



DRAFT Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated May 2015)

Home to School Transport Review

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اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	CYPS, Education and Skills and Inclusion service
Lead Officer and contact details	Amanda Newbold, AD Education & Skills
Names and roles of other people involved in carrying out the EIA	Jon Holden – Strategic Planning Manager
How will you pay due regard? e.g. working group, individual officer	Consideration of the EIA by the officers involved in the implementation of the policy, and subsequent assessment of applications
When did the due regard process start?	The original project initially started in September 2023 following revised DfE guidance Updated July 2024 post consultation

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

This EIA is about the proposed changes to the current Home to School Transport Policy following the new statutory guidance.

The Council has a statutory duty to provide home to school travel for eligible children of compulsory school age in accordance with statutory guidance issued by the Department for Education (DfE).

The aim of the changes is to ensure the proposed home to school travel policy is compliant with the legislation and guidance.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

The proposed changes are due to the current home to school transport policy not meeting the requirement of the checklist produced in the revised statutory guidance.

The overall cost to the Council of the provision of home to school travel is significant and rising at pace. The current policy makes provision for eligibility above and beyond statutory requirements that have associated costs, and the consultation provided opportunity to review these 'discretionary' elements.

The policy publication is linked to the school admissions round, therefore any changes to the travel policy would apply to new admissions and/or travel applications received on or after 1 September 2024 and would affect new entrants to schools (REC and Y7) with effect from September 2025.

Pupils in the current admissions round (starting Reception and Year 7 on 1 Sept 24) and those who apply for a school place prior to September 2024 would not be impacted.

Transport eligibility awarded prior to September 2024 would be honoured (effectively protected from subsequent policy changes) under the current policy, unless there was a change of circumstance for a pupil which required a reassessment of eligibility.

Section 3. What will change? What will be different for customers and/or staff?

Six discretionary areas within home to school transport policy have been considered:

- Extended eligibility in the Reception Year
- Extended eligibility in Year 3
- 50/50 second address
- Primary phase denominational transport
- Two days of transition, where possible, for pupils with SEND
- The main eligibility criteria – nearest school / catchment school

Census data from May 2023 showed that in North Yorkshire there were c.75,000 school aged children (reception to year 11) children and c.10,000 pupils accessing home to school transport.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

A consultation exercise was undertaken between February and April 2024 in accordance with DfE requirements and which included: -

- schools whose pupils will be affected by the proposed changes, including those located in other

local authority areas;

- parents whose children will (or may) be affected by the proposed changes, including those whose children attend school in a neighbouring authority, and those whose children may be affected in the future – for example, because they live in the catchment area of, or attend the feeder school of, a school affected by the proposed changes; and
- the local Parent Carer Forum

The consultation was publicised to a broad range of other stakeholders including early years providers and their parents, NYC councillors, parish councils in North Yorkshire and neighbouring local authorities. Throughout the consultation a weekly breakdown was provided for the policy owners to review and reflect any issues arising. A total of 16 face to face consultation events were held across North Yorkshire, 70 people attended these events. 1,299 people responded to the online survey.

The consultation events were held at different times to allow those with childcare and working arrangements to opportunity to attend and engage at times which are more convenient. These events were widely published on social media and within local media and community groups as well as on the council's own media: Schools E-red bag, NYC website, corporate Facebook and Twitter accounts.

The consultation was also promoted through SEND parent and community group networks.

A model was created in order to allow officers to consider the possible impacts of the proposed policy revisions on small and rural schools as it was important to avoid any unintended consequences including risk to small school viability, where a small reduction in pupil numbers can be a significant factor. The initial data set which contained indicative school level analysis was presented to the Executive Member for Education, Learning and Skills so she could consider the indicative school level data confidentiality prior to agreeing the consultation. This was the purpose for creating a school level data set. Since the model had been developed, indicative school level information was offered to school leaders and governors so they could consider the potential impacts of the proposed policy changes on their school setting to support them in fulfilling their management responsibilities.

During the consultation, a small number of schools approached the Council asking officers to check the data modelling as the schools estimates of how many children in their catchment may live closer to another school and therefore may not be eligible to travel in the same way as the current cohort were different to those initially provided by Council officers.

The Council checked and revised the modelling tool. This led to revised indicative school data being provided to individual schools, and the consultation being extended by two weeks, to allow further dialogue with interested schools.

The indicative school level data is not essential for the consultation but was added in order to provide a management indicator for schools in relation to any planning they may wish to do should the policy be implemented from September 2024 (with early impacts expected from Sept 2025).

The model is an estimate of future pupil eligibility, using recent pupil census information but with the proposed policy being applied. The model has many variables including: parental preference for admissions, school popularity/place availability, decisions made by families with siblings under two policies, Free School Meals eligibility over time, family life eg parent job location/other childcare arrangements. This is why an estimate savings range has been created from 20% to 100%.

The estimate shows the possible impacts over a seven-year implementation period (eg possible reduction and possible increase in eligibility over time). Some schools may experience both

reductions and increases of pupils with eligibility with an unknown net effect. Any changes to admission numbers in one school has a direct effect on the neighbouring schools and the Council has statutory responsibility to ensure sufficient school places across the whole county. The Council must also ensure efficient use of resources fulfilling its responsibilities.

The Council does not consider this indicative school level data set essential to the consultation process, this information has been treated confidentially as we believe sharing it would prejudice the effective conduct of public affairs in the Council's discussions with schools.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost, or reduce costs?

The current financial projection for Home to School Transport is demonstrating a continuous growth which is applying budgetary pressures on the Council to meet its statutory duties.

These proposals will not impact on the current or immediate expenditure as the Council's offer is based on the policy in place at the time of allocation and will be phased out as the current cohort reaches the end of their current placement unless there is substantial change to their eligibility.

If the proposals are implemented it will ensure the Council is meeting its statutory duties. The new policy requirements in the guidance are likely to increase the number of pupils with medical and mobility needs who meet eligibility criteria and potentially lead to increased expenditure.

Whilst some aspects of the policy review may reduce additional travel provision above statutory minimum – the financial benefits of this proposal will not be fully achieved for a seven year period. Analysis prior to and throughout the consultation being undertaken using a large sample of currently eligible travellers suggests that the annual saving at the end of the transition period (when the new policy applies to all) on a like for like basis could be approximately £4m. This figure is based on a number of assumptions, and much will depend on the extent to which the change in the transport arrangements influences future parental preference for schools, and that is difficult to predict with any certainty.

Following the consultation, the 73% of responders indicated that eligibility to transport assistance is a factor in choosing a school place.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age	✓	✓	✓	<p>It is anticipated there would be no identifiable impact on pupils attending mainstream or specialist provision because of their age.</p> <p>In the event that discretionary eligibility for assistance for those children prior to reaching compulsory school age and pupils in year 3 (i.e. from reaching the age of 8 until then end of the school year) then this will have a positive impact for affected pupils.</p> <p>The consultation exercise identified a potential</p>

				<p>negative impact for those households who have one or more children with eligibility for catchment schools under the current policy, but who have younger children whose possible eligibility will be to another (nearer) school. Parents have identified potential logistical difficulties arising from this, including the potential for different school holiday periods where the nearer school is out of county. This issue may only arise during the implementation of the policy.</p> <p>The council's admissions policy, and those of schools / academies where relevant, are not impacted by these proposals and so access to school places is not affected.</p>
Disability		✓		<p>The requirement for individual assessment under SEN may increase the number of pupil eligible for assistance as it no longer relies upon an EHC Plan to identify those pupils eligible, which may lead to more pupils being eligible where they live under the statutory walking distance.</p> <p>Individual assessment will also ensure children with disability needs are met on transport.</p> <p>The responses to the consultation suggested that there would be a negative impact on those with disability. Officers consider that no negative impacts will arise as a result of disability from the six proposed amendments to the discretionary powers.</p>
Sex	✓			<p>It is anticipated there would be no identifiable impact on pupils attending mainstream or specialist provision because of their sex.</p>
Race	✓			<p>It is anticipated there would be no identifiable impact on specific ethnic groups because of the proposals.</p>
Gender reassignment	✓			<p>It is anticipated there would be no identifiable impact on specific groups in relation to gender reassignment as a result of the proposals.</p>
Sexual orientation	✓			<p>It is anticipated there would be no identifiable impact on specific groups in relation to sexual orientation as a result of the proposals.</p>
Religion or belief			✓	<p>The proposed removal of transport for primary age pupils attending schools with designated religious character will have an adverse impact, it is anticipated these number are less than 0.01% of the population and the requests are minimal each year</p> <p>The proposed change to the policy is compliant with the statutory guidance and individual applications will be considered on</p>

				their merit in line with the Guidance.
Pregnancy or maternity	✓			It is anticipated there would be no identifiable impact on specific groups in relation to pregnancy or maternity as a result of the proposals.
Marriage or civil partnership	✓			It is anticipated there would be no identifiable impact on specific groups in relation to marriage or civil partnership as a result of the proposals.

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Live in a rural area?	✓		✓	<p>The proposed amendment to the main eligibility criterion to nearest school only will only impact upon eligibility to assistance with transport. The admissions policies of the Council and of individual academies / schools where relevant are not impacted by the proposals.</p> <p>The proposals will potentially reduce eligibility for assistance with home to school transport to the catchment school in rural communities in which the catchment school is not the nearest school, however eligibility to the nearest school, e.g. when the distance is in excess of the statutory walking distance, remains in place.</p> <p>A large number of consultation responses received from rural and sparse rural areas were concerned about potential health and safety issues arising from the use of rural roads specifically during periods of adverse weather conditions.</p> <p>The home to school transport commissioning arrangements ensure that providers utilise only suitable vehicles in the provision of transport, including suitability of size for specific routes. Furthermore, all providers are required to assess any risks arising from, for example, weather conditions and to not undertake journeys which they consider cannot be completed safely.</p>
...have a low income?		✓	✓	<p>There remains statutory provision for low income families for children aged 8 and above.</p> <p>Consultation responses indicated concern from families who receive a low income about the impact of the proposed change to the main eligibility criterion to being the nearest school only, identifying that this change would limit</p>

				<p>choice for those families not able to pay for transport in the event that their child did not attend the nearest school.</p> <p>The consultation responses demonstrated that the proposed change to removal of eligibility to catchment would have an adverse impact upon low income families ability to preference a school of choice, as eligibility to transport is a factor here.</p> <p>As a result of the consultation, officers are recommending the provision of an additional discretionary element for secondary age that enables low income families to exercise preferencing to school admissions to up to three schools across a wider area. The cost if approved of this further discretionary provision is approximately £170k per year based on current contract costs. This could allow greater school choice for 96.5% of children, within the sample cohort, receiving Free School Meals who could, had this amendment not been proposed, be affected by the removal of catchment.</p>
Forces families?	✓			It is anticipated there would be no identifiable impact on specific groups in relation to being in the Armed Forces.
Carers			✓	<p>Some consultation responses indicated that the proposed change to the main eligibility criterion to being to the nearest school only would have a negative impact to some people with caring responsibilities, specifically where they have children with eligibility to different schools (as noted above).</p> <p>Any impact would be greatest during the course of the transition / implementation period of the policy.</p>

Section 8. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.

Following the consultation and the responses that were received, there is possibility that pupils may be impacted by having combined protected characteristics of age, religion or belief, live in a rural area, receive a low income and families that are carers.

The consultation responses suggest that some families who live in rural area where the nearest and catchment school are not the same school (and who therefore may have current eligibility for

more than one school) but receive low income may be more adversely impacted than those living in an urban area where this may also be the case. The limited alternative transport options in rural areas could force families of low income to attend their nearest school, potentially removing admissions choice.

The admissions policy of both the Council and individual academies / schools where relevant will not be affected by the proposed policy changes and parents will continue to be able to preference different schools as part of the admissions process.

Eligible children will continue to receive assistance with home to school transport, albeit their eligibility will be to the nearest school (with available places) in the event that the proposal is agreed.

Pupils in receipt of free school meals will have additional choice in the event that the proposed policy is agreed.

Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	x
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	x
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<p>Explanation of why option has been chosen. (Include any advice given by Legal Services.)</p> <p>Continue the proposal for five of the six criteria:</p> <ul style="list-style-type: none"> • proposals to retain extended eligibility for reception and • proposal to retain extended eligibility for Year 3 • proposal to remove discretionary eligibility for second home; • proposal to remove discretionary element for primary children attending designated religious character schools • proposal to remove discretionary element for children with SEN for 2 days <p>Continue and adjust the proposal to amend the main eligibility criteria to being the nearest suitable school. The adjustment in light of consultation feedback, Officers are recommending the provision of an additional discretionary element for secondary age pupils that enables low income families living in rural areas to exercise preferencing to school admissions to up to three schools across a wider area.</p> <p>The Council's finances are such that difficult decisions are having to be made, demand outstrips resources and both nationally & the Council's home to school transport budget is growing rapidly and has been significantly overspent for several years. The Council's proposals will remove</p>	

further discretionary elements of the policy whilst ensuring that it is in line with its statutory duties.

Section 10. If the proposal is to be implemented, how will you find out how it is really affecting people? (How will you monitor and review the changes?)

Subject to decision being made to implement the proposals the effect of the changes will be phased over 7 years as the Council has the opportunity to protect those who transport arrangements were awarded on the previous policies.

Following the consultation it is clear from those who responded how the proposals will impact upon them. Given the amount of variables, including parental behaviour, we will not see any significant change until after the next round of admissions in summer of 2025.

Following implementation there will be a 24-month Post Implementation Review.

Section 11. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
28-day public consultation to commence	Amanda Newbold	19 February 2024	Complete	
Public events to be held across localities	Amanda Newbold / Chris Reynolds	Throughout February and March 2024	Complete	Public events and feedback from these events were monitored through a working group
Public consultation to end.	Amanda Newbold	26 April 2024	Complete	Consultation extended to 26 April
All responses and feedback to be collated and reviewed following consultation.	Jon Holden /Chris Reynolds	Throughout the consultation period & from 26 April to mid May 2024	Complete	Reviewed by lead officers
Options to be revised (if required), EIA to be revised and draft Policy to be updated.	Amanda Newbold	May 2024	Complete	Revised draft policy
Sign-off of revised proposals and updated Home to School Travel Policy	Amanda Newbold	8 July 2024 (Executive Committee)	Complete	
Adoption of	Amanda	24 July 2024		

Home to School Transport Policy	Newbold	(Full Council)		
Publish updated Home to School Travel policy	Amanda Newbold	31 st July 2024		
Development and sign-off of implementation and transition plan	Amanda Newbold	1 st August – 31 st August 2024		This will be completed by a working group
Implementation and transition arrangements commence	Amanda Newbold	1 st September 2024 onwards for up to seven years.		
Post implementation evaluation	Amanda Newbold	Spring 2025		
Post implementation review	Amanda Newbold	July 2025		
Post implementation review	Amanda Newbold	July 2027		

Section 12. Summary (Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.)

The paying due regard prior to the consultation highlighted that there may be some adverse impacts to those with protected characteristics of age. However, the consultation showed that there are multiple impacts for more pupils as a result of wider range of protected characteristics such as low income, and rurality especially those with combined protected characteristics.

Officers are recommending the provision of an additional discretionary element for secondary age that enables low income families living in rural areas to exercise preferencing to school admissions to up to three schools across a wider area.

This is a further extension to the extended rights currently within the policy and would mean that: A child is eligible for free travel to school if they are eligible for free school meals or a parent with whom they live receives maximum Working Tax Credit and they are aged 11 to 16 years, and attend one of their three nearest suitable schools provided it is more than 2 miles but not more than 12 miles from their home

Section 13. Sign off section

This revised EIA was completed by: Jon Holden

Name: Jon Holden

Job title: Strategic Planning Manager

Directorate: Children and Young People's Services

Signature: J Holden

Completion date: 08/07/24

Authorised by relevant Assistant Director (signature): A Newbold

Date: 08/07/24