



# Equality Analysis Form

The following questions will document the effect of your service or proposed policy, procedure, working practice, strategy or decision (hereafter referred to as 'policy') on equality, and demonstrate that you have paid due regard to the Public Sector Equality Duty.

## 1. RESPONSIBILITY

<b>Department</b>	Children's Services	
<b>Service</b>	Schools, Academies and Colleges	
<b>Proposed policy</b>	Revision to the policy on eligibility for home to school transport	
<b>Date</b>	4 <sup>th</sup> December 2012	
<b>Officer responsible for the 'policy' and for completing the equality analysis</b>	<b>Name</b>	Paul Cooke
	<b>Post Title</b>	Strategic Lead (Schools, Academies and Colleges)
	<b>Contact Number</b>	0161 253 5674
	<b>Signature</b>	
	<b>Date</b>	04.12.12
<b>Equality officer consulted</b>	<b>Name</b>	Liz Trayford
	<b>Post Title</b>	Planning and Research Officer
	<b>Contact Number</b>	0161 253 5658
	<b>Signature</b>	
	<b>Date</b>	04.12.12

## 2. AIMS

<b>What is the purpose of the policy/service and what is it intended to achieve?</b>	<p>Bury Council currently provides financial assistance to meet the cost of travel to pupils who live over the statutory walking distance from their nearest school. In addition, the Council provides financial assistance to meet the cost of travel on a discretionary basis to pupils attending a denominational school, where they live over the statutory walking distance, even if a place was available at a closer, non-denominational school.</p> <p>The Council's statutory duties in respect of the provision of free transport are set out in section 444 of the Education Act 1996, and Schedule 35b of the Education Act 1996 (inserted by the Education and Inspections Act 2006)</p> <p>Section 508B of the Education Act 1996 (inserted by the Education and Inspections Act 2006) describes the local authority's duty in providing free travel arrangements for eligible pupils.</p> <p>Section 509AD of the Act places a duty on the local authority in fulfilling its duties and exercising its powers in relation to travel, to have regard to, amongst other things, any wish of the parent</p>
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for their child to be provided with education at a particular school on grounds of the parent's religion or belief.

Schedule 3, part 2 of the Equality Act 2010 provides an exemption to discrimination on the grounds of religion or belief in relation to transport to or from school.

Local Authorities remain under a general duty to 'have regard' to the wish of a parent for their child to be provided with education at a particular establishment on the grounds of the parents' religion or belief. However, other than the statutory duty towards secondary school pupils who are from low income families, there is no statutory duty to provide free transport to denominational schools for children generally.

The proposed policy on which the Council has consulted enables the Council to meet its statutory duties, whilst removing the discretionary provision of free travel to those pupils attending a denominational school where there is a nearer qualifying school. Free travel would continue to be provided to pupils of low income families in accordance with Schedule 35B of the Act.

The Council currently spends in the order of £337,000 per annum providing financial assistance to families of pupils attending denominational schools. Some families will continue to receive financial assistance on the basis of the general policy. However, it is estimated that the change in policy will save £200,000 per annum when fully implemented.

There are currently approximately 850 pupils in receipt of free transport on denominational grounds, from a total pupil cohort of approximately 29,000.

#### **Current policy**

Under the current policy, financial assistance to meet the cost of travel is provided for all statutory age children who live in Bury and who attend their catchment area or nearest qualifying school, where the distance from home to school is over the statutory walking distance. This is defined as:

- More than 2 miles from home for children aged under 8
- More than 3 miles from home for children aged 8 and over

In addition, where children are in a family with a low income there is additional entitlement where:

- the child is aged 8 or over, but under the age of 11 and is attending their nearest qualifying school over 2 miles
- the child is aged 11 or over, in statutory education, and is attending one of their 3 nearest qualifying schools between 2 and 6 miles from their home
- the child is aged 11 or over, in statutory education, and

attending their nearest qualifying school, between 2 and 15 miles, in line with their parent/carer's religion or belief

The Council is not proposing any changes for children who are provided with transport on this basis.

**Proposed Changes**

The current policy also makes provision for pupils who attend a particular school on the grounds of their parents' religion or belief, to receive free transport if that school is more than 3 miles from their home, regardless of whether there is a nearer qualifying school.

In considering entitlement to free transport the Council has to take into account any wish of a parent for their child to be provided with education at a particular school on the grounds of the parents' religion or belief. However, there is no statutory entitlement to free transport, as attendance at a denominational school is through parental choice.

The Council proposes to end this discretionary provision of free transport to pupils attending denominational schools with effect from 1 September 2013.

This proposal does not affect the entitlement to free transport for families with a low income as set out above.

**Methodology and Sources of Data**

The proposals to amend the current policy follows a review of the local authority's statutory duties in so far as provision of transport is concerned, and an examination of the arrangements in place in other local authorities.

This has been followed by consultation with key stakeholders on the proposed changes. The outcome of the consultation is contained within the report.

**Assessment on Impact on Equality/ Cohesion**

The local authority has discretionary powers to make arrangements for children who are not entitled to free home to school transport to facilitate their attendance at school. There is no requirement for those discretionary arrangements to be provided free of charge.

Financial assistance for transport is currently provided to approximately 850 pupils out of a total pupil cohort of 29,000. Based on the 2011 pupil cohort, pupils attending the following schools will be affected.

<b>Secondary Schools</b>	
Bury Church of England	168

	<table border="1"> <tr> <td>Canon Slade Church of England</td> <td>80</td> </tr> <tr> <td>Crompton C/E High School</td> <td>1</td> </tr> <tr> <td>King David High School</td> <td>125</td> </tr> <tr> <td>Our Lady R/C High</td> <td>1</td> </tr> <tr> <td>St Gabriel's R/C High</td> <td>156</td> </tr> <tr> <td>St Monica's R/C High</td> <td>306</td> </tr> <tr> <td>Thornleigh R/C High</td> <td>3</td> </tr> <tr> <td>Trinity C/E High School</td> <td>1</td> </tr> <tr> <td colspan="2"><b>Primary Schools</b></td> </tr> <tr> <td>King David Primary School</td> <td>3</td> </tr> <tr> <td>Our Lady of Lourdes R/C School</td> <td>3</td> </tr> </table>	Canon Slade Church of England	80	Crompton C/E High School	1	King David High School	125	Our Lady R/C High	1	St Gabriel's R/C High	156	St Monica's R/C High	306	Thornleigh R/C High	3	Trinity C/E High School	1	<b>Primary Schools</b>		King David Primary School	3	Our Lady of Lourdes R/C School	3
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<b>Who are the main stakeholders?</b>	<p>Parents/Carers of pupils attending all maintained schools; Headteachers and Governing Bodies of all maintained schools; Principals of Bury College and Holy Cross College; Elected Members of Bury Council; MP's including neighbouring local authorities; Diocesan Bodies; Teachers Associations and Trades Unions; Bury Parent Partnership, and Governing Bodies of schools in neighbouring local authorities affected by the proposed change.</p>																						

### 3. ESTABLISHING RELEVANCE TO EQUALITY

**3a. Using the drop down lists below, please advise whether the policy/service has either a positive or negative effect on any groups of people with protected equality characteristics. If you answer yes to any question, please also explain why and how that group of people will be affected.**

Protected equality characteristic	Positive effect (Yes/No)	Negative effect (Yes/No)	Explanation
Race	No	No	
Disability	No	No	
Gender	No	No	
Gender reassignment	No	No	
Age	No	No	
Sexual orientation	No	No	
Religion or belief	No	Yes	The Council proposes to end this discretionary provision of free transport to pupils attending denominational schools with effect from 1 September 2013.
Caring responsibilities	No	No	
Pregnancy or maternity	No	No	
Marriage or civil partnership	No	No	

**3b. Using the drop down lists below, please advise whether or not our policy/service has relevance to the Public Sector Equality Duty. If you answer yes to any question, please explain why.**

<b>General Public Sector Equality Duties</b>	<b>Relevance (Yes/No)</b>	<b>Reason for the relevance</b>
Need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010	Yes	The Equality Act 2010, Schedule 3, Part 2 provides an exemption to discrimination on the grounds of religion or belief in relation to transport to or from school. Local Authorities remain under a general duty to 'have regard' to the wish of a parent for their child to be provided with education at a particular establishment on the grounds of the parents' religion or belief. However, other than the statutory duty towards secondary school pupils who are from low income families, there is no duty to provide free transport to denominational schools for children generally.
Need to advance equality of opportunity between people who share a protected characteristic and those who do not (eg. by removing or minimising disadvantages or meeting needs)	Yes	Under the current policy, parents seeking a place for their child in a denominational school benefit from an entitlement that is not available to parents seeking a place at a non denominational school. The proposed revision seeks to redress this inequity. The proposed change to the policy will mean that a single set of criteria will apply to all pupils, no longer differentiating with regards those pupils attending a denominational school. It will have the result of reducing the number of pupils that are eligible for financial assistance.
Need to foster good relations between people who share a protected characteristic and those who do not (eg. by tackling prejudice or promoting understanding)	No	

**If you answered 'YES' to any of the questions in 3a and 3b**

**Go straight to Question 4**

**If you answered 'NO' to all of the questions in 3a and 3b**

**Go to Question 3c and do not answer questions 4-6**

**3c. If you have answered 'No' to all the questions in 3a and 3b please explain why you feel that your policy/service has no relevance to equality.**

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#### **4. EQUALITY INFORMATION AND ENGAGEMENT**

**4a.** For a service plan, please list what equality information you currently have available, **OR** for a new/changed policy or practice please list what equality information you considered and engagement you have carried out in relation to it.

Please provide a link if the information is published on the web and advise when it was last updated?

(NB. Equality information can be both qualitative and quantitative. It includes knowledge of service users, satisfaction rates, compliments and complaints, the results of surveys or other engagement activities and should be broken down by equality characteristics where relevant.)

<b>Details of the equality information or engagement</b>	<b>Internet link if published</b>	<b>Date last updated</b>
During 2011/12 1035 travel passes were issued, of which 82% were for pupils attending denominational schools Of the 1035 pupils receiving financial assistance in 2011/12, 846 were attending a denominational school. Approximately 20% of these pupils are likely to remain eligible for financial assistance, either due to low income, or where the distance from home to school is over the statutory walking distance. The schools attended by pupils who received a free travel pass in the academic year 2011/12 are as follows: <b>Bold</b>		

<b>type are faith schools</b>			
<b>Secondary Schools</b>			
Abraham Moss High School	1		
Albion High School	2		
Broad Oak High School	1		
Broad Oak Partington	1		
<b>Bury Church of England</b>	<b>168</b>		
<b>Canon Slade Church of England</b>	<b>80</b>		
Castlebrook High School	17		
<b>Crompton C/E High School</b>	<b>1</b>		
Derby High	42		
Elton High	37		
Haslingden High School	1		
<b>King David High School</b>	<b>125</b>		
Little Lever High School	4		
Matthew Moss High	1		
<b>Our Lady R/C High</b>	<b>1</b>		
Parrenthorn High School	3		
Philips High School	17		
Prestwich High School	2		
<b>St Gabriel's R/C High</b>	<b>156</b>		
<b>St Monica's R/C High</b>	<b>306</b>		
Siddal Moor High School	1		
<b>Thornleigh R/C High</b>	<b>3</b>		
Tottington High School	31		
<b>Trinity C/E High School</b>	<b>1</b>		
West Hill High School	1		
Woodhey High School	20		
<b>Primary Schools</b>			
Elton Primary School	3		
Heaton Park Primary School	1		
<b>King David Primary School</b>	<b>3</b>		
<b>Our Lady of Lourdes R/C School</b>	<b>3</b>		
St Andrews Ramsbottom	1		
Whitefield CP	1		
Consultation on the proposed policy took place between 10 September and 9 November 2012. During that period comments were invited from a wide range of stakeholders			



<p>including:</p> <p>Parents/Carers of pupils attending all maintained schools; Headteachers and Governing Bodies of all maintained schools; Principals of Bury College and Holy Cross College; Elected Members of Bury Council; MP's including neighbouring local authorities; Diocesan Bodies; Teachers Associations and Trades Unions; Governing Bodies of schools in neighbouring local authorities affected by the proposed change.</p> <p>The substantive views expressed throughout the consultation period, and the Council's response to these views, are set out in the accompanying report.</p>		

**4b.** Are there any information gaps, and if so how do you plan to tackle them?

## 5. CONCLUSIONS OF THE EQUALITY ANALYSIS

<p><b>What will the likely overall effect of your policy/service plan be on equality?</b></p>	<p>A wide range of views were expressed during the consultation process, with many respondents indicating that they would wish the existing policy to be maintained. The accompanying report sets out the Council's response to the substantive points raised during the consultation.</p> <p>Whilst there is a negative impact on specific groups that currently benefit from free transport because of the proposed withdrawal of free travel to denominational schools, the purpose of the change in policy is to remove an existing discrimination in favour of those families of pupils attending a denominational school, which provides them with a benefit that is not available to others, thereby ensuring that all families are treated equally.</p> <p>Further, at a time when the Council has to make significant financial savings, it is essential that it examines critically its policies and procedures to ensure that in meeting its statutory duties, it can demonstrate effective use of resources. The Council currently spends in the order of £337,000 per annum on the discretionary provision of transport for pupils attending denominational schools. Whilst a number of low income families will continue to receive free transport, it is anticipated that the Council will be able to save in the order of £200,000 per annum when the new policy is fully implemented.</p> <p>The Equality Act 2010, Schedule 3, Part 2 provides an exemption to discrimination on the grounds of religion or belief in relation to transport to or from school.</p>
<p><b>If you identified any negative effects (see questions 3a) or discrimination what measures have you put in place to remove or mitigate them?</b></p>	<p>The proposed changes are intended to ensure that all pupils are treated equitably regardless of whether they attend a denominational or non-denominational school. Any measures in mitigation of the withdrawal of free travel for pupils attending denominational schools would in themselves need to discriminate between different groups and would re-enforce the inequity that already exists.</p>
<p><b>Have you identified any further ways that you can advance equality of opportunity and/or foster good relations? If so, please give details.</b></p>	
<p><b>What steps do you intend to take now in</b></p>	

<b>respect of the implementation of your policy/service plan?</b>	
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## **6. MONITORING AND REVIEW**

**If you intend to proceed with your policy/service plan, please detail what monitoring arrangements (if appropriate) you will put in place to monitor the ongoing effects. Please also state when the policy/service plan will be reviewed.**

The Council will continue to monitor eligibility for financial assistance for home to school transport and will review the policy in order to ensure that statutory duties are met.

**COPIES OF THIS EQUALITY ANALYSIS FORM SHOULD BE ATTACHED TO ANY REPORTS/SERVICE PLANS AND ALSO SENT TO THE EQUALITY INBOX ([equality@bury.gov.uk](mailto:equality@bury.gov.uk)) FOR PUBLICATION.**