

Shadow Dorset Council Executive Committee

Agenda Supplement

Date: Monday, 12 November 2018
Time: 4.00 pm
Venue: Committee Rooms A&B, South Walks House,
Dorchester, Dorset DT1 1EE

Proper Officer: Matt Prosser, Interim Head of Paid Service

For more information about this agenda please telephone Democratic Services on or Lee Gallagher I.d.gallagher@dorsetcc.gov.uk - 01305 224191

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11. SCHOOL TRANSPORT POLICIES 2019-2020	3 - 12

To receive the equalities impact assessment as background information for the item.

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Equality Impact Assessment			
Title	Home to School Transport Policy and Post 16 Transport Support Policy		
Release	September 2019	Version No.	2019-2020
Revision History			
Type of strategy, policy, project or service			
Existing	This is an existing set of policies that are reviewed each year and are currently subject to an annual consultation		
New or proposed			
Changing, update or revision			
Other			
Is this an internal or external Equality Impact Assessment (EqIA)	Internal		
Officers involved in the screening	Ed Denham & Gary Binstead		

This report was created by	
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Directorate or Service	Children's Services
Version No	

Aims
What are the aims of your strategy, policy, project or service?
<p>The duty that is placed on the local authorities to have this suite of Transport Policies is documented in the following legislation:</p> <ul style="list-style-type: none"> • Sections 444, 508A, 508B, 508C, 508D, 508F, 508G, 508H, 508I, 509AA, 509AB, 509AC, 509AD, 509AE, and Schedule 35B of the Education Act 1996 (the Act), as inserted by Part 6 of the Education and Inspections Act 2006 (the EIA 2006) • Regulation 5 and Part 2 of Schedule 2 to The School Information (England) Regulations 2002, as amended • Equality Act 2010 • School Admissions Code • European Convention on Human Rights • The School Travel (Pupils with Dual Registration)(England) Regulations 2007 • Public Service Vehicles (Carrying Capacity) Regulations 1984 • Section 48 of the School Standards and Framework Act 1998 <p>1.1 The policies have been developed in accordance with the Department for Education (DFE) Guidance to local authorities:</p> <ul style="list-style-type: none"> • DFE - Home to school travel and transport guidance – July 2014 (as updated) • DFE – Post 16 transport to education and training – October 2017

The majority of the eligibility criteria are set out in DFE statutory Guidance and there are very few discretionary powers within the LA's mandate.

The policies detail the following:

1. The eligibility criteria for children attending a mainstream school in Year Groups Reception through to Year 11. This is based on the distance criteria set out by the DFE, faith-based school preferences as set out in the Education and Inspections Act of 2006
2. The same eligibility criteria for children with Education Health and Care Plans who are attending a mainstream setting.
3. The range of support to pupils with Education Health & Care Plans (EHCP's) whose circumstances requires enhanced levels of transport support.
4. The range of support available to students attending Post 16 provision
5. Eligibility criteria for children with EHCP's and attending Post 16 provision.

What is the background or context to the proposal?

This is a statutory requirement to have these policies in place for each academic year.

Intelligence and Communications

What data, information, evidence and research was used in this EqlA and how has it been used to inform the decision-making process?

DCC in development of the transport policies were fully aware of the numbers of pupils within the system and the numbers of pupils who are being transported across the network.

The policies are all compliant with the legislation and the DFE guidance.

Dorset County Council also engaged the services of IMPOWER, an independent consultants, to support a review of Special Education Needs and Disability transport and to ensure legal compliance.

An extensive review of similar policies across similar LA's was undertaken to ensure compliance and consistency.

There has been extensive analysis of existing parental advice to ensure that the policy is compatible with and responds to 3rd party advice that parents may be receiving.

What data do you already have about your service users, or the people your proposal will have an impact on?

As at May 2018:

There are currently 55,921 students on roll in Dorset Schools. Of which 30,079 are in the Primary Sector and 25,842 are in the secondary sector. Of those in the secondary sector – 3,413 are attending Post 16 provision.

Of these students 274 are on the roll of a Pupil Referral Unit (PRU), though only 91 of these have their registration at a PRU, the remainder are on a dual roll basis.

Of the total number of students – 653 attend Special Schools – 273 are Year 6 and below and 279 attend Year 7-11 and 101 pupils attend in a Post 16 age group (year 12-14).

What engagement or consultation has taken place as part of this EqIA?

The review and development of the Special Education Needs transport system has been an ongoing process led by DCC with engagement across many sectors.

The suite of transport policies has been consulted on annually. The policies are placed on the DCC website. An email is sent out to the following stakeholders:

1. All schools within Dorset County Council area (primary and secondary) – they are asked to place a link on their websites and in their parental newsletter informing families that DCC were consulting on their transport arrangements. Schools are asked to highlight the need to ensure Post 16 and those in Year 11 but going into Post 16 in the coming year are informed of the proposed policies.
2. All neighbouring Local Authorities
3. The Dorset Parent Carer Council
4. The Association of Parish and Town Councils
5. All District Councils
6. All Dorset County Elected Members
7. Ministry of Defence

As part of the development of the 2017 transport policy and the subsequent 2018 and 2019 policy – there has been significant engagement with a range of stakeholders especially the Dorset Parent Carer Council. They have ensured that DCC consultations have been circulated to their members. DCC provided specific additional notes to help families understand the proposed policies.

Is further information needed to help inform this proposal?

Not at this time.

How will the outcome of consultation be fed back to those who you consulted with?

During the consultations that have taken place in the last 3 years – additional notes were provided, and one specifically for the Dorset Parent Carer Council to distribute, to ensure that families had clear sight of the eligibility criteria for the school transport. This provided both information for when the policies were live

and also provided them with a better understanding to be able to engage with the consultation.

Assessment

Who does the service, strategy, policy, project or change impact?

If your strategy, policy, project or service contains options you may wish to consider providing an assessment for each option. Please cut and paste the template accordingly.

For each protected characteristic please choose from the following options:

Positive Impact

Negative Impact

Neutral Impact

Unclear

Please note in some cases more than one impact may apply – in this case please state all relevant options and explain in the ‘Please provide details’ box.

Age	Impact?
What age bracket does this affect?	4-15 Mainstream (Rec-Year 11) 4-15 SEND (Rec-Year 11) 16-18 Mainstream & SEND (Post 16 - Year 12 & 13) 18-25 SEND (Year 14 onwards)
Please provide details	<p>The legislation and the associated DFE guidance determines eligibility for school transport in a variety of age cohorts. Dorset Policy adheres to this based on the following:</p> <p>Rec-Year 4 – eligible to nearest or catchment if over 2 miles</p> <p>Year 5-6 – eligible to nearest or catchment over 2 miles if FSM/FWTC</p> <p>Year 5-11 – eligible to nearest or catchment over 3 miles</p> <p>Year 7-11 – eligible to nearest 3 schools over 2 miles and under 6</p> <p>Year 7-11 – eligible to nearest denominational if FSM/FWTC and over 2 miles and less than 15.</p> <p>Year 12 & 13 – no eligibility though an LA has responsibility to support access to Post 16 provision.</p> <p>Post 19 (Year 14 onwards) – full eligibility determined by LA based on case by case need.</p> <p>Though there is no statutory duty to provide school transport for those attending in Year 12 & 13, Dorset Council (DC) has a duty to support access to Post 16 provision. The ultimate responsibility is for their parents</p>

	<p>and the young people to assess their Post 16 choices based on their geographical circumstances.</p> <p>Working with bus contractors DCC has ensured that there is an accessible network of buses serving the current Post 16 mainstream schools which are then available to 16 and 17 year olds to access 6th Form.</p>
<p>Disability</p>	<p>Of the 55,921 pupils, 9,027 have a Statement, and Education Health and Care Plan or are identified as having SEN Support. This is broken down into 5,392 for Rec – Year 6, 3,362 in Year 7-11 and 273 in Post 16 provision in DCC maintained schools or Dorset academies/Free Schools.</p> <p>Of the 9,027 with SEND, 1,594 have an EHCP.</p>
<p>Does this affect a specific disability group?</p>	<p>Rec- Year 11: There are significant aspects of both Home to School Transport and Post 16 Transport that are designed to support children with Special Educational Needs and Disabilities.</p> <p>The standard eligibility criteria for all pupils, is based on catchment and or nearest school. If you live 2 miles (Rec to Year 4) or 3 miles (Year 5 – 11), shortest walking distance then you will be eligible for school transport in the main – subject to issues around parental preference and making applications for school places on time etc.</p> <p>In addition, if you are on Free School Meals (FSM) or have selected a school on ‘a faith criteria’, there are additional eligibility criteria – see relevant sections below.</p> <p>Those with EHCP’s have additional protections in the Home to School Transport Policy:</p> <ol style="list-style-type: none"> 1. Where a pupil is attending there nearest and most appropriate provision they will be eligible for transport assistance if that provision is the nearest most suitable provision and it is over 2 or 3 miles dependent on age and FSM/Full Working Tax credit (FWTC) criteria. This ensures those attending a Resourced Provision and Special Schools have a wider range of entitlement. 2. Where a pupil with an EHCP is attending there nearest and most appropriate provision but that provision is within 2 or 3 miles (age dependant)

shortest walking distance, then transport will not be provided. Where there is supporting evidence through a professional assessment that states that a pupil is unable to make the journey due to their disability or special educational need, then assistance may be provided.

Post 16:

Where a pupil is attending a Post 16 provision, there is no statutory entitlement to transport from the Local Authority. All students are entitled to the same support (see 'AGE' section).

For those with an EHCP, there are two additional criteria to support access to Post 16 education.

1. Where a young person fulfils a series of criteria as laid out in the policy and where there is a professional assessment stating that a young person would not be able to access that provision using the public transport network because of their Learning Needs or Disability they may be entitled to further transport assistance.
2. Where the provision is within 3 miles of the home, and a professional assessment states that the -pupil is unable to access the provision because of their Learning Needs or Disability.

All students are expected to contribute the full cost of their Post 16 transport provision on the mainstream network. A 50% discount is applicable for those on FSM or full working tax credits. Where a pupil with SEND has bespoke transport provision because of their Learning Needs or Disability, they will only be asked to contribute at the same level as a mainstream student regardless of cost to the Local Authority (2019 - £715). These contributions are also subject to a 50% discount for FSM and full working tax credit.

Post 19:

Under Section 508F Education Act 1996 where a Local Authority considers it necessary for a young person between 19-25 to have travel assistance (Section 139a/Education, Health and Care Plans so highlights) in order to access an education institution or training, then the LA is required to provide free travel assistance.

All Pupils (All Age groups - Mainstream & SEN):

	<p>In addition there are safeguards for all pupils where they feel their needs are not being met. There is a 2 stage appeal process whereby any transport decision can be referred to senior officers to ensure that the policy has been applied correctly and no element of the pupils needs has been missed. Should the family or pupil still not be satisfied they also have the option to request an appeal hearing with a panel of Elected Dorset Members.</p> <p>Families may also refer their case to the Local Government & Social Care Ombudsman (LGSCO) if they remain unsatisfied after the appeal process. All families will be advised of these steps when their application for transport is denied.</p>
Please provide details	
Gender Identity	
Please provide details	This protected characteristic is neither advantaged or disadvantaged by the policy
Pregnancy and maternity	
Please provide details	This protected characteristic is neither advantaged or disadvantaged by the policy
Race and Ethnicity	
Please provide details	This protected characteristic is neither advantaged or disadvantaged by the policy
Religion or belief	There is specific provision providing an enhanced level of eligibility based on Religion or Belief:
Please provide details	Under the Education & Inspections Act (2006) a pupil (Year 7- 11) is eligible for transport to school if they are eligible for FSM or Full Working Tax Credit and they are attending, based on a declared faith criteria, their nearest denominational secondary school if it is between 2 miles shortest walking and 15 miles shortest driven route.
Sexual orientation	
Please provide details	This protected characteristic is neither advantaged or disadvantaged by the policy
Sex	

Please provide details	This protected characteristic is neither advantaged or disadvantaged by the policy
Marriage or civil partnership	
Please provide details	This protected characteristic is neither advantaged or disadvantaged by the policy
<p>Other Socially Excluded Groups For example: Carers, rurally isolated, low income, economically disadvantaged, single parents, armed forces.</p>	<p>Carers: Children who are registered carers and who receive transport support may be considered for alternative methods of transport if the normal arrangements require the child to be away from home for an unreasonable length of time. (Support from Young Carers Association and health care professionals would be required.)</p> <p>Rurally Isolated: Those who live in rurally isolated locations are protected by both the Admissions Policy and the suite of school transport policies.</p> <p>Regardless of your catchment or nearest school and regardless of the distance, if it is over 2 or 3 miles, a young person will be eligible for school transport assuming they have made the appropriate school application on time.</p> <p>Post 16 students are supported by a review of the school transport contracts whereby operators through the One School One Operator protocol, are encouraged to add additional capacity onto their networks running into Dorset 6th Form provision to enable pupils to purchase tickets on the network – this will advantage many isolated rural families.</p> <p>Low Income/Economically Disadvantaged: of the total 55,921 pupils attending Dorset Schools, 7,278 are eligible for Free School Meals (FSM). This may not account for all families as families have to pro-actively apply for this designation and a quantum refuse to do so.</p> <p>The policy specifically provides for these families. Under the Education & Inspections Act 2006, families on FSM / FWTC have two additional eligibility criteria for school transport:</p>

	<p>a) If you are in Year 5 and 6 and on FSM or full working tax credit, you may be entitled to school transport to your local or catchment school if you are over 2 miles from your nearest or catchment school - normally 3 miles.</p> <p>b) If a pupil is Year 7-11, they will be entitled to transport to one of their 3 nearest qualifying schools as long as the distance is between 2 miles shortest walking and 6 miles shortest driven route.</p> <p>Post 16 students who purchase a ticket on the network (One School One Operator) will also be entitled to a 50% discount on the price of a surplus seat if they are FSM or in receipt of full working tax credits</p>
Please provide details	

Action Plan			
What plans do you have in place, or are developing, that will mitigate the likely identified negative impacts?			
Objective/Outcome	Action to be taken	Lead Officer	Deadline

EqlA Signatories		
EqlA role	Name	Date
Lead Manager / Project Sponsor	Ed Denham Gary Binstead	8.11.18
Directorate Chair on behalf of the Directorate Diversity Action Group	Rick Perry	8.11.18

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