

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
SEN Nursery	£18k	£42k				£60k
SEN Post 16	£67k	£116k	£116k	£48k		£347k
Mainstream Post 16	£36k	£40k	£20k	£9k		£105k
Cumulative net reduction	£121k	£198k	£136k	£57k		£512k

*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

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/

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

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.

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)	High			
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)	High			
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)	Low			
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)	Low			
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)	High			
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)	Low			
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)	Low			
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)	High			
Sexual Orientation (please include associated aspects: safety; caring responsibility;	Low			

potential for bullying and harassment)				
Other: Social Inclusion (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

High Negative	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
Medium Negative	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
Low Negative	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.

Actions to mitigate negative impact or enhance positive impact of the service change
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> Rurality and Equalities Specialist	<i>Lois Dale</i>	16 th August 2018
<i>Head of service</i>	<i>James J. Williams</i>	19 th 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>		