

## **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 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)			Medium Negative (at this stage: could be high negative)	
<b>Disability</b> (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)	
<b>Gender re-assignment</b> (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

<b>Decision</b>	<b>Yes</b>	<b>No</b>
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.***

**Actions to mitigate negative impact or enhance positive impact of the service change**

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.

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.

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.

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.

**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**

<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).***