



Shropshire Council  
Legal and Democratic Services  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Date: Tuesday, 26 February 2019

**Committee:  
Cabinet**

**Date: Wednesday, 6 March 2019**

**Time: 9.00 am**

**Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

You are requested to attend the above meeting. Please note the earlier than usual start time.

The Agenda is attached

Claire Porter  
Head of Legal and Democratic Services (Monitoring Officer)

**Members of Cabinet**

Peter Nutting (Leader)  
Steve Charmley (Deputy Leader)  
Nicholas Bardsley  
Gwilym Butler  
Lee Chapman  
Steve Davenport  
Robert Macey  
David Minnery  
Lezley Picton

**Deputy Members of Cabinet**

Dean Carroll  
Rob Gittins  
Simon Harris  
Roger Hughes  
Elliott Lynch  
Alex Phillips  
Ed Potter

Your Committee Officer is:

**Amanda Holyoak**

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# AGENDA

## 1 Apologies for Absence

## 2 Disclosable Pecuniary Interests

## 3 Minutes

The minutes of the Cabinet meeting held on 27 February 2019 will be presented at the 20 March 2019 meeting for confirmation.

## 4 Public Question Time

To receive any questions or petitions from members of the public, notice of which has been given in accordance with Procedure Rule 14. Deadline for notification for this meeting is no later than 24 hours prior to the start of the meeting.

## 5 Member Question Time

To receive any questions of which members of the Council have given due notice, the deadline for notification for this meeting is 5.00pm on Friday 1 March 2019

## 6 Scrutiny Items

To consider any scrutiny issues from Council or any of the Scrutiny Committees

## 7 Discretionary School and College Transport - Permission to Consult (Pages 1 - 32)

Lead Member – Nick Bardsley – Portfolio Holder for Children and Young People

Report of Director of Children's Services

Contact: Karen Bradshaw, tel 01743 254201



<u>Committee and Date</u>
Cabinet
6 March 2019

<u>Item</u>
<u>Public</u>

## **Discretionary School & College Transport – Permission to Consult**

**Responsible Officer** Karen Bradshaw

e-mail: karen.bradshaw@shropshire.gov.uk Tel: 01743 254201

### **1. Summary**

The Council is committed to providing efficient, integrated transport services whilst ensuring that its statutory duties are met. Financial pressures mean that the Council has identified a £717k savings target attributed to school transport, including those transport functions which are discretionary in nature.

The Council's Passenger Transport Services have introduced a number of innovative transport solutions to reduce the pressure on the home to school transport budget and whilst these have been and continue to be successful, in order to realise a significant budget reduction a policy change is needed.

There are a number of other projects that are being undertaken to achieve this target in addition to the proposals within this report. These include a further development of the personal transport budget programme, network reviews and digital procurement.

This report sets out proposed policy changes and seeks approval from Cabinet to consult on the proposals as detailed below.

Should Cabinet agree to this consultation, the Council would undertake a six-week consultation during March and April with various stakeholders including elected Members, schools and colleges, Parent Advocacy groups, Voluntary & Community Sectors, Town & Parish Councils etc. Following this period, the results of this consultation would be analysed and compiled before returning to Cabinet on 1 May 2019 for a decision on whether to adopt this policy.

Any changes would come into effect from 1 September 2019 and will be applicable to new applicants, as with previous practice the removal of provision will be on a phased approach, protecting all those pupils and students entitled within the existing schemes.

## **2. Recommendations**

- 2.1 That Cabinet approve a consultation on the following proposed policy changes:
- To increase the lower rate contribution to 50% of the cost of the mainstream scheme from £142.50 to £437.50, maintaining the upper limit of the scheme at its current £875 pa.
  - To expand the contributions scheme to include SEND post 16 students, in line with the mainstream scheme.
  - To withdraw the Council's financial support for Nursery SEND pupil transport.
- 2.2 That Cabinet agree to receive a further report following the consultation process.

## **REPORT**

### **3. Risk Assessment and Opportunities Appraisal**

- 3.1 Proposals to withdraw all financial support for discretionary school and college transport which would have resulted in £512k savings were considered by officers during 2018. An ESIIA was undertaken which identified high negative impact on protected characteristic groupings. This ESIIA is attached at Appendix A.
- 3.2 As a result, proposals were amended in order to mitigate the impact. The ESIIA also recommended a further Stage One screening ESIIA for the proposals (contained in this report) that would need to be undertaken. This has been done and is attached at Appendix B.
- 3.3 The updated ESIIA attached at Appendix B highlights that a consultation is required. The ESIIA has identified that there is potential of Medium Negative Impact on protected characteristic groupings, in particular those for Age, Disability, and Social Inclusion. It would also potentially be seen as running against the corporate aims of the Council with regard to children and young people and their life chances
- 3.4 Further analysis would need to be informed by results of the proposed consultation and will be explained within the subsequent report to Cabinet.

### **4. Background**

- 4.1 The Council currently provides the following support for Mainstream post 16, SEND (Special Educational Needs and Disability) post 16 students and Nursery SEND pupils.

#### 4.2 **Post 16 – Mainstream Sixth Forms and Colleges**

- The Council currently provides transport assistance for 200 post 16 students to mainstream school 6<sup>th</sup> forms or other Further Educational establishments.
- Of the 200 post 16 students receiving transport assistance, 59 students are paying the higher rate of the contribution of £875pa and 141 students are paying the lower rate of contribution of £142.50pa.
- These students are provided with either a bus pass on a public service vehicle or a seat on a school transport contract, this is usually dependent upon which type of Further Education establishment they are attending.
- Transport entitlement is defined as “a student living 3 miles or more from their designated FE establishment”.
- We do not normally offer bespoke transport solutions such as minibuses or taxis.

#### 4.3 **Post 16 – SEND Students**

- The Council currently transport 144 post 16 SEND students to a number of specialist FE establishments for which no contribution is applied.
- These students will travel to their FE establishment in either a shared vehicle with other SEND pupils, or a bespoke vehicle as a result of their additional needs or geographical location.
- Before a seat on a vehicle is allocated, if appropriate, the initial offer to parents will be in the form of Independent Travel training, where by the student receives one to one training to give them the confidence and skills to use public transport. This has proven to have much wider benefits to the students and their families than just accessing college transport, through creating independence and establishing life skills.
- The proposal to include SEND post 16 students will ensure a consistent approach across all post 16 Transport and also reflects a practice taken by a number of other councils.

#### 4.4 **Nursery SEND Pupils**

- The Council currently transports 17 Nursery aged students, who all attend Severndale Nursery for which no contribution is applied.
- Nursery pupils who attend Severndale special school receive free transport if it is deemed appropriate because of their additional needs.
- These pupils are located county wide, which represents a logistical challenge in order to keep costs to a minimum.

- Before a vehicle is allocated for a pupil, parents are offered travelling expenses at a pre-agreed daily mileage.

## 5. Financial Implications

Table A below shows the discretionary areas of transport currently supported by Council via £679,000 of funding, alongside the estimated net financial impact that would result from the proposals.

(\*\* It should be noted that this figure does not include the proportionate costs of post 16 students travelling on contracted routes to their local school 6<sup>th</sup> form.)

<b>Entitlement Category</b>	<b>Number of Pupils/Students</b>	<b>Net Spend 2017/18</b>	<b>Estimated Net Financial Impact 2019/21</b>
<b>Post 16 Mainstream</b>	200	£105,000**	+£42,000
<b>Post 16 SEND</b>	144	£502,000	+£100,625
<b>Nursery SEND</b>	17	£72,000	+£60,000
<b>Total</b>	<b>361</b>	<b>£679,000</b>	<b>+£202,625</b>

### 5.1 Mainstream Post 16 Transport

5.1.1 The Council's annual spend on mainstream post 16 transport has reduced significantly year on year from circa £900k pa to its current level of £105k pa (2017/18), following the introduction of the revised contribution scheme as well as reduced season ticket rates for students negotiated with local operators.

5.2.1 Following negotiations with our transport operator's students can continue to access their respective post 16 establishments, but now with greater flexibility of travel and in many cases a significantly lower rate. At the same time the number of students accessing the Council's scheme has reduced from c900 to 200, as many have opted to purchase tickets directly from the operators to access these benefits.

5.1.3 The Council currently provides a contribution scheme for those entitled mainstream students that qualify for post 16 transport assistance. The contribution levels for this scheme are currently set at £875 for the higher level and £142.50 for those parents of students who are on a low income.

5.1.4 Those students who face hardship in paying for their travel are also able to access support through 6<sup>th</sup> form and college bursaries and a number of students are currently accessing this support.

5.1.5 To increase the contribution level to 50% of the full cost for those parents of students who are on a low income would result in an estimated £42,000 savings to the Council (2019-21).

## **5.2 SEND Post 16**

5.2.1 The Council's annual spend on SEND post 16 transport stood at £502k for the 2017/18 financial year with entitled student numbers at 144. Student numbers in this category continue to increase year on year by an average of 5%. SEND post 16 pupils are not currently subject to the contribution scheme.

5.2.2 Those students who face hardship in paying for their travel are also able to access support through 6<sup>th</sup> form and college bursaries and a number of students are currently accessing this support.

5.2.3 Introducing a contribution for students with SEN in line with the mainstream scheme, i.e. £875 for the higher level and £437.50 for those parents of students who are on a low income, would result in an estimated £100,625 savings for the Council (2019-21)

## **5.3 SEND Nursery Transport**

5.3.1 The Council's annual spend on SEND nursery transport stood at £72k for the 2017/18 financial year with entitled pupil numbers at 17. Nursery transport numbers have reduced significantly year on year as local nursery provision has become more widely available.

5.3.2 The removal of SEN nursery transport would result in £60,000 savings for the Council (2019-21).

## **5.4 Net Financial Impact to the Council of consultation proposals**

In respect of the potential savings to the Council, as laid out in 2.1, then should support for Nursery SEND transport cease, SEND post 16 be included within the terms of the contribution scheme and revised contribution levels adopted, it is estimated that this would realise the following:

- Withdrawal of Nursery SEND Transport: £60,000 saving at maturity
- Mainstream: £42,000 of estimated increased revenue at maturity
- SEND post 16 FYE: £100,625 of estimated increased revenue at maturity
- **Total: £202,625**

## 6. Additional Information

- 6.1 We have engaged with a number of other local authorities and gained direct comparisons on what travel assistance is offered for these discretionary areas, as shown in Table B.
- 6.2 This research has highlighted that some local authorities do not offer Nursery SEND travel assistance and some do not offer mainstream post 16 travel assistance. However, we are unable to identify another local authority that currently does not offer post 16 SEND Travel Assistance. It is important to note that our list of local authorities is not exhaustive, and a number did say that they were considering similar options to ourselves.
- A number of local authorities do not provide nursery transport.
  - Where they do provide nursery transport it is in the form of a seat on an existing vehicle and not bespoke (a separate taxi).
  - Post 16 contribution schemes are applied to those SEN students entitled to assistance (as with our current mainstream post 16 scheme).
  - In some cases, Independent Travel Training and a bus pass are the only post 16 offers available to students and their families.
  - We are unable to find a local authority that has completely withdrawn SEND post 16 (although we have not exhausted every local authority nationally)

**Table B**

	Post 16 Transport Provided	Contribution	SEND Contribution if different	Nursery SEND Transport Provided	Independent Travel Training Provided
Shropshire	16-19	£875 / £142.50	Free	Y	Y
Herefordshire	16-19	£789	-	N	Y
Worcestershire	16-19	Variable charges based on zones	-	N	Y
Cheshire West	16-19	Only on hardship grounds	-	N	Y
Chester & Cheshire East	16-19	£800 / £440 on hardship grounds	-	Y	Y
North Yorkshire	16-19	£490 / £245	-	Y	Y



Wiltshire	16-19	£710 / £210	£499 / £184	N	Y
Devon	16-19	£600	-	N	Y
Solihull	16-19	£680	£645	N	Y
Warwickshire	16-19	£780 / £390	-	N	Y
Staffordshire	16-19	£494 (low income only)	£625 / £494	N	Y
Lincolnshire	16-19	£570	-	N	Y
Cumbria	16-19	£410	-	N	N
Lancashire	16-19	None, only SEN Post 16 provided	Free	N	Y
Wolverhampton	16-19	Free	Free	Y	Y
Hampshire	16-19	0 to 5 miles = £600 5 to 7.5 miles = £831 7.5 to 10 miles = £1164 10+ miles = £1330	-	N	N
Buckinghamshire	16-19	Free	Free	N	Y

Powys	16-19	Free	Free	N	N
Monmouthshire	16-19	£440	-	N	N

The Council applies both its mandatory and discretionary statutory duties in providing transport to support student attendance at school/colleges and is considering changes to ensure levels of support are sustainable for those students to whom there is a mandatory statutory duty.

There is also the potential that students can be supported for transport costs through college bursaries that are allocated at their discretion, should the Council amend the contribution scheme to include these discretionary areas.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

Cabinet Report 15 June 2011: School and Post 16 Transport Policy Report.

Application for Post 16 Transport Contribution Scheme & Information for Parents/Students (available on the Shropshire Council web page)

(<https://www.shropshire.gov.uk/media/9976/37034-app-for-post-16-trans.pdf> )

**Cabinet Member (Portfolio Holder)**

**Councillor Nick Bardsley**

**Local Member**

**All**

**Appendices**

Appendix A – ESIIA part one 201808

Appendix B – ESIIA part one 201902



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## Appendix A

### Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA)

**Name of service change: Proposal to withdraw the Council's financial support for discretionary school and college transport.**

#### ***The What and the Why:***

The Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA) approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people we may describe as vulnerable, for example due to low income or to safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. Carrying out ESIIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

#### ***The How:***

The guidance and the evidence template are combined into one document for ease of access and usage, including questions that set out to act as useful prompts to service areas at each stage. The assessment comprises two parts: a screening part, and a full report part.

***Screening (Part One)*** enables energies to be focussed on the service changes for which there are potentially important equalities and human rights implications. If screening indicates that the impact is likely to be positive overall, or is likely to have a medium or low negative or positive impact on certain groups of people, a full report is not required. Energies should instead focus on review and monitoring and ongoing evidence collection, enabling incremental improvements and adjustments that will lead to overall positive impacts for all groups in Shropshire.

A ***full report (Part Two)*** needs to be carried out where screening indicates that there are considered to be or likely to be significant negative impacts for certain groups of people, and/or where there are human rights implications. Where there is some uncertainty as to what decision to reach based on the evidence available, a full

report is recommended, as it enables more evidence to be collected that will help the service area to reach an informed opinion.

## **Shropshire Council Part 1 ESIIA: initial screening and assessment**

*Please note: prompt questions and guidance within boxes are in italics. You are welcome to type over them when completing this form. Please extend the boxes if you need more space for your commentary.*

### **Name of service change**

Proposal to Withdraw Transport Provision for mainstream Post 16 and SEND Nursery and Post 16 children and young people in Shropshire.

### **Aims of the service change and description**

Shropshire Council is currently reviewing its transport services for children and students and the review of these services is focused on one area: those pupils and students who receive travel assistance and are of non-compulsory school age, by which we mean nursery children and Post 16 students.

The number of children and young people who are currently supported in this way is:

- Post 16 mainstream – 200 approx
- SEND Nursery - 17
- SEND Post 16 - 144

There is a proposal currently being considered to consult on the following:

- Removal of SEND Nursery Transport Eligibility
- Removal of SEND Post 16 Transport provision
- Removal of Post 16 Contribution scheme (mainstream)

Shropshire Council applies both its statutory and discretionary duties in providing transport to support student attendance at school/colleges.

The rationale for this is that Shropshire Council is considering changes to ensure future resources are targeted most appropriately, to ensure support is provided to those students to whom there is a statutory duty and to those students who would be unable to attend education or training without this support.

The Council is committed to providing efficient, integrated services whilst ensuring that its statutory duties are met. Financial pressures mean that Shropshire Council must review the non-statutory functions it provides and consider whether these arrangements are still financially viable whilst protecting its statutory duty.

### **Intended audiences and target groups for the service change**

The intended audience and target groups/stakeholders are:

- Existing students and their families
- The whole community including children as yet unborn/siblings
- All elected members
- Schools and Colleges
- Transport Operators
- Licensed Taxi providers
- Parent Advocacy Groups

- Marches LEP
- West Midlands Combined Authority
- Voluntary and Community Sector
- Town and Parish Councils
- Neighbouring Authorities
- Youth Parliament
- Local Members of Parliament

This list is not intended to be exhaustive and may be updated during the course of and subsequent to any consultation and engagement activity.

### Evidence used for screening of the service change

#### Savings Profile

	2019/20	2020/21	2021/22	2022/23		Total
<b>SEN Nursery</b>	£18k	£42k				£60k
<b>SEN Post 16</b>	£67k	£116k	£116k	£48k		£347k
<b>Mainstream Post 16</b>	£36k	£40k	£20k	£9k		£105k
<b>Cumulative net reduction</b>	£121k	£198k	£136k	£57k		<b>£512k</b>

\*7/12 of full year effect savings will be achieved in the first year, with the new proposals commencing part way through the financial year on 1 September 2018.

#### SEND (Nursery & Post 16)

Although there is no statutory requirement to provide transport for Nursery and Post 16 students, Councils can provide discretionary travel assistance over and above the statutory requirements (aged 5-16), as we do in Shropshire for SEND Nursery and Post 16 travel.

- In Shropshire, we currently transport 17 Nursery pupils (circa 45 two years ago) and 144 Post 16 SEND students.

We have and continue to liaise with many other local authorities and organisations, to identify what travel assistance is currently provided in these areas.

These latest findings show that:

- A number of Local Authorities do not provide nursery transport
- Where they do provide Nursery Transport it is in the form of a seat on an existing vehicle and not bespoke (a separate taxi).
- Post 16 contribution schemes are applied to those SEN students entitled to assistance (as with our current mainstream post 16 scheme).
- In some cases Independent Travel Training and a bus pass are the only Post 16 offers available to students and their families.
- We are unable to find a local authority that has completely withdrawn SEND Post 16 (although we have not exhausted every LA nationally)

#### Challenges to consider

- Any changes to our current offer will only apply to new applications, with current Nursery and Post 16 students protected for the duration of their course (as per Ombudsman guidance issued in 2017) and therefore the associated savings will take a minimum of 2 years to mature.
- There is currently one assessment Nursery located at Severndale and this proved to be an issue in the last consultation, as parents highlighted they didn't have a local alternative that could meet the needs of their child. However, we understand that this may be due to change with needs being met at local Nursery provision.
- The withdrawal of Post 16 support would also see the withdrawal of the Council's Independent Travel Training programme which has been welcomed by both students and parents.
- We have not been able to identify any local authorities who have fully withdrawn SEND travel assistance for Post 16, although we understand a number are looking at the possibility.
- Parents may have no other transport options to facilitate their child's attendance at College except to transport their children themselves.
- Students who have formerly travelled on a school bus (when in years 8-11) will no longer be able to travel on this bus under the proposed scheme when they become a student.
- This could potentially lead to students being directed to colleges who have better transport links which may have an impact on the future of school sixth forms?

SEND nursery students currently travel from all over Shropshire to the one available assessment centre at Severndale Specialist Academy in Shrewsbury. This may mean that families and passengers have no other means to get their child to pre-school provision, and parents may solely be reliant on parent/carers to undertake this. For many, this may not be an option due to: personal circumstances; often significant distance to travel; financial implications; and public transport being either an unlikely option for many SEND passengers or simply not available.

Post 16 SEND students currently access Colleges and Sixth forms across Shropshire dependent on their needs and courses they are wanting to undertake, many attend 'Futures' at Shrewsbury College which is a specialist provision for Post 16.

Many students travel some distance to attend College and removing provision could leave families with no way of getting their child to College, many students are unable to access Public Services due to their individual needs as well considering if Public Services are available. This is therefore a constraint on their social mobility, already identified as an issue in a Council response to a current All Party Parliamentary Group inquiry into social mobility in rural counties.

The proposals indicated could impact on vulnerable young people and their families financially or on their employment. These proposals may also further isolate rural communities and affect their future viability.

SEND numbers are continuing to rise and families are choosing to move into Shropshire to access the specialist provisions available for their SEND child.

Legal services have indicated that judicial review is likely to be forthcoming if we went out to consultation on these areas.

We have engaged with a number of other Local Authorities and gained direct comparisons to what and how they offer travel assistance for discretionary areas. From our findings, some Local Authorities do not offer Nursery SEND travel assistance, some do not offer mainstream Post 16



travel assistance. We are unable to source another Local Authority that does not offer Post 16 SEND Travel Assistance. It is worthwhile noting that we did not contact every Local Authority so this is a sample of information gathered at a point in time.

	Post 16 Transport Provided	Contribution	SEN Contribution if different	Nursery Transport Provided	Independent Travel Training Available
Herefordshire	16-18	£789.00		N	Y
Worcestershire	16-18	Variable charges based on zones		N	Y
Cheshire West	16-18	Only provided on hardship grounds		N	Y
North Yorkshire	16-18	£490/£245		Y	Y
Wiltshire	16-18	£710/£210	£499/£184	N	Pushed as 1st option
Devon	16-18	£600.00		N	Y
Solihull	16-18	£680	£645	N	Y
Warwickshire	16-18				
Staffordshire	16-18	£494 – only provided for low income household	£625/£494	N	Y

### Specific consultation and engagement with intended audiences and target groups for the service change

These policy changes could come into effect from 1 September 2019 and in that scenario would be applicable to new applicants, as with previous practice the removal of provision will be on a phased approach, protecting all those pupils and students entitled within the existing schemes. This will mean that the full effect of these savings will not be realised until the 2022/23 financial year, as detailed in the table below

A consultation has not been carried out to date, with the focus more on comparator research into other local authority approaches and a detailed analysis of the situation in Shropshire. It would be vital that any consultation carried out be comprehensive and far reaching.

**The indicative schedule is as follows**

#### Key Dates

**August 2018**

Draft consultation documents prepared for approval by Director & Portfolio Holder

**October 2018**

Proposals to informal cabinet

**November 2018**

Cabinet Approval

**November 2018**

Consultation Launches

**18 January 2019**

consultation closes

**18 February 2019**

Recommendations from consultation sent to Portfolio holder & Director for consideration

**March 2019**

Recommendations and final report to cabinet

**April 2019**

Publish findings of consultation and new policy

Letters would be sent to all schools & colleges within Shropshire and the surrounding areas (out of county), published on the Councils website and a copy provided to all stakeholder groups:

- Existing students and their families
- All elected members
- Schools and Colleges
- Transport Operators
- Licensed Taxi providers
- Parent Advocacy Groups
- Marches LEP
- West Midlands Combined Authority
- Voluntary and Community Sector
- Town and Parish Councils
- Neighbouring Authorities
- Youth Parliament
- Local Members of Parliament

An example of a consultation letter is set out below.

*Dear Parent/Carer,*

***Specialist Travel Assistance for SEN Nursery and Post 16 students - Consultation on proposed changes from September 2019***

*Shropshire Council is currently reviewing its specialist transport services for children and students with a statement of special educational needs (SEN) or an Education, Health & Care Plan (EHCP) who are of non-statutory age (Nursery and Post 16).*

*Shropshire council applies both its statutory and discretionary duties in providing transport to support student attendance at school/colleges. Shropshire Council is considering changes to ensure future resources are targeted most appropriately, to ensure support is provided to those students to whom there is a statutory duty and those students who would be unable to attend education or training without this support.*

*The Council is committed to providing efficient, integrated services whilst ensuring that its statutory duties are met. Financial pressures mean that Shropshire Council must review the non-statutory functions it provides and consider whether these arrangements are still financially viable*

*whilst protecting its statutory duty.*

*The review of these services is focused on one area; those pupils and students who receive travel assistance and are of non-compulsory school age (Nursery and Post 16).*

*As part of this review Shropshire Council is commencing a period of consultation on its recommendations for those pupils and students of non-compulsory school age (Nursery & Post 16). We would be grateful for any thoughts and comments you may have on these proposals, as described in [Section 1](#), which if adopted would commence from [September 2019](#)*

### **Discretionary Transport (Nursery & Post 16)**

*There is no statutory requirement to provide transport for Nursery and Post 16 students.*

*In preparation for drafting these proposals, we have liaised with a number of other local authorities and organisations; to identify what travel assistance is currently provided in these areas.*

*These findings showed that:*

- *A number of Local Authorities do not provide nursery transport*
- *Post 16 contribution schemes are applied to those students entitled to assistance.*
- *In some cases the Post 16 Schemes have been withdrawn completely*

### **Proposals**

#### **Nursery Age (Under 5's)**

*To cease providing transport for nursery/pre-school aged students.*

#### **Post 16 (16-19 years old)**

*To cease providing transport for Post 16 students*

### **Consultation**

*If you have any comments on the proposed arrangements from September 2019, please use one of the following methods of communication to put forward your views. We would also request that schools/colleges pass this information on to any potential new Nursery children or Post 16 students that are due to start in September 2019 as the proposals may affect these students.*

✉ *Specialist Transport Consultation,  
Passenger Transport Commissioning Group  
Shropshire Council,  
Shirehall,  
Abbey Foregate,  
Shrewsbury,  
SY2 6ND*

📧 [special.transport.team@shropshire.gov.uk](mailto:special.transport.team@shropshire.gov.uk)

*The consultation will close on xxxxxx. For full details of what the Council currently provides and the proposals from xxxxxxxx please go to [www.shropshire.gov.uk/education-travel-assistance-sen-pupils/](http://www.shropshire.gov.uk/education-travel-assistance-sen-pupils/)*

*Following this consultation, a decision will then be made and the Council's policy will be published no later than xxxxxxxxxxxxxx.*

*Yours sincerely*

## **Potential impact on Protected Characteristic groups and on social inclusion**

Using the results of evidence gathering and specific consultation and engagement, please consider how the service change as proposed may affect people within the nine Protected Characteristic groups and people at risk of social exclusion.

1. Have the intended audiences and target groups been consulted about:
  - their current needs and aspirations and what is important to them;
  - the potential impact of this service change on them, whether positive or negative, intended or unintended;
  - the potential barriers they may face.
2. If the intended audience and target groups have not been consulted directly, have their representatives or people with specialist knowledge been consulted, or has research been explored?
3. Have other stakeholder groups and secondary groups, for example carers of service users, been explored in terms of potential unintended impacts?
4. Are there systems set up to:
  - monitor the impact, positive or negative, intended or intended, for different groups;
  - enable open feedback and suggestions from a variety of audiences through a variety of methods.
5. Are there any Human Rights implications? For example, is there a breach of one or more of the human rights of an individual or group?
6. Will the service change as proposed have a positive or negative impact on:
  - fostering good relations?
  - social inclusion?

## Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column. Please add any extra notes that you think might be helpful for readers.

<b>Protected Characteristic groups and other groups in Shropshire</b>	<b>High negative impact</b> <i>Part Two ESIIA required</i>	<b>High positive impact</b> <i>Part One ESIIA required</i>	<b>Medium positive or negative impact</b> <i>Part One ESIIA required</i>	<b>Low positive or negative impact</b> <i>Part One ESIIA required</i>
<b>Age</b> (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)	High			
<b>Disability</b> (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)	High			
<b>Gender re-assignment</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)	Low			
<b>Marriage and Civil Partnership</b> (please include associated aspects: caring responsibility, potential for bullying and harassment)	Low			
<b>Pregnancy &amp; Maternity</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)	High			
<b>Race</b> (please include: ethnicity, nationality, culture, language, gypsy, traveller)	Low			
<b>Religion and belief</b> (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)	Low			
<b>Sex</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)	High			
<b>Sexual Orientation</b>				

(please include associated aspects: safety; caring responsibility; potential for bullying and harassment)	Low			
<b>Other: Social Inclusion</b> (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)	High			

### Guidance on what a negative impact might look like

<b>High Negative</b>	Significant potential impact, risk of exposure, history of complaints, no mitigating measures in place or no evidence available: urgent need for consultation with customers, general public, workforce
<b>Medium Negative</b>	Some potential impact, some mitigating measures in place but no evidence available how effective they are: would be beneficial to consult with customers, general public, workforce
<b>Low Negative</b>	Almost bordering on non-relevance to the ESIIA process (heavily legislation led, very little discretion can be exercised, limited public facing aspect, national policy affecting degree of local impact possible)

### Decision, review and monitoring

Decision	Yes	No
Part One ESIIA Only?		✓
Proceed to Part Two Full Report?	✓	

***If Part One, please now use the boxes below and sign off at the foot of the page. If Part Two, please move on to the full report stage.***

<b>Actions to mitigate negative impact or enhance positive impact of the service change</b>
Should the Council propose to withdraw its financial support for discretionary school and college transport it would have a High Negative impact on Protected Characteristic groupings, in particular those for Age, Disability, Pregnancy and Maternity, Sex, and Social Inclusion. It would also potentially be seen as running against the corporate aims of the Council with regard to children and young people and their life chances.

It is for this reason that Legal Services have indicated the possibility of judicial review if the Council went out to consultation with inclusion of the 'nuclear option'.

It has also been recommended by the Rurality and Equalities Specialist that, based upon what is known to date and the predicted negative impacts for vulnerable groupings, the service area should proceed to carry out a Stage Two ESIIA, with all the forensic scrutiny that such an exercise would involve.

Further decisions, as set out in the Part Two ESIIA, would need to be informed by results of the proposed consultation and engagement and would take one of four routes:

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify the decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

The forensic scrutiny stage enables a service area to assess:

- Which gaps need to be filled right now, to help you to make a decision about the likely impact of the proposed service change?
- Which gaps could be filled within a timeframe that will enable you to monitor potential barriers and any positive or negative impacts on groups and individuals further along into the process?

A further possible course of action would be to consider including a rural element in the criteria for charging, utilising learning points from the Youth Activity Commissioning approach.

### **Actions to review and monitor the impact of the service change**

There are twinned strategic and pragmatic courses of action to review and monitor the impact of the service change, whichever route the Council may decide to go down following consultation and engagement, and decisions then made by Cabinet.

The first would be to commit to a further Stage One screening ESIIA, for whichever preferred scenario or scenarios that may be laid before Cabinet, at a timely opportunity to further assess impacts.

The second would be to continue to liaise with and share approaches towards school and college transport with other local authorities, particularly those with whom the Council shares commonalities in terms of geographical size and sparsity of the population.

The service area also proposes to undertake to develop a communications plan at this stage, for the Council and the service area, involving timely press releases fronted by the portfolio holder, and shared with all Shropshire Council councillors.

### Scrutiny at Part One screening stage

People involved	Signatures	Date
<i>Lead officer carrying out the screening</i>		
<i>Any internal support*</i>		
<i>Any external support**</i> <b>Rurality and Equalities Specialist</b>	<i>Lois Dale</i>	16 <sup>th</sup> August 2018
<i>Head of service</i>	<i>James J. Williams</i>	19 <sup>th</sup> August 2018

*\*This refers to other officers within the service area*

*\*\*This refers either to support external to the service but within the Council, eg from the Rurality and Equalities Specialist, or support external to the Council, eg from a peer authority*

### Sign off at Part One screening stage

Name	Signatures	Date
<i>Lead officer's name</i>		
<i>Head of service's name</i>		



## **Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA)**

### **Name of service change:**

Proposal to withdraw Transport Provision for SEND Nursery pupils, to include SEN Post 16 students within the council's contribution scheme for mainstream students and to increase the lower level of the contribution scheme to 50% of the higher level.

### ***The What and the Why:***

The Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA) approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people we may describe as vulnerable, for example due to low income or to safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. Carrying out ESIIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

### ***The How:***

The guidance and the evidence template are combined into one document for ease of access and usage, including questions that set out to act as useful prompts to service areas at each stage. The assessment comprises two parts: a screening part, and a full report part.

**Screening (Part One)** enables energies to be focussed on the service changes for which there are potentially important equalities and human rights implications. If screening indicates that the impact is likely to be positive overall, or is likely to have a medium or low negative or positive impact on certain groups of people, a full report is not required. Energies should instead focus on review and monitoring and ongoing evidence collection, enabling incremental improvements and adjustments that will lead to overall positive impacts for all groups in Shropshire.

A **full report (Part Two)** needs to be carried out where screening indicates that there are considered to be or likely to be significant negative impacts for certain groups of people, and/or where there are human rights implications. Where there is some uncertainty as to what decision

to reach based on the evidence available, a full report is recommended, as it enables more evidence to be collected that will help the service area to reach an informed opinion.

## Shropshire Council Part 1 ESIIA: initial screening and assessment

*Please note: prompt questions and guidance within boxes are in italics. You are welcome to type over them when completing this form. Please extend the boxes if you need more space for your commentary.*

### Name of service change

Proposal to withdraw Transport Provision for SEND Nursery pupils, to include SEN Post 16 students within the council's contribution scheme for mainstream students and to increase the lower level of the contribution scheme to 50% of the higher level.

### Aims of the service change and description

The Council is committed to providing efficient, integrated transport services whilst ensuring that its statutory duties are met. Financial pressures mean that the Council has identified a £717k savings target attributed to school transport, including those transport functions which are discretionary in nature.

The Council's Passenger Transport Services have introduced a number of innovative transport solutions to reduce the pressure on the home to school transport budget and whilst these have been and continue to be successful, in order to realise a significant budget reduction a policy change is needed.

### Intended audiences and target groups for the service change

The intended audience and target groups/stakeholders are:

- Existing students and their families
- The whole community including children as yet unborn/siblings
- All elected members
- Schools and Colleges
- Transport Operators
- Licensed Taxi providers
- Parent Advocacy Groups
- Marches LEP
- West Midlands Combined Authority
- Voluntary and Community Sector
- Town and Parish Councils
- Neighbouring Authorities
- Youth Parliament
- Local Members of Parliament

This list is not intended to be exhaustive and may be updated during the course of and subsequent to any consultation and engagement activity.

### Evidence used for screening of the service change

#### SEND (Nursery & Post 16)

Although there is no mandatory requirement to provide transport for Nursery and Post 16 students, Councils can provide discretionary travel assistance over and above the statutory requirements (aged 5-16), as we do in Shropshire for SEND Nursery and Post 16 travel.

- In Shropshire, we currently transport 17 Nursery pupils (circa 45 two years ago) and 144 Post 16 SEND students.

We have and continue to liaise with many other local authorities and organisations, to identify what travel assistance is currently provided in these areas.

These latest findings show that:

- A number of Local Authorities do not provide nursery transport
- Where they do provide Nursery Transport it is in the form of a seat on an existing vehicle and not bespoke (a separate taxi).
- Post 16 contribution schemes are applied to those SEN students entitled to assistance (as with our current mainstream post 16 scheme).
- In some cases Independent Travel Training and a bus pass are the only Post 16 offers available to students and their families.
- We are unable to find a local authority that has completely withdrawn SEND Post 16 (although we have not exhausted every LA nationally)

#### Challenges to consider

- Any changes to our current offer will only apply to new applications, with current Nursery and Post 16 students protected for the duration of their course (as per Ombudsman guidance issued in 2017) and therefore the associated savings will take a minimum of 2 years to mature.
- There is currently one assessment Nursery located at Severndale and this proved to be an issue in the last consultation, as parents highlighted they didn't have a local alternative that could meet the needs of their child. However, we understand that this may be due to change with needs being met at local Nursery provision.
- We have not been able to identify any local authorities who have fully withdrawn SEND travel assistance for Post 16, although we understand a number are looking at the possibility.
- Parents and carers will still be able to access the same transport network as is currently provided to get their child to school.

Post 16 SEND students currently access Colleges and Sixth forms across Shropshire dependent on their needs and courses they are wanting to undertake, many attend 'Futures' at Shrewsbury College which is a specialist provision for Post 16.

SEND numbers are continuing to rise and families are choosing to move into Shropshire to access the specialist provisions available for their SEND child.

We have engaged with a number of other Local Authorities and gained direct comparisons to what and how they offer travel assistance for discretionary areas. From our findings, some Local Authorities do not offer Nursery SEND travel assistance, some do not offer mainstream Post 16 travel assistance. We are unable to source another Local Authority that does not offer Post 16 SEND Travel Assistance. It is worthwhile noting that we did not contact every Local Authority so this is a sample of information gathered at a point in time.

	Post 16 Transport Provided	Contribution	SEN Contribution if different	Nursery Transport Provided	Independent Travel Training Available
Herefordshire	16-18	£789.00		N	Y
Worcestershire	16-18	Variable charges based on zones		N	Y
Cheshire West	16-18	Only provided on hardship grounds		N	Y
North Yorkshire	16-18	£490/£245		Y	Y

<b>Wiltshire</b>	16-18	£710/£210	£499/£184	N	Pushed as 1st option	
<b>Devon</b>	16-18	£600.00		N	Y	
<b>Solihull</b>	16-18	£680	£645	N	Y	
<b>Warwickshire</b>	16-18					
<b>Staffordshire</b>	16-18	£494 – only provided for low income household	£625/£494	N	Y	

### **Specific consultation and engagement with intended audiences and target groups for the service change**

These policy changes could come into effect from 1 September 2019

A consultation has not been carried out to date, with the focus more on comparator research into other local authority approaches and a detailed analysis of the situation in Shropshire. It would be vital that any consultation carried out be comprehensive and far reaching and includes evidence gathering from healthcare and social care professionals.

#### **The indicative schedule is as follows**

##### **Key Dates**

##### **March 2019**

Consultation Launches

##### **April 2019**

consultation closes

##### **April/May 2019**

Recommendations and final report to cabinet

##### **May 2019**

Publish findings of consultation and new policy

Letters would be sent to all schools & colleges within Shropshire and the surrounding areas (out of county), published on the Councils website and a copy provided to all stakeholder groups:

- Existing students and their families
- All elected members
- Schools and Colleges
- Transport Operators
- Licensed Taxi providers
- Parent Advocacy Groups
- Marches LEP
- West Midlands Combined Authority
- Voluntary and Community Sector
- Town and Parish Councils
- Neighbouring Authorities
- Youth Parliament
- Local Members of Parliament
- Joint Adoption Service
- Educational Psychology: experience in identifying attachment issues etc
- Community paediatricians: as above

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## Potential impact on Protected Characteristic groups and on social inclusion

Using the results of evidence gathering and specific consultation and engagement, please consider how the service change as proposed may affect people within the nine Protected Characteristic groups and people at risk of social exclusion.

1. Have the intended audiences and target groups been consulted about:
  - their current needs and aspirations and what is important to them;
  - the potential impact of this service change on them, whether positive or negative, intended or unintended;
  - the potential barriers they may face.
2. If the intended audience and target groups have not been consulted directly, have their representatives or people with specialist knowledge been consulted, or has research been explored?
3. Have other stakeholder groups and secondary groups, for example carers of service users, been explored in terms of potential unintended impacts?
4. Are there systems set up to:
  - monitor the impact, positive or negative, intended or unintended, for different groups;
  - enable open feedback and suggestions from a variety of audiences through a variety of methods.
5. Are there any Human Rights implications? For example, is there a breach of one or more of the human rights of an individual or group?
6. Will the service change as proposed have a positive or negative impact on:
  - fostering good relations?
  - social inclusion?

### Initial assessment for each group

*Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column. Please add any extra notes that you think might be helpful for readers.*

Protected Characteristic groups and other groups in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive or negative impact <i>Part One ESIIA required</i>
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)			Medium Negative (at this stage: could be high negative)	
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)			Medium Negative (at this stage; could be high negative)	
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential				Low Negative

for bullying and harassment)				
<b>Marriage and Civil Partnership</b> (please include associated aspects: caring responsibility, potential for bullying and harassment)				Low Negative
<b>Pregnancy &amp; Maternity</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				Low Negative
<b>Race</b> (please include: ethnicity, nationality, culture, language, gypsy, traveller)				Low Negative
<b>Religion and belief</b> (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				Low Negative
<b>Sex</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				Low Negative
<b>Sexual Orientation</b> (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				Low Negative
<b>Other: Social Inclusion</b> (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)			Medium Negative (at this stage; could be high negative)	

## Guidance on what a negative impact might look like

<b>High Negative</b>	Significant potential impact, risk of exposure, history of complaints, no mitigating measures in place or no evidence available: urgent need for consultation with customers, general public, workforce
<b>Medium Negative</b>	Some potential impact, some mitigating measures in place but no evidence available how effective they are: would be beneficial to consult with customers, general public, workforce
<b>Low Negative</b>	Almost bordering on non-relevance to the ESIIA process (heavily legislation led, very little discretion can be exercised, limited public facing aspect, national policy affecting degree of local impact possible)

## Decision, review and monitoring

Decision	Yes	No
Part One ESIIA Only?	Yes	

Proceed to Part Two Full Report?	N/A	N/A

***If Part One, please now use the boxes below and sign off at the foot of the page. If Part Two, please move on to the full report stage.***

<p><b>Actions to mitigate negative impact or enhance positive impact of the service change</b></p> <p>At present, and in advance of feedback from the proposed consultation, the impact in equality terms is identified as medium negative for the groups Age, Disability, and Social Inclusion. It is possible that the impact may be deemed as high negative. The consultation will need to include efforts to gain as many views as possible from as wide ranging an audience as possible, not only from those who are likely to be affected but also from healthcare and social care and education professionals, who are well placed to provide informed assessments of anticipated future needs in terms of numbers and suitable modes of transport. Links will also need to be drawn with other Council policy, on young people and on Early Help approaches. This will help to mitigate against the risk that any decisions are seen to be made on financial grounds alone.</p> <p>For SEND Post 16 and Mainstream Post 16 the existing networks and transport provision will remain the same in that students will be able to travel on the same routes. For those families who are identified as being on low income they will be able to access the lower level of the contribution scheme.</p> <p>There is also the potential that students can be supported for transport costs through college bursaries that are allocated at their discretion, should the Council amend the contribution scheme to include these discretionary areas.</p> <p>Nursery numbers that we transport have reduced significantly over the last few years as local provision has become more widely available and will continue to develop meaning that pupils may no longer need transport to Severndale Specialist Academy.</p>
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<p><b>Actions to review and monitor the impact of the service change</b></p> <p>There are twinned strategic and pragmatic courses of action to review and monitor the impact of the service change, whichever route the Council may decide to go down following consultation and engagement, and decisions then made by Cabinet.</p> <p>The first would be to commit to a further Stage One screening ESIIA, for whichever preferred scenario or scenarios that may be laid before Cabinet, at a timely opportunity to further assess impacts.</p> <p>The second would be to continue to liaise with and share approaches towards school and college transport with other local authorities, particularly those with whom the Council shares commonalities in terms of geographical size and sparsity of the population.</p> <p>The service area also proposes to undertake to develop a communications plan at this stage, for the Council and the service area, involving timely press releases fronted by the portfolio holder, and shared with all Shropshire Council councillors.</p>
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## **Scrutiny at Part One screening stage**

<b>People involved</b>	<b>Signatures</b>	<b>Date</b>
<i>Lead officer carrying out the screening</i>		
<i>Any internal support*</i>		
<i>Any external support**</i> Mrs Lois Dale, Rurality and Equalities Specialist	<i>Lois Dale</i>	26 <sup>th</sup> February 2019
<i>Head of service</i> James Willocks – Transport Commissioning Group Manager	<i>James Willocks</i>	26 <sup>th</sup> February 2019

*\*This refers to other officers within the service area*

*\*\*This refers either to support external to the service but within the Council, eg from the Rurality and Equalities Specialist, or support external to the Council, eg from a peer authority*

### **Sign off at Part One screening stage**

<b>Name</b>	<b>Signatures</b>	<b>Date</b>
<i>Lead officer's name</i>		
<i>Head of service's name</i>		



***Note: Shropshire Council has referred to good practice elsewhere in refreshing previous equality impact assessment material in 2014 and replacing it with this ESIIA material. The Council is grateful in particular to Leicestershire County Council, for graciously allowing use to be made of their Equality and Human Rights Impact Assessments (EHRIs) material and associated documentation.***

***For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 255684, or email [lois.dale@shropshire.gov.uk](mailto:lois.dale@shropshire.gov.uk).***

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