b>operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.</b>		provides a more flexible range of options to families it may impact on transport operators who are contracted to provide current transport, most commonly in the form of door to door minibus or taxi. There could be more or less of a demand for certain transport providers, or an impact on school settings, where there may not be control over the number of vehicles arriving on their site. The impact on transport in Darlington at certain times could be affected.	
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:		Continue to full EIA: Yes
<b>Reason for Decision</b>		Due to potential implications for families, parents/carers of children and young people with SEND.	
<b>Signed (Assistant Director)</b>		Tony Murphy, Head of Education and Inclusion	
<b>Date</b>		26 March 2018	



# Equality Impact Assessment Record Form

This form is to be used for recording the Equality Impact Assessment (EIA) of Council activities. It should be used in conjunction with the guidance on carrying out EIA in **Annex 2** of the Equality Scheme. The activities that may be subject to EIA are set out in the guidance.

EIA is particularly important in supporting the Council to make fair decisions. The Public Sector Equality Duty requires the Council to have regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

Using this form will help Council officers to carry out EIA in an effective and transparent way and provide decision-makers with full information on the potential impact of their decisions. EIAs are public documents, accompany reports going to Councillors for decisions and are published with committee papers on our website and are available in hard copy at the relevant meeting.

<b>Title of activity:</b>	SEND Transport Assistance Policy for Children and Young People with Special Educational Needs and/or Disability (SEND)
<b>Name of Directorate and Service Area:</b>	Children and Adults Services
<b>Lead Officer and contact details</b>	Eleanor Marshall, 01325 406134
<b>Assistant Director accountable for this EIA</b>	Tony Murphy – Head of Education and Inclusion
<b>Who else will be involved in carrying out the EIA:</b>	Natasha Telfer, Policy Development Manager (Advice and Guidance) Education Project Board – Head of Education and Inclusion, Finance Manager, Head of SEND, Admissions and Transport Manager, Principal Solicitor, Assistant Director – Performance and Commissioning

<b>When did the EIA process start?</b>	March 2018	
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## Section 2 – The Activity and Supporting Information

<p><b>Details of the activity</b> (describe briefly - including the main purpose and aims) (e.g. are you starting a new service, changing how you do something, stopping doing something?)</p> <p>This EIA is about the changes proposed to introduce a Transport Assistance Policy for Children and Young People with SEND. Under the Education Act 1996 and the Education and Inspections Act 2006, local authorities have a duty to provide assistance with travel to and from qualifying schools/college for children aged 5-16 in certain circumstances. A duty arises if transport is referred to on a child's Education, Health and Care Plan (EHCP). In the circumstances for children/young people with an EHCP transport assistance is currently allocated at the point a pupil becomes in receipt of an EHCP.</p> <p>Currently, any child attending a specialist provision, including specialist provision in mainstream (such as a resource base), receives travel assistance. The mode of travel assistance is commonly in the form of door to door minibus or taxi. Once transport is allocated it usually remains in place until the end of the young person's schooling.</p> <p>The current Home to School Transport Policy does not adequately address the needs of pupils with SEND as it does not support pupils to develop independent travel skills. Children and young people who have the potential to travel independently are not given the opportunity to do so. This approach does not support young people in preparing for an independent adulthood. It also does not take account of potential for changing needs. A reliance on transport provision has meant transport spend has exceeded the planned budget.</p> <p>It is proposed therefore to implement a new policy to address these significant issues through introduction of an annual application and review process, options for families to receive a personal travel assistance budget or cash allowance, and offer of independent travel training. The policy will also set out in what circumstances the Council will not provide travel assistance.</p> <p>If decisions to pursue the proposals are made, this may impact on some families of, and children and young people with SEND. Following an annual review, children and young people who are currently transported by vehicles may be offered alternative support, such as travel training, following an assessment of their current needs.</p>
<p><b>Why is this being proposed? What are the aims? What does the Council hope to achieve by it?</b> (e.g. to save money, meet increased demand, do things more efficiently)</p> <p>The proposed changes are due to a significantly growing overspend within the Council's Home to School Transport Budget and the current model is not sustainable going forward. The Local Authority intends to still provide support to those who need it the most, however, with increased choice for parents and carers as part of the revised policy.</p> <p>The aim of the Transport Assistance Policy is to support all children and young people with SEND to lead lives which are as independent as possible. It will help to ensure travel assistance can continue to be provided to all eligible children and young people in line with increasing demand.</p>

**What will change? What will be different for service users/ customers and/ or staff?**

The table illustrates the rise in the number of pupils with SEND transported to specialist settings over the last three school years.

<b>Placement</b>	<b>17/18</b>	<b>16/17</b>	<b>15/16</b>
	No. of Pupils	No. of Pupils	No. of Pupils
Beaumont Hill Academy	177	161	153
Primary SEN	21	18	15
Secondary SEN	23	15	13
Out of Borough SEN	39	23	19
Further Education	38	21	60
Marchbank	21		19

Implementing a new SEND Transport Assistance policy will offer wider options for children and young people with SEND and parents/carers in getting to and from the most suitable provision, including independent travel.

It is possible that some children/young people/families will not be offered the same transport, however these decisions would only be made in consultation with parents/carers and through a formal annual review process. Options that may be offered where travel assistance is agreed include:

- a. Reimbursement of agreed public transport costs, (where concessional fares or free transport appropriate for the age and disability of the young person is not available)
- b. Supported travel training and use of public transport
- c. Payment of a personal budget at the Council's standard rates for parents to transport their children to the special school
- d. Travel assistance via the Council's contracted transport providers with or without a passenger assistant. This may be on a shared basis and from a designated collection point which may or may not be the home address.

Any impact arising from changes to their current travel arrangements will be mitigated by achieving better outcomes for the individual through personalised service e.g.independent travel training and/or the potential introduction following consultation of a personal travel allowance option which will provide more flexibility for families to make arrangements which suit their needs.

Independent travel training however could cause some concern for children and young people with SEND as a prospect of change or any incidents during a journey could cause anxiety or distress, and through the consultation some respondents cited safeguarding issues as a key line of enquiry.

**What data, research and other evidence or information is available which is relevant to the EIA?**

DfE statutory guidance, 'Home to School Travel and Transport Guidance Statutory Guidance for Local Authorities (2014)

National policy initiatives have supported the introduction of independent travel training, for example the DfE's Travel Training Good Practice Guide sets out benefits.

## Association of Children's Services survey

**Engagement and consultation** (What engagement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

Formal consultation on the SEND Transport Assistance Policy commenced on 17 October 2018 and concluded on 28 November 2018. The consultation methods included a dedicated website page, which contained all the consultation documentation, on line survey's and public meetings were held. Consultation responses were also welcomed in writing to the Education team. Specific meetings were also held with schools, social care and health leads.

Additional public events were organised in response to requests by parents and carers. All parents and carers of children and young people with EHCPs were individually contacted to let them know about the consultation.

The Local Authority recognised that the consultation on three key policy areas was significant however all these policies (see separate EIA for SEND Strategy and Funding), are inter-related and therefore the consultations were split into two key themes – SEND Strategy and Funding and SEND Transport Assistance Policy. Public meetings included either both of these key themes areas and each theme on its own, which were shorter meetings. Meetings were held at different times to give the widest possible choice for the public. Current transport operators and providers were invited to any public meeting and received links to survey's and opportunity to complete hard copy surveys.

The outcome for responses to the online and hard copy survey for the SEND Transport Assistance Policy are below:

Question:	Total agreed	Neither agree nor disagree	Total disagree
To what extent do you agree that there should be an annual review of transport arrangements?	48.28%	13.79%	44.73%
To what extent would you agree to a personal travel assistance budget?	27.58%	13.79%	58.62%
Should the placement not be the nearest appropriate, to what extent do you agree that transport should not be provided?	28.57%	7.14%	64.29%
To what extent would you agree to independent travel training?	53.57%	10.71%	35.71%

**What impact will this activity have on the Council's budget?** (e.g. cost neutral, increased costs or reduced costs? If so, by how much? Explain briefly why this is the case)

The activity would look to make savings as the cost of providing transport to specialist settings has increased. Other LAs that have introduced similar schemes have reported savings of between 12% and 16%. If a similar reduction resulted, this would lead to a saving of £189K.

### Section 3: Assessment

How will the activity affect people with protected characteristics?	No Impact	Positive impact	Negative impact	Why will it have this effect? (refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
Age		Yes	Yes	<p>Overall on an individual basis, children and young people with SEND, no matter what their age, should positively benefit as, for example, long term needs would be identified at an earlier stage by the implementation of an annual review.</p> <p>However, there is still a potential for negative impact in the short term on children and young people and their parents/carers who have been used to the traditional transport services, as change may be seen as challenging. However, it is anticipated that the benefits afforded by greater choice will mitigate the impact on a longer-term basis. No changes will be made without consultation with families, parents/carers and children and young people through a formal process.</p> <p>The LA are aware that there are children in mainstream schools who attend 'resource bases' that do not have EHCPs. These children could be negatively impacted, as only children/young people with EHCPs would be eligible for transport assistance under the new policy. Transition arrangements will be put in place for any pupils currently receiving transport support in these circumstances.</p> <p>When children and young people across all age groups were consulted some children said they still wanted to be transported by</p>



				<p>Taxi however some children wanted to socialise with friends and did not want to have to be collected. Some young people expressed their aspirations for the future and wanted more choice in their travel to support them prepare for adulthood. However, there were no specific concerns raised by children/young people which were representative of particular age groups through the consultation.</p>
<p><b>Disability</b> <b>(Mobility Impairment, Visual impairment, Hearing impairment, Learning Disability, Mental Health, Long Term Limiting Illness, Multiple Impairments, Other – Specify)</b></p>		Yes	Yes	<p>The proposals aim to positively impact children and young people with disabilities and their families by ensuring that pupils with disabilities are attending a school most appropriate to their individual needs, and therefore implementation of the policy should have a positive impact on children with SEND.</p> <p>Implementation of this policy may not mean any change to transport assistance for many families as current arrangements may be appropriate. For these families the only change will therefore be that they will have an annual review of their needs which will be designed to be as easy and stress-free as possible.</p> <p>Where current arrangements are not deemed appropriate and require a change due to changes in need, families, children and young people will be offered appropriate options where these are available and in consultation with parents through the annual review process. In addition, elements such as personal budget and travel training will not be mandatory.</p> <p>A 'potential' negative impact has been noted as there is a chance that the new policy may mean that on an individual basis, some children and families will no longer be entitled to the same level of support with regards to transport as they would continue to be under the current system. It is not possible at this stage to estimate how many children/families with SEND the new policy may identify as being no longer entitled to the same level of support, however where children with SEND are identified as still in need of this support, this will continue to be provided.</p> <p>Some young people and children who are currently transported to their education provision may no longer receive this level of</p>

				<p>support following an assessment of their needs.</p> <p>As part of the consultation there were some concerns raised about the proposed new Transport Assistance Policy, including:</p> <ul style="list-style-type: none"> <li>• concern that an annual review would cut transport unnecessarily <ul style="list-style-type: none"> <li>○ if the annual review were to find that a child is still in need of transport then this will continue to be provided.</li> </ul> </li> <li>• concern that a personal budget would place an unnecessary burden on families; <ul style="list-style-type: none"> <li>○ personal budgets will not be mandatory – parents will only be awarded a personal budget if they agree to one</li> </ul> </li> <li>• Concern that parental choice would be removed over placements <ul style="list-style-type: none"> <li>○ parental choice is a legal right and placements will always be based upon the needs of the child/young person.</li> </ul> </li> <li>• Some parents felt cautious about independent travel training for very vulnerable children/young people and therefore the safeguarding implications of this <ul style="list-style-type: none"> <li>○ Through the annual review it will be identified if a child/young person would benefit from independent travel training, this will not be limited to the child/young person's age, SEN, distance or route. A comprehensive training consultation involving parents/carers, school/college and the child/young person will determine this. Training will be tailored and relevant to build confidence and independence skills. As with all the proposals this will be reviewed annually.</li> </ul> </li> <li>• Some respondents felt the current system works and were sceptical that</li> </ul>
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				<p>the reason for the changes are purely financially driven.</p> <ul style="list-style-type: none"> <li>○ there is a budget overspend and savings may be made through the implementation of the policy, however, the proposals improve the current system by giving more options to families and supporting children and young people to prepare for adulthood.</li> </ul>
<b>Sex (Gender)</b>	yes			There is no anticipated impact upon Sex (Gender) as a protected characteristic group with regard to this proposed activity
<b>Race</b>	yes			There is no anticipated impact upon Race as a protected characteristic group with regard to this proposed activity.
<b>Gender Reassignment</b>	yes			There is no anticipated impact upon Gender Reassignment as a protected characteristic group with regard to this proposed activity.
<b>Sexual Orientation</b>	yes			There is no anticipated impact upon Sexual Orientation as a protected characteristic group with regard to this proposed activity.
<b>Religion or belief</b>	yes			There is no anticipated impact upon Religion or belief as a protected characteristic group with regard to this proposed activity.
<b>Pregnancy or maternity</b>	yes			There is no anticipated impact upon Pregnancy or maternity as a protected characteristic group with regard to this proposed activity.
<b>Marriage or civil partnership</b>	yes			There is no anticipated impact upon Marriage or Civil partnership as a protected characteristic group with regard to this proposed activity.
<b>How will the activity affect people who:</b>	<b>No impact</b>	<b>Positive Impact</b>	<b>Negative Impact</b>	<b>Why will it have this effect?</b> (Refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
<b>Live in a rural location?</b>	<b>yes</b>			In the consultation it was highlighted that some placements are not accessible by direct transport routes and a 'home to school' model is more appropriate. This may also occur in a rural location. It is not proposed to enforce a particular transport method rather

			all methods will be discussed at an annual review.
<b>Are carers?</b>	<b>yes</b>		Concern was expressed over potential additional administrative burdens, which may have an impact on balancing of working and caring responsibilities however all options will be explored on an individual basis, and changes to any particular part of the Policy are not mandatory.
<b>Are on a low income?</b>		<b>Yes</b>	<p>If a parent/carer on a low income does decline the offer of a placement that is the nearest most suitable placement for their child, under these proposals transport would need to be provided by the parent/carer. This may have a financial or other impact, particularly if they are on a low income. It may also prohibit them from choosing to send their child to a placement outside of the borough which, otherwise, they would have preferred.</p> <p>It is unlikely that a parent/carer would be able to negotiate the economies of scale that the LA does for certain transport providers.</p>

## Section 4: Cumulative Impacts

**Cumulative Impacts – will the activity affect anyone more because of a combination of protected characteristics?** (e.g. older women or young gay men – state what you think the effect might be and why, providing evidence from engagement, consultation and/or service user data or demographic information, etc)

**Are there any other activities of which you are aware which might also impact on the same protected characteristics?**

The nature of new proposals means it is exclusive to children and young people with SEND and therefore people affected will, by definition, have a combination of these Protected Characteristics. There has also been a consultation on a new SEND Strategy, top up funding and development of new SEND provision which aim to:

- Implement a new SEND Strategy – 6 key objectives
- Implement changes to SEND top up funding
- Expressions of interest for use of SEND capital funding in order to develop new provision for pupils with a primary need of Social, Emotional and Mental Health (SEMH) and Moderate Learning Difficulties (MLD).

These consultations also may impact on the same Protected Characteristics.

SEND Transport Assistance will be offered to any child or young person with SEND that is eligible regardless of a combination of protected characteristics. Any individual child or young person's needs will be considered carefully as to the best application of the policy.

## Section 5: Analysis

### **a) How will the activity help to eliminate discrimination, harassment and victimisation?**

This was a strong concern raised in the public consultations. Any reports of a child or young person subject to discrimination, harassment or victimisation will be dealt with in the appropriate way eg through school procedures or travel company procedures. Implementation of the SEND Transport Assistance Policy will require extensive community engagement as through the consultation it has been raised that there could be an element of harassment/victimisation of vulnerable children or young people who travel independently. Any child or young person with SEND considered as being suitable for independent travel training this factor will be considered prior to and whilst developing a programme for their needs.

### **b) How will the activity help to advance equality of opportunity?**

The implementation of the transport assistance policy will support children and young people to become more socially mobile, independent and be prepared for the transition to adulthood.

**c) How will the activity help to foster good relations?**

Through an annual review process, this will ensure having open, honest discussions to review a child/young person's needs. This will support good relations with parents/carers and allow them to have their voice heard.

**During the engagement/ consultation process were there any suggestions on how to avoid, minimise or mitigate any negative impacts? If so, please give details.**

Many consultation responses outlined personal circumstances and outlined how the introduction of a new policy would have potential negative impacts. These are summarised above. During the consultation, particularly the public events, debates on some of these areas took place and observations made on process details. As a result of the discussions, many of the attendees felt less anxious. There may be anxieties in the short term about the new policy, but the implementation of the policy should have positive benefits long term.

## Section 6 - Sign-off when assessment is completed

<b>Officer Completing the Form:</b>		
<b>Signed</b>	<b>Name:</b>	Eleanor Marshall
	<b>Date:</b>	11.12.18
	<b>Job Title:</b>	School Forum Monitoring and Support Officer
<b>Assistant Director:</b>		
<b>Signed</b>	<b>Name:</b>	Tony Murphy – Head of Education and Inclusion
	<b>Date:</b>	22.02.19
	<b>Service:</b>	Children and Adults Services

## Section 7 – Reporting of Findings and Recommendations to Decision Makers

<p><b>Next Steps to address the anticipated impact</b> (Select one of the following options and explain why this has been chosen – remember we have a duty to make reasonable adjustments so that disabled people can access services and work for us)</p>
<p><b>Negative impact identified – recommend continuing with the activity</b></p> <p>Children and young people with SEND, their parents/carers/families may be negatively impacted due to a potential to change in their current home to transport arrangements. However, any adverse impact should be lessened through managed transition as part of a consultation annual review process that would identify clearly the child/young person’s needs. Assessments will be carried out consistently according to the Policy and all needs will be identified and addressed.</p> <p>It is recognised that this may cause anxiety for parents/carers and children and young people however ensuring a thorough management process the Local Authority intends to reduce these anxieties through a clear communication strategy that sets out clear paths to implementation.</p> <p>We will continue to monitor the impact these changes may have on children and young people and their families in accessing their education provision.</p>
<p><b>Explanation of why the option above has been chosen</b> (Including any advice given by legal services)</p>
<p>The proposals are recommended because they provide clarity for families on their entitlement to travel assistance. They reflect that as children and young people develop, their needs may change and travel assistance arrangements need to accommodate this. By widening the offer to families with SEND to include travel training and access to personal budgets the proposals support children and young people with SEND as they prepare for adulthood. Any potential negative impacts will be mitigated through a management process that will ensure full consultation with families on an individual basis.</p>
<p><b>If the activity is to be implemented how will you find out how it is affecting people once it is in place?</b> (How will you monitor and review the changes?)</p>

Independent Travel Training has been in place from Autumn 2018 and an evaluation of the impact of this will take place by end Summer Term, which will inform future implementation.

The annual review process for Transport Assistance will review the impact and success / failure of any changes to an individual child or young person's Transport arrangements. The policy will be reviewed by the Education Senior Management team at the end of one full year of implementation.

## Section 8 – Action Plan and Performance Management

List any actions you need to take which have been identified in this EIA, including post implementation reviews to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics

What is the negative impact?	Actions required to reduce/eliminate the negative impact (if applicable)	Who will lead on action	Target completion date
<ul style="list-style-type: none"> <li>• Removal of transport concern that an annual review would cut transport unnecessarily</li> <li>• concern that a personal budget would place an unnecessary burden on families;</li> <li>• Concern that parental choice would be removed over placements</li> <li>• Some parents felt cautious about independent travel training for very vulnerable children/young people and therefore the safeguarding implications.</li> </ul>	<p>Through a combination of all or one of the below:</p> <p>Review of the initial implementation of Independent Travel Training</p> <p>Review of the Transport Assistance Policy</p> <p>The Annual Review process will consider all individual needs. It will not be mandatory for parents/carers to accept any changes to transport where a child is still eligible.</p> <p>Parental choice is a legal right and placements will always be based upon the needs of the child/young person.</p>	<p>Transport Manager</p> <p>Transport Manager</p> <p>Transport Manager</p>	<p>August 2019</p> <p>August 2020</p> <p>Ongoing to each individual Child and Young person's annual review.</p>

### Performance Management

<b>Date of the next review of the EIA</b>	September 2020
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<b>How often will the EIA action plan be reviewed?</b>	Annually
<b>Who will carry out this review?</b>	Head of Education and Inclusion