

EQUALITY IMPACT ASSESSMENT AND ANALYSIS (EqIAA)

REVIEW OF DISCRETIONARY TRANSPORT

Introduction

This EqIAA covers the issue of the proposal to potentially withdraw free transport, currently provided on a discretionary basis for some children, with effect from 1 September 2013.

A Local Authority is statutorily obliged to provide free home to school transport for children of school age (5-16 years) if:

- they attend the nearest appropriate school to home (as defined by the Local Authority);
- and the school is more than 2 miles (under 8 years of age) or more than 3 miles (8 years of age and over) from home as measured by the nearest available pedestrian route (the Local Authority has the responsibility to set out the route used).

There is also statutory provision for children from low income families (entitled to free school meals or the maximum level of Working Tax Credits) to have free transport to school in the following cases:

- children aged between 8 and 11 years are entitled to free transport where they live more than 2 miles from their nearest qualifying school;
- children aged between 11 and 16 years are entitled to free transport to one of their 3 nearest qualifying schools where they live more than 2 miles but less than 6 miles from that school;
- children aged between 11 and 16 years are entitled to free transport to the nearest faith school attended on faith grounds where they live more than 2 miles and not more than 15 miles from that school.

Local Authorities have the power to provide free home to school transport on a discretionary basis, where no statutory entitlement exists. South Gloucestershire Council currently makes this provision in a number of cases:

- Children with special or additional needs.
- Home to school routes which are exceptionally hazardous.
- Children with parents who are disabled and unable to accompany children to school.
- Children attending voluntary aided church schools on the basis of faith adherence.
- Historical provision in rural areas following school reorganisation.

The current review is concerned only with the last two areas of provision. There is no current consideration of other areas of discretionary provision.

The provision of discretionary free transport to voluntary aided church schools generally followed the 1944 Education Act settlement between county and voluntary schools. It recognised the historical contribution of the churches to the provision of schools and that church schools, being fewer in number, were likely to involve longer home to school journeys. Such discretionary free transport provision was common to most Local Authorities.

Since its inception, South Gloucestershire Council has provided transport to voluntary aided church schools on a discretionary basis where the child meets all the following requirements:

- the voluntary aided church school is the nearest school of that faith to home;
- the child can demonstrate membership of that faith and is attending the church school on those grounds;
- the walking route to the school is more than 2 miles (under 8 years of age) and more than 3 miles (8 years of age and over);
- the distance to school does not exceed 6 miles (primary schools) or 10 miles (secondary schools).

However, except in the case of the comparatively recent national scheme for lower income families, free transport to voluntary aided schools has never been a statutory entitlement. Increasingly, discretionary free provision has come under review in many local authority areas for the following reasons:

- there is now a much wider context for parental preferences for different schools for reasons which parents regard as important;
- pursuit of those preferences may involve attendance at a school more distant from home than local provision;
- discretionary free transport is not generally available to support such preferences, for example for schools which are selective, single sex, of particular legal status or organisation or with particular curriculum specialisms;
- while discretionary free transport to church schools is long standing it involves a significant benefit to one group of families which is not made available to other families.

The provision of discretionary free transport to certain primary schools from rural areas followed historical reorganisation of schools. It was, and remains, common to provide transport to mitigate the impact of school reorganisation on the children in the school generation immediately affected by that change.

In the cases in this review, the children affected by school changes have long since moved on. There is, therefore a significant issue as to whether it is equitable to perpetuate this fee transport given that is clearly anomalous and gives a benefit to three small areas of the Authority which is not available to parents overall.

In respect of both discretionary free transport to voluntary aided church schools and rural primary schools there is also a financial issue which is related to equalities considerations. Expenditure on home to school transport has to be met from the overall budget available for services for children and young people. The Council has a responsibility to consider the most effective and equitable use of available funds across the needs and applications of all families, children and young people.

It has been reported (BBC December 2011) that over 70% of Councils in England are currently reviewing home to school transport policies with denominational and rural provision being given particular attention. Both regionally and nationally, other local authorities have removed, or are in the process of removing, discretionary transport to voluntary aided church schools. The other ex Avon authorities have already decided to withdraw discretionary free transport to voluntary aided church schools, as has Gloucestershire LA.

Irrespective of the outcome of the review of any discretionary transport provision, the Council will continue to fulfil its statutory obligations towards children from low income families, including those attending faith based secondary schools.

Overview of the Proposals under Consideration

Discretionary Free Transport - VA Church Schools

If discretionary support for travel to voluntary aided church schools is withdrawn with effect from 1 September 2013, then children:

- starting at primary school in Reception
- starting at secondary school in Year 7
- entering primary or secondary school in a higher year group would not receive transport assistance. Arrangements for home to school journeys would be a parental responsibility. The only exceptions would be:
- children from low income families (entitled to free school meals or the maximum level of Working Tax Credit) attending voluntary aided church secondary schools as mentioned earlier
- any children where the voluntary aided church school is also the nearest school to home under the general transport rules.

How would Children Already Attending a Voluntary Aided Church Primary or Secondary School in September 2013 be Affected?

Children already receiving transport support to voluntary aided church primary or secondary schools would continue to have assistance with access to transport until they leave the primary or secondary school attended. This might take the form of seats on contract vehicles, bus or train passes or a contribution to mileage expenses.

However, those children will no longer be eligible for free transport and with effect from 1 September 2013 a contributory charge for that transport would be introduced.

This would be the same as the charge made for non-entitled children attending other schools who are able to use spare seats on transport provided by the council for entitled passengers.

The proposed charge in September 2013 would be £120 per term (on the basis of 3 terms per year), ie £360 per annum. Travel on council provided transport would be dependent on paying the contributory charge. The charge would be reviewed annually.

No charge would be made in the case of children from low income families (entitled to free school meals or the maximum level of Working Tax Credit), but an annual check would be made to ensure that families were still eligible.

What About Children Moving House?

From 1 September 2013, children moving house and attending a voluntary aided church school would not normally be provided with transport from their new address.

Would Any Spare Seats Be Available On Vehicles Serving Voluntary Aided Church Schools?

Where there are any vehicles provided by the council to transport children to any schools, and there are spare seats, the council will allow the use of those seats on payment of a charge.

This arrangement also applies to vehicles serving voluntary aided church schools. After 1 September 2013, children travelling to church schools who are not entitled to have transport will be considered for any spare places on the basis of paying a contributory charge. The charge in September 2013 will be £120 per term on the basis of 3 terms per year, £360 per annum.

Concessionary use of spare seats is not guaranteed. Any concessionary seat granted may be withdrawn if it is needed for an entitled child or if the vehicle or route is changed.

Discretionary Free Transport – Rural Primary Schools

If discretionary support for travel to primary schools from rural areas is withdrawn with effect from 1 September 2013, then children:

- starting at primary school In Reception
- entering primary school in a higher year group

would not receive transport. Arrangements for home to school journeys would be a parental responsibility.

How Would Children Already Attending Primary School In These Areas In September 2013 Be Affected?

Children already receiving transport support to a primary school under the rural arrangements would continue to have assistance with access to transport until they leave the primary school attended.

However, with effect from 1 September 2013 a contributory charge for that transport support would be introduced.

This would be the same as the charge made for children attending other schools who are able to use spare seats on transport provided by the council for entitled passengers.

The proposed charge in September 2013 would be £120 per term (on the basis of 3 terms per year), £360 per annum. Travel on council provided transport would be dependent on paying the contributory charge.

No charge would be made in the case of children from low income families (entitled to free school meals or the maximum level of Working Tax Credit), but an annual check would be made to ensure families were still eligible.

What About Children Moving House?

From 1 September 2013, children moving house and attending a primary school would not normally be provided with transport from their new address.

Would Any Spare Seats Be Available On Vehicles Serving Primary Schools?

Where there are any vehicles provided by the council to transport children to any schools, and there are spare seats, the council will allow the use of those seats on payment of a charge.

This arrangement applies to vehicles serving primary schools. After 1 September 2013, children travelling to primary schools who are not entitled to have transport will be considered for any spare places on the basis of paying a charge. The charge in September 2013 will be £120 per term on the basis of 3 terms per year, £360 per annum.

Concessionary use of spare seats is not guaranteed. Any concessionary seat granted may be withdrawn if it is needed for an entitled child or if the vehicle or route is changed.

How Would Children Joining A Primary School On Or After 1 September 2013 Be Affected?

If discretionary support for travel to primary schools from rural areas is withdrawn with effect from 1 September 2013, then children:

- starting at primary school In Reception
- entering primary school in a higher year group

would not receive transport. Arrangements for home to school journeys would be a parental responsibility.

How Would Children Already Attending Primary School In These Areas In September 2013 Be Affected?

Children already receiving transport support to a primary school under the rural arrangements would continue to have assistance with access to transport until they leave the primary school attended.

However, with effect from 1 September 2013 a contributory charge for that transport support would be introduced.

This would be the same as the charge made for children attending other schools who are able to use spare seats on transport provided by the council for entitled passengers.

The proposed charge in September 2013 would be £120 per term (on the basis of 3 terms per year), £360 per annum. Travel on council provided transport would be dependent on paying the contributory charge.

No charge would be made in the case of children from low income families (entitled to free school meals or the maximum level of Working Tax Credit), but an annual check would be made to ensure families were still eligible.

What About Children Moving House?

From 1 September 2013, children moving house and attending a primary school would not normally be provided with transport from their new address.

Would Any Spare Seats Be Available On Vehicles Serving Primary Schools?

Where there are any vehicles provided by the council to transport children to any schools, and there are spare seats, the council will allow the use of those seats on payment of a charge.

This arrangement applies to vehicles serving primary schools. After 1 September 2013, children travelling to primary schools who are not entitled to have transport will be considered for any spare places on the basis of paying a charge. The charge in September 2013 will be £120 per term on the basis of 3 terms per year, £360 per annum.

Concessionary use of spare seats is not guaranteed. Any concessionary seat granted may be withdrawn if it is needed for an entitled child or if the vehicle or route is changed.

Consultation Conducted

The Council issued a public consultation on the future of discretionary transport in respect of voluntary aided church schools and the existing transport to primary schools from rural areas in February 2012. The consultation commenced on 27 February 2012 and concluded on 27 April 2012, a period of 8 weeks.

Approximately 400 copies of the consultation paper and questionnaire were issued. The consultation paper was also available on the Council's website. An email was sent to all South Gloucestershire schools drawing attention to the consultation.

The consultation paper was issued to:

- all parents/carers of children currently receiving discretionary free transport;
- the schools to which this transport is currently provided;
- the Dioceses of Bristol (CE), Clifton (RC) and Gloucester (CE);
- neighbouring LAs;
- the Traveller Education Service.

In addition, there was an individual discussion with the Head of the Traveller Education Service and arrangements made for staff to explain the position further to Traveller families concerned. There was also a discussion with a representative head teacher from the Catholic primary school sector in respect of Traveller children.

210 responses to the consultation were received, a 52.5% response rate. The responses included:

- 131 completed questionnaires
- 45 online responses
- 34 letters/emails
- Feedback was also received via the Council's Traveller Unit in respect of the Traveller community in South Gloucestershire, supported by comments from the Catholic primary school head teachers concerned.

In a large number of cases (c80%), respondents answered in relation to both denominational and rural transport although it was generally clear that their immediate interest was in connection with only one issue, that of the denominational transport.

The consultation results in respect of the questions raised were as follows (% of 210):

Do you agree that free transport to voluntary aided church schools should be withdrawn (except for low income families) with effect from 1 September 2013?

Response	Number	Percentage
YES	7	8.4%
NO	167	79.5%
NOT SURE	6	2.9%

Do you agree that the existing free transport to primary schools from rural areas should be withdrawn (except for low income families) with effect from 1 September 2013?

Response	Number	Percentage
YES	13	6.2%
NO	140	66.7%
NOT SURE	14	6.7%

From the total of 210 responses, 193 (92%) were associated with the schools immediately concerned in the review of transport as students (11), parents (166), governors (7) and staff (9).

An analysis of the protected characteristic groups of respondents is as follows:

1. Area of Interest:

- Current pupil or student - 16 (7.6%)
- Parent/Carer of child currently attending school - 171 (81.4%)
- Governor of a school - 7 (3.3%)
- Member of school staff - 15 (3.3%)
- Other interested party - 8 (3.8%)

2. Age of Respondent: (South Glos Population)

- 18 and under - 14 (6.7%) 20.8%
- 19 – 24 - 0 (0.0%) 16.0%
- 25 – 44 - 92 (43.8%) 20.0%
- 45 – 64 - 66 (31.4%) 28.8%
- 65 – 74 - 2 (0.9%) 10.4%
- 75 and over - 0 (0.0%) 4.0%
- Not stated - 3 (17.1%)

3. Gender of Respondent: (South Glos Population)

- Female - 115 (54.8%) 50.50%
- Male - 49 (23.3%) 49.50%
- Not stated - 46 (21.9%)

4. Ethnic Origin of Respondent:	(South Glos Population)
Arab	N/A
Asian/Asian British – Bangladeshi	0.2%
Asian/Asian British – Indian	6 (2.8%) 1.2%
Asian/Asian British – Pakistani	2 (0.9%) 0.7%
Asian/Asian British – Chinese	0.5%
Asian/Asian British – Other (please state)	5 (2.4%) 0.3%
Black/African/Caribbean/Black British – African	0.4%
Black/African/Caribbean/Black British – Caribbean	0.5%
Black/African/Caribbean/Black British – Other (please state)	0.1%
Gypsy or Traveller of Irish Heritage	6 (2.8%) N/A
Mixed/Multiple Ethnic Groups – White & Asian	1 (0.4%) 0.4%
Mixed/Multiple Ethnic Groups – White & Black African	0.2%
Mixed/Multiple Ethnic Groups – White & Black Caribbean	0.5%
Mixed/Multiple Ethnic Groups – Other (please state)	0.3%
White – English/Welsh/Scottish/Northern Irish/British	127 (60.0%) 91.2%
White – Irish	5 (2.4%) 0.6%
White – Other (please state)	15 (7.1%) 2.5%
Other ethnic group (please state)	0.5%
Prefer not to say/not stated	43 (20.4%)

5. Whether the respondent considers her/himself to be disabled:

	(South Glos Population)
• Yes - 3 (1.4%)	14.5%
• No - 160 (76.1%)	85.5%
• Not stated - 47 (22.3%)	

Comments were also invited and these are shown in Appendices 1 and 2.

Considering these results, and the significant percentages of respondents declining to disclose personal details, there is no advantage in the Council further analysing the data as disaggregated by protected characteristic group (i.e. gender, ethnic group, disability status, age).

Research Conducted and Identification of Key Equalities Issues

With regard to the subjects of transport to voluntary aided church schools and transport to primary schools from rural areas, there are clear equalities impacts.

- The clearest impact is in relation to the protected area of 'Religion or Belief' – 93.3% of the 415 pupils affected by the proposed changes are of the Catholic and Church of England faiths (60% are of the Catholic faith and 40% are of the Church of England faith). Considering the proposals, there is a potential adverse impact upon these two particular groups of pupils. There is, currently, no transport provision in respect of schools of other faiths.
- In addition, there is an impact upon children from Traveller backgrounds/families, although it is important to note that discretionary free transport provision is made on the basis of religious adherence and not Traveller status. The Council's engagement with Traveller families on the subjects of discretionary transport has found that there is a high likelihood that if required to pay a full cost for transport to school or even make a contribution to the cost of travel, those families would be likely to refrain from ensuring their children attend school at all. Considering the work and positive results achieved by the Local Authority and schools alike in this area, there is a potential adverse impact upon this particular group of pupils.

The following provides statistical data in relation to those affected by these proposals.

Number of mainstream schools in South Glos	110
Number of VA church schools in South Glos	10
Percentage of schools affected	9.1%

Number of Gypsy and Traveller Children attending schools in South Glos	123
Number of Gypsy and Traveller Children attending VA church schools in South Glos with transport	15
Percentage of Gypsy and Traveller children attending VA church schools in South Glos with transport	12.2%
Overall Percentage of Gypsy and Traveller children entitled to FSM	c.73%

Total number of pupils in South Glos (5-16)	37,217
Total number of primary pupils in South Glos	20,875
Total number of secondary pupils in South Glos (11-16)	16,342
Total number of VA church school pupils in South Glos	1,920
Total number of non VA church school pupils in South Glos	35,297

Total number of pupils currently in receipt of discretionary free transport - VA church schools	387
of these - total number in receipt of FSM	30
Percentage of current pupils who would continue to receive discretionary free transport to VA church schools due to FSM status	7.6%
Total number of pupils currently in receipt of discretionary free transport - rural primary schools	28
of these, total number in receipt of FSM	N/A
Percentage of current pupils who would continue to receive discretionary free transport to rural primary schools due to FSM status	N/A
Percentage of those currently receiving discretionary free transport - Female	51.7%
Percentage of those currently receiving discretionary free transport - Male	48.2%

Percentage of all pupils in South Glos in receipt of FSM:	9.1%
Boys in receipt of FSM	1,868
Girls in receipt of FSM	1,702
BME in receipt of FSM	617 *
White British in receipt of FSM	2,936*
Disabled in receipt of FSM	N/A

* Some recipients declined to state ethnic background.

The statistical data show that the number of children potentially affected by these proposals is only a small proportion of the total number of school aged children in South Gloucestershire. Overall, the proportion of those children at FSM level is slightly lower than the average. The proportion of Traveller children currently receiving discretionary free transport on the basis of religious faith is comparatively small. Overall, Travellers children have a much higher rate of entitlement to FSM than children of school age generally.

Assessment of Consultation and Research Results

Issue (raised via consultation activity and/or research conducted)	Response
<p>The most frequent comment made in respect of free transport to VA church schools was that removal would discriminate against those families preferring a faith based school, particularly since they generally have a longer journey to school. Some respondents suggested that removal of free transport would be illegal.</p>	<p>Although free transport has long been provided to VA church schools on a discretionary basis, it is not, and never has been, a statutory entitlement except for those entitled under the national low income scheme.</p> <p>In the current context of parental preference and an increasing variety in school provision it can be argued that continuing free transport to one type of school is inequitable. The consultation responses raised a point that discretionary transport is not available to support other personal preferences for schools. This raises the issue that currently, a certain group has effectively been selected for 'special favour', in this instance on the basis of their religious affiliation. Equality is not about 'treating everyone the same' it is about treating people differently and according to their needs¹. In relation to this policy, there is a clear need for <u>all</u> children and young people to be able to travel to school (by whatever method). The crucial aspect of this potential policy change when reaching a decision, however, requires the balance of :</p> <ul style="list-style-type: none"> • whether continuation of the service is affordable and is the best use of resources for children and young people in South Gloucestershire; • whether the definition of 'need' is about the ability to contribute to a service (which would be aligned to eligibility for free school meals or the maximum level of Working Tax Credits), where the vast majority of pupils are already required to do this; or whether the definition of 'need' is broadly applied to groups based on characteristics such as religious belief. <p>Charts 1, 2 and 3 below show pupil performance for pupils in South Gloucestershire for the year 2010/11 and clearly indicate the need to support pupils in receipt of free school meals. The proposed policy change is clear that no charge would be made in the case of children receiving transport from low income families (entitled to free school meals or the maximum level of Working Tax Credit).</p>

¹ Equality is about ensuring that all people are treated equally. This does **not** mean treating everyone the same, but means recognising the differences in people's life situation and experience, and taking their needs into account in order to ensure that there is equality of opportunity for all people. This definition recognises that: equality is an issue for all; we don't all start from the same position and to create a fair society we must recognise different needs. Department for Communities and Local Government www.communities.gov.uk
 An equal society recognises people's different needs, situations and goals, and removes the barriers that limit what people can do and can be." From The Cabinet Office, Equalities Review, 2007 available at www.communities.gov.uk

It has been reported (BBC December 2011) that over 70% of Councils in England are currently reviewing home to school transport policies with denominational and rural provision being given particular attention. Both regionally and nationally, other local authorities have removed, or are in the process of removing, discretionary transport to voluntary aided church schools. The other ex-Avon authorities have already decided to withdraw discretionary free transport to voluntary aided church schools, as has Gloucestershire LA.

The proposed policy has the potential for negative impact upon pupils of a Catholic and Church of England faith.

Chart 1: This chart shows the performance of different groups against the Early Years Foundation Stage profile at age 5.

Early Years Vulnerable groups

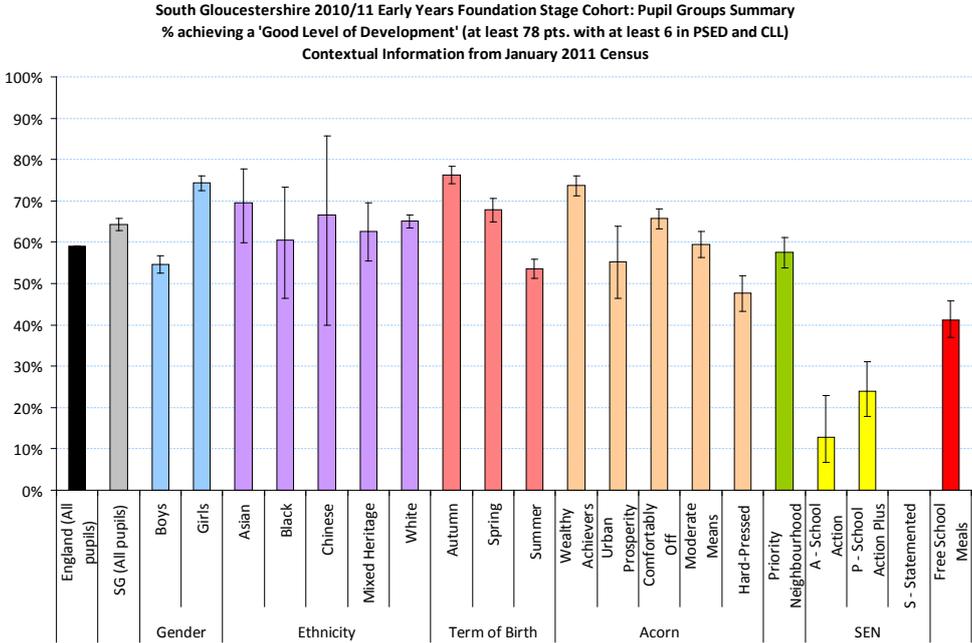


Chart 2: This chart shows the performance of different groups in the National Curriculum tests at age 11.

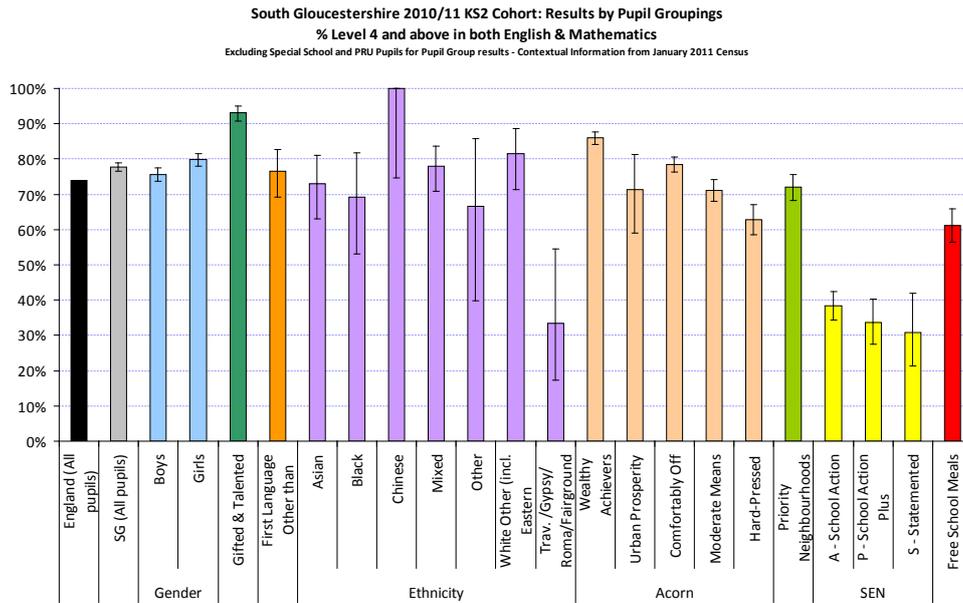
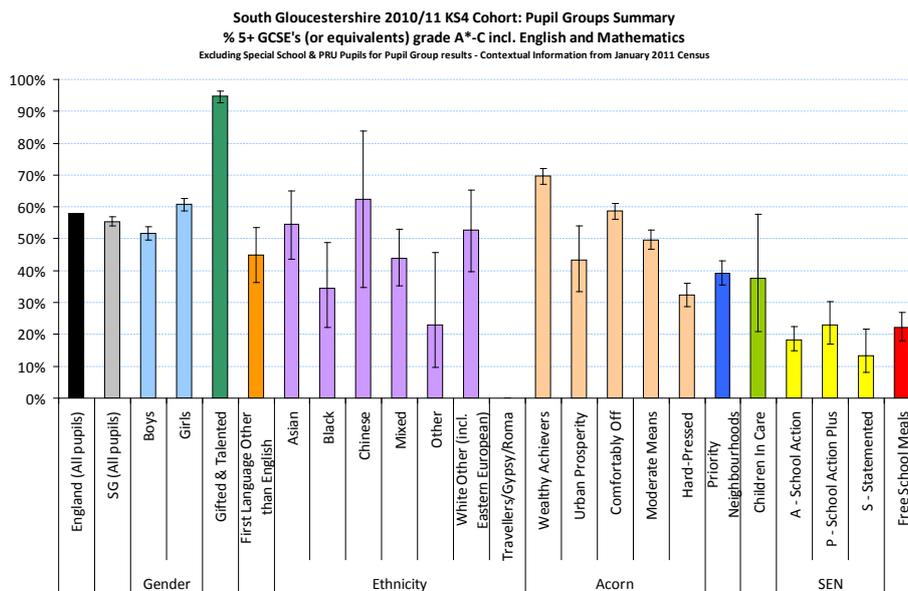


Chart 3: This chart shows the performance of different groups in GCSEs and equivalents at age 16.



Comment on charts 1 to 3

- The percentage of pupils eligible for Free School Meals achieving Level 4 and above has decreased by 1 percentage point in English to 66% and increased by 9 percentage points in mathematics to 69%. Performance in English is 1 percentage point below the national figure while performance in mathematics is 2 percentage points above the national figure.
- The proportion of pupils eligible for Free School Meals making at least two levels of progress from Key Stage 1 to 2 has decreased by 6 percentage points in English to 82% and has increased by 1 percentage point in mathematics to 78%. Performance is 3 percentage points above the national average both in English and also in mathematics

Issue (raised via consultation activity and/or research conducted)	Response
<p>A number of comments were received about the position of Traveller children. A number of Traveller children receive discretionary free transport to VA Church Primary Schools on the basis of religious faith adherence. The point has been made that considerable progress has been made at a number of church primary schools in recent years in improving the attendance, inclusion and achievement of Traveller children and that without continuing transport provision these gains will be imperilled.</p>	<p>Effective work with Traveller children and their families is greatly welcomed by South Gloucestershire Council. As respondents have clearly identified, considerable progress has been made at a number of church primary schools in recent years in improving the attendance, inclusion and achievement of Traveller children.</p> <p>Where Traveller children are entitled to Free School Meals, and already receiving free home to school travel, this provision will be continued. In the secondary school sector, the national/statutory low income scheme for transport to VA church schools applies.</p> <p>The proposed policy therefore results in no negative impact for this particular protected characteristic group – the continuation of positive impact is in place.</p>
<p>The next major concern was the proposal to remove free transport from existing pupils and to continue provision only where families paid a contributory charge, and the level of that charge.</p>	<p>The introduction of any policy change at a particular time will impact differently on families depending on the stage of education reached by their children. In this case, the proposed change in policy would not be implemented until September 2013 so that there is a significant period of notice.</p> <p>The proposed level of contributory charge would be the same as applies to other non-entitled children occupying concessionary seats on other home to school transport. The charge would be exempted in the case of low income families. The contributory charge is, in many cases, less than the actual unit cost of transport provision.</p> <p>This results in no negative impact upon any particular protected characteristic group.</p>
<p>There were comments about the practicability of home to school journeys and the possible consequence of more private car use.</p>	<p>The Council is proposing to continue to provide contract vehicles, where appropriate, for the existing generation of children if parents pay the contributory charge. Some transport to VA church schools is already by means of bus or train. It would also be open to parents and schools to consider their own co-operative arrangements to commission transport.</p> <p>The Council has the ability to provide advice and guidance on this.</p> <p>This results in no negative impact upon any particular protected characteristic group.</p>

Issue (raised via consultation activity and/or research conducted)	Response
<p>The comments made in respect of rural transport were fewer, given the smaller number of families directly concerned.</p>	<p>There is a central issue here that this free transport provision dates back many years and came about as a result of school closures and reorganisation. The children of primary school age directly affected by those changes have long since moved on. Continued provision is a significant anomaly, benefiting three areas of the Authority. There are many other locations in South Gloucestershire, rural, urban and suburban, where families do not receive similar help.</p> <p>This results in no negative impact upon any particular protected characteristic group.</p>
<p>Some respondents made the particular point that the children affected by this review of rural transport routes would still be entitled to free transport on grounds of distance or because the route is exceptionally hazardous.</p>	<p>This is a valid consideration which will, if existing discretionary policy is changed, be considered in relation to each child's case. If free transport was then continued to be provided it would be on the basis of consistent policies applicable to the whole of the Local Authority area which are clear on the entitlement to free home to school travel in the case of children from low income families (entitled to free school meals or the maximum level of Working Tax Credit).</p> <p>This results in no negative impact upon any particular protected characteristic group.</p>
<p>General</p>	<p>The proposed withdrawal of discretionary free transport will be mitigated by:</p> <ul style="list-style-type: none"> • the period of notice; • continual provision for the existing generation of children upon payment of a contributory charge (remitted for low income families); • continued provision under the national low income schemes; • consideration of whether other transport policies (e.g. exceptionally hazardous routes) would apply to the children concerned; • availability of advice to groups wishing to commission their own transport.

Assessment of Impact According to Protected Characteristic Group

Equality Group	Negative Impact	Positive Impact	No Impact	Unsure of Impact	Reason(s)*
Women/Girls	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is no specific impact in relation to gender.
Men/Boys	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Lesbians, gay men & bisexuals	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		There is no specific impact for these groups.
Transgender people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is no specific impact for this group.
White people (including Irish people)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is no specific impact for these groups.
Asian or Asian British people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Black or Black British people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
People of mixed heritage	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Chinese people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Travellers (gypsy/Roma/Irish heritage)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Overall, 73% of Traveller children are in receipt of free school meals. Existing pupils entitled to FSM will therefore continue to be eligible for free transport and the national scheme will apply in the case of secondary VA church schools.
People from other ethnic groups	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is no specific impact for this group.
Disabled People:					Children with disabilities are not affected by this policy as a separate policy applies.
Physical impairment, e.g. mobility issues which mean using a wheelchair or crutches.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Sensory impairment, e.g. blind/having a serious visual impairment, deaf/having a serious hearing impairment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Mental health condition, e.g. depression or schizophrenia.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Learning disability/difficulty, e.g. Down's syndrome or dyslexia, or cognitive impairment such as autistic spectrum disorder.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Long-standing illness or health condition, e.g. cancer, HIV, diabetes, chronic heart disease or epilepsy.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Other health problems or impairments.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Equality Group	Negative Impact	Positive Impact	No Impact	Unsure of Impact	Reason(s)*
Older People	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This group is not affected by this policy.
Children and Young People	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is no general impact for all children and young people, only those of the Catholic and Church of England faiths and Traveller children.
Faith Groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There is a negative impact for those of the Catholic and Church of England faiths and Traveller children
Pregnancy & Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This group is not affected by this policy.
Marriage & Civil Partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This group is not affected by this policy.

If you have indicated that there is a negative impact on any group, is that impact:

Legal? Yes No

Intended? Yes No

EqIAA Outcome

The following provides an explanation of the outcomes of this EqIAA.

Two protected characteristic groups have been clearly identified (by South Gloucestershire Council and by consultation respondents) as potentially being impacted should this proposal be implemented, namely:

1. Race – i.e. Traveller Pupils (Gypsy, Roma, Irish heritage)
2. Religion or Belief – i.e. Catholic and Church of England Pupils

1. Race – i.e. Traveller Pupils (gypsy, Roma, Irish heritage)

With regard to Traveller pupils, the evidence is clear that should the proposal be implemented, the vast majority (c.73%) of pupils receiving free transport will continue to do so because of FSM status. The implementation of the proposals would therefore have no disproportionate negative impact upon these pupils.

However, pupil populations are not static and continually change as pupils leave, start, move away from and in to the area and so on. Consultation with the Council's Traveller Unit who are in continuous contact with traveller families and who have directly engaged on a face-to-face basis with families regarding this proposal has found that traveller families are generally likely to meet the criteria of being eligible for free school meals or the maximum level of Working Tax Credits. This will result in a continuation of eligibility for free home to school transport for existing Traveller pupils at schools in South Gloucestershire, and via the statutory provisions in the case of attendance at secondary VA church schools. This results in no negative impact on a continuing basis for this group. There is also national evidence which complements this finding:-

The Department for Education and Skills publication: *"Ethnicity and Education: The Evidence on Minority Ethnic Pupils"* states that *"High proportions of Travellers of Irish Heritage and Gypsy Roma pupils are eligible for free school meals."*

The 2009 Equality and Human Rights Commission publication *"Inequalities experienced by Gypsy and Traveller communities: A review"* found that:
"Employment rates are low, and poverty high." [page vi]

In addition, The 2009 Equality and Human Rights Commission publication *"Inequalities experienced by Gypsy and Traveller communities: A review"* found that:
"...Irish Traveller pupils are 2.7 times more likely than other white British pupils to have SEN, and Gypsy / Roma pupils are 2.6 times more likely to have SEN. Irish Traveller pupils are more likely than other white pupils to have SEN in relation to moderate learning difficulties (MLD), severe learning difficulties (SLD), specific learning difficulties (SpLD), and behavioural, emotional and social difficulties (BESD), and less likely to have SEN for Autistic Spectrum Disorder (ASD). Gypsy / Roma pupils are more likely to have SEN in relation to MLD, profound and multiple learning difficulties (PMLD), hearing impairment (HI) and SLD and less likely to have SEN for ASD." [page 93].

Pupils with special educational needs are specifically covered under a separate home to school transport policy which contains provision for free home to school transport for these pupils as there is an identified, evidenced need amongst these groups – this includes Traveller pupils with special educational needs.

Outcome:- The implementation of this proposal would result in no disproportionate negative impact for Traveller Pupils.

2. Religion or Belief – i.e. Catholic and Church of England Pupils

The consultation conducted found that:

- 79.5% of consultation respondents did not agree that free transport to voluntary aided church schools should be withdrawn (except for low income families) with effect from 1 September 2013.

And also found that:

- 66.7% of consultation respondents did not agree that the existing free transport to primary schools from rural areas should be withdrawn (except for low income families) with effect from 1 September 2013

This represents a significant proportion of people who do not agree with the proposals.

The percentage of current pupils at rural primary schools who would continue to be in receipt of discretionary free transport via the statutory provisions is 70%. The number of pupils attending rural primary schools is extremely low (28 pupils) and there is no shared protected characteristic that has emerged in relation to this group.

The percentage of current pupils at VA church schools who would continue to be in receipt of discretionary free transport via the statutory provisions is 7.6%

A central question to be addressed as part of the decision-making process is that of whether a decision to implement the proposals would be lawful under equality-based legislation and allow South Gloucestershire Council to meet the requirements of Equality Act 2010 c. 15 Part 11 Chapter 1 Section 149, namely the duty to have due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010.
2. Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it.
3. Foster good relations between persons who share a protected characteristic and persons who do not share it.

Equality is not about 'treating everyone the same' it is about treating people differently and in accordance with their needs. When examining this central purpose of the concept of 'equality of opportunity', the following must be carefully thought through and considered:

- The definition of 'need' cannot be applied in a 'sweeping' or 'broad brush' manner to all people by virtue of their sharing of a particular protected characteristic (in this instance religion). Not all people require assistance in home to school travel solely because they have certain religious belief(s). The Equality Act 2010 is also clear that there is no provision for treating a particular protected characteristic group more favourably where there is no identified need. In this instance, there is no evidence to indicate that Catholic and Church of England pupils and their families have a need to be singled out for more favourable treatment. For this reason, the application of this approach would not allow the Council to contribute towards the elimination of discrimination.
- Applying a definition of 'need' that is based on a person's ability to contribute towards home to school travel brings with it the opportunity to advance equality of opportunity in a way that does not impose a 'one size fits all' approach to a protected characteristic group, but which focuses on ensuring people access resources because their individual circumstances are such that assistance is required and of a high value, and not solely by virtue of their sharing of a particular protected characteristic.

This approach presents the opportunity to contribute towards meeting all three elements of the General Equality Duty (as described in the Equality Act 2010 c. 15 Part 11 Chapter 1 Section 149) by meeting the needs of pupils who require assistance in home to school travel rather than singling people out based on a protected characteristic grouping. It will contribute towards eliminating discrimination that consultees have stated they face by not being part of this protected characteristic grouping. And it will advance equality of opportunity for all groups based on identified and evidenced need.

In addition, the proposed withdrawal of discretionary free transport will be mitigated by:

- the period of notice;
- continual provision for the existing generation of children upon payment of a contributory charge (remitted for low income families);
- continued provision under the national low income schemes;
- consideration of whether other transport policies (e.g. exceptionally hazardous routes) would apply to the children concerned;
- the availability of advice to groups wishing to commission their own transport.

Outcome:- The implementation of this proposal would result in negative impact for some Catholic and Church of England Pupils. However, this impact is mitigated for all of the reasons stated.

Actions to be taken as a result of this EqIAA

- Implement the period of notice.
- Continue provision for the existing generation of children upon payment of a contributory charge (remitted for low income families).
- Continue provision under the national low income schemes.
- Actively consider whether other transport policies (e.g. exceptionally hazardous routes) would apply to the children concerned.
- Provide advice to groups wishing to commission their own transport.
- Monitor the impact of any implementation of the proposals.

Consultation Comments received in relation to Denominational Transport

- Withdrawal of denominational transport would discriminate against those wanting a faith based education, be against Government intentions and infringe the law. (49)
- The proposed charges would be too much for those above the low income threshold but still not well off, especially those families with several children. (46)
- It is not reasonable to 'change the rules' for existing children. Families opted for schools on the basis of an understanding about transport provision. (38)
- There are no Catholic (or other faith based) secondary schools in South Gloucestershire so travel is inevitable (plus all faith schools tend to be some distance from home). (36)
- Withdrawal of Council transport will result in more traffic. (8)
- As Catholic parishes have made substantial financial contributions to school buildings, transport provision should follow. (7)
- Many of the journeys are not practicable without Council transport. (6)
- If charges are to be introduced, they should apply only to new starters. (6)
- The withdrawal of primary Catholic transport will have a very serious adverse impact on the education and inclusion of Traveller children. (5)
- The Church should subsidise transport costs to Catholic schools. (3)
- Siblings should receive free transport. (2)
- The estimated savings are a very small proportion of the Council budget but withdrawal of transport would have large and adverse effects. (2)
- There should be a means test for ALL home to school transport. (1)
- Willing to pay as long as the Council organises the provision. (1)
- All secondary phase home to school transport involves problems. (1)
- Discretionary transport is not available to support other personal preferences for schools. (1)

Consultation Comments received in relation to Rural Transport

- The charges proposed are too high for many families. (9)
- The journeys to schools are not practicable without Council transport. (6)
- The proposed charge will achieve no savings as children will still be entitled to transport on distance or hazardous grounds. (6)
- The routes to schools are unsafe for pedestrians. (5)
- Withdrawal of Council transport will lead to more private car use and congestion. (5)
- The Council should continue to provide transport but for a reasonable charge. (3)
- Transport provision should be phased out as children leave school. (2)
- Following the closure of rural schools, the Council has a duty to provide transport. (2)
- A change in policy is unfair to siblings. (1)
- Those who can afford to live in these locations can afford to pay transport. (1)