

Equality Impact Analysis

This equality impact analysis establishes the likely effects both positive and negative and potential unintended consequences that decisions, policies, projects, and practices can have on people at risk of discrimination, harassment, and victimisation. The analysis considers documentary evidence, data, and information from stakeholder engagement/consultation to manage risk and to understand the actual or potential effect of activity, including both positive and adverse impacts, on those affected by the activity being considered.

To support completion of this analysis tool, please refer to the equality impact analysis guidance.

Section 1 – Analysis Details (Page 5 of the guidance document)

Name of Policy/Project/Decision	Travel Assistance between home and school or college for pupils and young people with Special Educational Needs and Disability.
Lead Officer (SRO or Assistant Director/Director)	Jeanette Richards
Department/Team	Children & Young People
Proposed Implementation Date	1 June 2024
Author of the EqIA	Nicola Hudson
Date of the EqIA	21 March 2024

1.1 What is the main purpose of the proposed policy/project/decision and intended outcomes?
<p>It is proposed to review the policy for travel arrangements between home and school or college for pupils and young people with Special Educational Needs and Disability (SEND).</p> <p>The policy outlines the travel support available to children and young people with SEND living within the borough of Bury.</p> <p>The policy describes the eligibility criteria for travel assistance, the statutory provision and the kind of travel arrangements that may be provided.</p> <p>The Council's statutory duty is to make transport arrangements for all eligible children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues relating to their special educational needs or disability.</p> <p>Section 35B of the Education Act defines eligible children as those of compulsory school age, 5 to 16 years.</p>

Section 509F and 508G of the Education Act places a statutory duty on the Council to consider Post 19 travel assistance. This applies to students aged 19 and over who commenced their programme of learning after their 19th birthday.

Non statutory provision includes travel assistance for children under the age of 5 and travel for young people aged 16 to 18, post 16. The Council has a duty to publish an annual transport policy statement specifying the arrangements for the provision of transport and travel that is considered necessary to facilitate the young person's attendance at college or sixth form. The flexibility of the post 16 element of the policy is determined by the Council.

The School & College Transport Team currently provide home to school & college travel assistance for approximately 658 children attending 70 schools and colleges both within and outside the borough of Bury.

Consideration to be given to the implementation of a co-produced policy providing greater flexibility for families while working alongside DfE statutory guidance:

- Realigning the assessment of travel assistance with the current Education, Health and Care Plan (EHCP) process.
- Simplifying the process for a change in circumstances (change of address, school, or the child/young person's individual needs).
- Removal of post 16 transport provision – removal of transport as an offer of travel assistance for young people attending college or further education aged 16 to 19 that commence their course of learning before the age of 18. Travel assistance to be provided in the form of mileage reimbursement, personal travel budget or independent travel training.
- Inclusion of travel assistance for children under the statutory school age (5 years of age) where specialist provision is named in the Education, Health and Care Plan.
- Removal of transport to short breaks / respite provision. Short breaks/respite is designed for children and young people to access an overnight or short stay with a carer or specialist provision to allow parents/carers and their families a break from full time care.
- Review of provision of transport for students on a reduced timetable – Pupil Referral Unit (Pru)/Alternative Provision with a view to shared transport only at the beginning and end of the school day. School and parents to be responsible for requirements that differ. PRU's and Alternative Provision are defined as education outside of a school setting where the child/young person is unable to attend a mainstream school.
- Review of the current personal travel budget allowance, introduction of a banding system based on the return mileage between home and the school.

In addition, the statutory post 19 provision, travel assistance for young people over the age of 19 to a place of learning has been included in the travel policy following the outcome of a Local Government Ombudsman investigation.



Section 2 – Impact Assessment (Pages 6 to 10 of the guidance document)

2.1 Who could the proposed policy/project/decision likely have an impact on?

Employees: **Yes/No (state reasons for answering ‘no’)** – staff allocated to routes for post 16 students to be reallocated to alternative routes

Community/Residents: **Yes/No (state reasons for answering ‘no’)**

Third parties such as suppliers, providers, and voluntary organisations: **Yes/No (state reasons for answering ‘no’)** – Phased reduction in post 16 transport requirements will result in a reduction in the vehicles required for post 16 students. Vehicles will be reallocated to support statutory 5-16 demand.

If the answer to all three questions is ‘no’ there is no need to continue with this analysis.

2.2 Evidence to support the analysis. Include documentary evidence, data, and stakeholder information/consultation

Documentary Evidence:

Current policy

[Travel arrangements between home and school or college for pupils and young people with Special Educational Needs and Disability – current policy.](#)

Home to School Travel – Updated [Statutory guidance issued by Department for Education \(DfE\)](#), Local Authorities’ statutory duty in relation to eligible children – suitable/qualifying schools, statutory walking distances, special educational needs, disability or mobility problems,

children with EHC plans, walking routes, accompaniment, promoting independence for eligible children with SEND. Local Authorities' discretionary power, suitability of travel arrangements, policy changes.

[Post 16 transport & travel support to education and training – Statutory guidance issued by Department for Education \(DfE\)](#) Local Authority responsibility, assessment of arrangements, specific considerations of learners with special educational needs and disabilities

Engagement sessions with Bury2gether

Data:

Service data – eligible children & young people, transport routes, mileage reimbursements & personal travel budgets.

The current profile of travel assistance and Transport is shown below:

	Transport		Mileage or Personal travel Budget		Out of Borough Transport		Total	
	Number of children & young people	Cost	Number of children & young people	Cost	Number of children & young people	Cost	Number of children & young people	Cost
Under 5	7	£83,951	0	£0	0	£0	7	£83,951
6-16 years	397	£2,563,905	97	£133,659	88	£498,065	582	£3,195,629
Post 16	44	£390,592	17	£213,53	0	£0	61	£411,945
Post 19	8	£19,760	0	£0	0	£0	8	£19,760
	458	£3,178,207	114	£165,012	88	£498,065	658	£3,831,284

If, for children of statutory school age currently being provided with home to school transport, the take up of mileage payments and personal budgets could be increased by 5% and, if 90% of post 16/19 students determined as eligible for travel assistance were to be provided with a personal budget or mileage payment, as the standard offer, this would result in the following profile:

	Transport		Mileage or Personal travel Budget		Out of Borough Transport		Total	
	Number of children & young people	Cost	Number of children & young people	Cost	Number of children & young people	Cost	Number of children & young people	Cost
Under 5	7	£83,951	0	£0	0	£0	7	£83,951
6-16 years	377	£2,434,666	17	£161,109	88	£498,065	582	£3,093,840
Post 16	6	£53,262	55	£69,080	0	£0	61	£122,342
Post 19	1	£17,470	7	£8,792	0	£0	8	£26,262
	391	£2,589,349	79	£238,981	88	£498,065	658	£3,326,395

Based on the current number of children and young people in receipt of travel assistance, the proposed policy can be delivered within the available resources, as determined by the Council's approved budget for 2024/25, subject to the impact of any tapering arrangements whereby existing eligibility is protected until a change in an individual's circumstances, and with the caveat that eligibility can only be determined based on an individual's assessment of need.

Budget report

The approved budgets for 2024/25 are as follows:

Personal Travel assistants/bus escorts	£633,000
Home to School SEN General	£199,200
SEN Transport - Outborough	£529,000
Independent school travel	£81,100
Home to school – individual schedules	£2,448,450
Home to school – general	£163,560
Home to school – non SEN general	£138,300
Home to college transport	£422,100
Total budget provisions	£ 4,614,710

Workforce data

Passenger Assistants - 55 permanent pupil escorts, 8 relief pupil escorts
 Contractors – 24 contractors are approved on the Home to School & College Transport contract
 Number of routes/drivers - 110 transport routes/schedules as of 3 April 2024.

Passenger Assistants are not provided for post 16 transport except for Elms Bank College Hub where a number of students attend and travel on shared transport. Passenger Assistants are allocated to 3 out of the 7 routes/schedules serving Elms Bank College Hub. Following the implementation of the revised policy demand on post 16 transport will reduce however, the young people allocated to transport will not be affected until there is a change in their individual circumstances resulting in a gradual phased reduction in transport requirements. Staff employed on routes to Elms Bank College Hub will remain in place unless the number of young people travelling on their allocated route

reduce and it is no longer viable to keep that vehicle in place. Any passenger assistants affected will be reallocated to an alternative vacant route/schedule.

Due to the continual changes in transport requirements the service regularly operate routes without a permanent member of staff allocated, these routes are temporarily covered by relief pupil escorts while recruitment processes are undertaken.

Stakeholder information/consultation:

Engagement sessions with Bury2gether

Throughout January 2024 a series of engagement workshops were held to inform the drafting of a new policy. Parents/carers of children and young people currently accessing the service were invited alongside schools and Bury2gether (parent/carer forum).

Key emerging themes:

Service Redesign

- Realigning the assessment for travel assistance with the current Education Health and Care Plan (EHCP) process where appropriate.
- Simplifying the process for a change in circumstances (change of address, school, or the child/young person’s individual needs).

Eligibility

- Clarifying the Council’s statutory duty in relation to pre-school age children, 5-16 year olds, post 16 provision and adult learners (post 19).

Travel Assistance Offers

- Clearly explaining the forms of travel assistance that may be offered to eligible children and young people. These include mileage reimbursement, personal travel budgets, transport, travel passes and independent travel training.

Mileage Rates & Personal Budgets

- Streamlined processes for reimbursement
- Review of rates paid

Flexibility

- Providing additional flexibility for transport wherever possible to accommodate timetable changes or changes to the school day.

Workforce Development

- Improve recruitment & retention of staff
- Training & development programme

Communication

- Improved timely communications

- Performance standards

Co-production of proposed policy with Bury2gether, taking account of the above key emerging themes.

In February 2024 further meetings were held to co-produce a draft proposed policy taking into consideration the key themes from the engagement workshops.

Consultation on proposed policy with all stakeholders:

The formal consultation commenced on 26 February and closed on 5 April 2024. The following cohorts were directly informed of the consultation via email and invited to submit their views:

- Parents/Carers of service users
- Parents/Carers of children & young people in receipt of an EHC (Education, Health and Care) plan (not in receipt of travel assistance)
- Workplace teams/colleagues
- Schools
- Colleges
- School governors
- Councillors & MP's
- Bury2gether (Parent/Carer forum)
- Contractors
- Pupil Escorts

In addition the consultation has been advertised on Bury Council's website, the local offer, social media and in the SEND newsletter. Bury2gether (parent/carer forum) also posted a link on their facebook page and have encouraged participation amongst the parents/carers they support and represent.

The consultation asked a number of questions linked to the emerging themes from the stakeholder engagement workshops, and also sought views on the new policy. The outcome from that consultation can be summarised as:

- A total of 45 responses were received, 38 of which were submitted by parents or carers, with one from a child, and the balance from schools, colleges, professionals and an academy trust.
- Whilst the majority of respondents found the new policy easy to understand or expressed a neutral view, almost a 1/3rd of respondents indicated it was somewhat not easy to understand. It is proposed that alongside the launch of the new policy, a summarised guide be produced.

- In terms of the travel assistance offer, respondents were asked to confirm their awareness of the options available (multiple selections could be made). Only 15% of responses confirmed awareness of personal budgets and independent travel training which indicates that further promotion of the options available within the travel assistance offer is required, which can also be incorporated into the summarised guide.
- All travel assistance options available within the current policy will remain in the new policy. The majority of respondents who expressed a view agreed with this, with the caveats that current personal budgets and mileage reimbursement rates do not cover the actual costs incurred, and that the complex needs of the children and young people concerned must be considered.
- In line with the emerging principles from the initial engagement workshops, the majority (78%) agreed with alignment of assessment for transport with the Education, Health and Care assessment process, believing that it would have a positive impact for the families involved.
- Similarly there was strong support for streamlining processes for occasions when there is a change in circumstance, such as change of address, change of school, or a change in needs.
- There was significant support for the intention to assess pre-school children for eligibility for transport alongside the EHCP assessment process, based on the needs of the child, rather than the current policy that excludes children under statutory school age.
- In respect of post 16 students, the consultation sought views on the intention to offer students deemed eligible for travel assistance a personal budget, mileage payment or independent travel training. 26 of 44 respondents agreed, with 9 disagreeing and the remaining being neutral. Within the new policy existing eligibility is protected until a change in an individual's circumstances
- For post 19 students, the consultation sought views on the intention of the Council to assess for eligibility based on need and to then provide travel assistance primarily through the use of personal travel budgets or mileage payments, but which could include transport in certain circumstances. The majority of respondents agreed with this approach, with only 4 of the 42 responses disagreeing.
- Feedback from the co-production sessions indicated that flexibility would be helpful for families in situations where for example schools finish early at the end of term or to support attendance at school wraparound care provision. The new policy states that the "Council may work with parents/carers to accommodate changes where possible while having regard to the constraints of operational delivery and efficient use of its resources to allow for this". The majority of respondents supported this.

- The consultation sought views on the barriers to families in taking up alternative travel options, such as mileage reimbursement, personal travel budget or independent travel training. Again some respondents cited rates of personal budgets and mileage reimbursements being insufficient to cover costs incurred, other reasons given were in relation to family circumstances and/or the needs of the child or young person concerned.

2.3 Consider the following questions in terms of who the policy/project/decision could potentially have an impact on. Detail these in the impact assessment table (2.4) and the potential impact this could have.

- Could the proposal prevent the promotion of equality of opportunity or good relations between different equality groups? No
- Could the proposal create barriers to accessing a service or obtaining employment because of a protected characteristic? Yes
- Could the proposal affect the usage or experience of a service because of a protected characteristic? Yes
- Could a protected characteristic be disproportionately advantaged or disadvantaged by the proposal? Yes
- Could the proposal make it more or less likely that a protected characteristic will be at risk of harassment or victimisation?
- Could the proposal affect public attitudes towards a protected characteristic (e.g. by increasing or reducing their presence in the community)? Yes
- Could the proposal prevent or limit a protected characteristic contributing to the democratic running of the council? No

2.4 Characteristic	Potential Impacts	Evidence (from 2.2) to demonstrate this impact	Mitigations to reduce negative impact	Impact level with mitigations Positive, Neutral, Negative
Age	Inclusion of travel assistance to under 5's with specialist provision named in EHCP	Non statutory element of policy		Positive
	Removal of dedicated transport offer for post 16 students	Non statutory element of policy	Existing eligibility will be protected until a change in an individual's circumstances Offer of mileage reimbursement, personal travel budget or	Neutral

	<p>Inclusion of statutory post 19 provision for students aged over the age of 19 that commenced their programme of learning after the age of 19.</p>	<p>Statutory element of policy</p>	<p>independent travel training. Publication of annual policy statement detailing alternative offers of support available.</p>	<p>Positive</p>
<p>Disability</p>	<p>Eligibility for travel assistance assessed on individual's needs</p>	<p>Statutory element of policy</p>	<p>Launch of new policy communicated to all service users together with a summarised guide Promotion through parent/carer forum Drop in sessions to be offered in special schools Statutory duty to make reasonable adjustments. Councils are advised that when making travel arrangements for</p>	<p>Neutral</p>

			children with special educational needs and disability they will need to identify and consider their individual needs and ensure the provision provided meets their needs. For example, children with a high level of need may need the support of a passenger assistant on their journey, or a child/young person using a wheelchair or walking frame that may need to be transported with them. The revised policy takes this into consideration.	
Gender Reassignment				
Marriage and Civil Partnership				
Pregnancy and Maternity				
Race			Launch of new policy communicated to all service users together with a summarised guide Promotion through parent/carer forum Drop in sessions to be offered in special schools	Neutral

Religion and Belief				
Sex				
Sexual Orientation				
Carers	Removal of non-statutory transport provision for respite care	4 children/young people eligible for respite provision. Cambeck Close is an NHS service providing overnight short breaks and support to children and young people that have a learning disability and additional healthcare needs.	Non statutory element Families affected will be signposted to alternative travel options.	Negative
Looked After Children and Care Leavers	Removal of dedicated transport offer for post 16 students	Non statutory element of policy	Liaison with Virtual School/Social Care colleagues to identify care leavers Existing eligibility will be protected until a change in an individual's circumstances Offer of mileage reimbursement, personal travel budget or independent travel training. Publication of annual policy statement detailing alternative offers of support available.	Neutral
Socio-economically vulnerable	Removal of dedicated transport	Non statutory element of policy	Contribution towards the cost of travel to be made to eligible young people	Neutral

	offer for post 16 students		in the form of mileage reimbursement, personal travel budget or independent travel training. Further review of mileage and personal travel budget rates to be undertaken.	
Veterans				

Actions required to mitigate/reduce/eliminate negative impacts or to complete the analysis

2.5 Characteristics	Action	Action Owner	Completion Date
Age 16-18	<p>Offer of mileage reimbursement, personal travel budget and independent travel training to remain an offer of travel assistance within the revised policy. Post 16 travel assistance is non statutory.</p> <p>It is proposed to review mileage rates and the potential introduction of banding arrangements for personal travel budgets to ensure that they are an attractive option to parents, and to encourage take up of these forms of travel assistance as opposed to home to school transport.</p> <p>This review will be undertaken separately and be subject to a further report to Cabinet. Until that time, existing funding rates will be used.</p> <p>The Council has a duty to publish an annual transport policy statement specifying the arrangements for the provision of travel assistance that is considered necessary to facilitate attendance at college or sixth form. The flexibility of the post 16 element of the policy is determined by the Council.</p>	Nicola Hudson	By 31 May (annual basis)

Section 3 - Impact Risk

Establish the level of risk to people and organisations arising from identified impacts, with additional actions completed to mitigate/reduce/eliminate negative impacts.

3.1 Identifying risk level (Pages 10 - 12 of the guidance document)

Impact x Likelihood = Score		Likelihood				
		1	2	3	4	
		Unlikely	Possible	Likely	Very likely	
Impact	4	Very High	4	8	12	16
	3	High	3	6	9	12
	2	Medium	2	4	6	8
	1	Low	1	2	3	4
	0	Positive / No impact	0	0	0	0

Risk Level	No Risk = 0	Low Risk = 1 - 4	Medium Risk = 5 – 7	High Risk = 8 - 16
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3.2 Level of risk identified	<p>Low – 2 Due to the removal of transport for post 16 students there is a risk of negative media coverage and a challenge by parents/carers of the young people affected.</p>
3.3 Reasons for risk level calculation	<p>Positive amendments have been made to the policy to include travel assistance to children under the age of 5 where it is specified within their Education, Health & Care Plan that they will attend a specialist provision. The provision of travel assistance to under 5's is not a statutory requirement and inclusion within the policy will enhance and support the transition of children into their education.</p> <p>The inclusion of post 19 travel assistance is also a positive inclusion in the policy and will provide the most vulnerable young people with special educational needs access to continued education. Travel assistance will be considered for those students with no means of accessing their college course unless they receive support from the local authority.</p> <p>A cohort of students aged 16 to 18 accessing post 16 education will be negatively impacted by the change in policy. The provision of travel assistance for students commencing a course before their 18th birthday is non statutory, however the council has a duty to publish an annual transport policy statement specifying the arrangements for the provision of travel that is considered necessary to facilitate the young person's attendance at college. The flexibility of the post 16 element of the policy is determined by the council. Although dedicated transport provision is removed from the revised policy an offer of travel assistance to support the family is being made to those that are eligible for assistance. Furthermore existing eligibility is protected until a change in an individual's circumstances.</p>

Section 4 - Analysis Decision (Page 11 of the guidance document)

4.1 Analysis Decision	X	Reasons for This Decision
There is no negative impact therefore the activity will proceed		
There are low impacts or risks identified which can be mitigated or managed to reduce the risks and activity will proceed	X	The inclusion of travel assistance for under 5's and post 19 students will have a positive impact on the service provided to children and young people residing within the borough. In addition, the process for requesting travel assistance will be aligned with the EHC process where a new plan is being considered. Where a young person has

	an EHC plan in place and is requesting travel assistance due to a change in school, individual needs, or home address a simplified one-page process will be introduced to reduce the demand of parents/carers.
There are medium to high risks identified which cannot be mitigated following careful and thorough consideration. The activity will proceed with caution and this risk recorded on the risk register, ensuring continual review	

Section 5 – Sign Off and Revisions (Page 11 of the guidance document)

5.1 Sign Off	Name	Date	Comments
Lead Officer/SRO/Project Manager			
Responsible Asst. Director/Director			
EDI			

EqIA Revision Log

5.2 Revision Date	Revision By	Revision Details