

# Impact Assessment



Assessment of: Education Transport

Service: Education and Learning

Head of Service: Rachel Shaw and Matthew Shanks

Version / date of sign off by Head of Service: 27 February 2023

Assessment carried out by (job title): Andrew Brent (Senior Policy Officer)

## 1. Description of project / service / activity / policy under review

Devon's Education Transport policies describe how the Local Authority (LA) helps children and young people to attend school by providing support to get between home and school. It supports children and young people where there is an entitlement to free transport because there is a legal duty on the LA and where the LA chooses to provide support because it believes it is a worthwhile and affordable thing to do.

The policy explains the circumstances when a child or young person is entitled to transport and when support is available through access to an empty seat on a vehicle even though there is no entitlement to transport. The policy also explains the circumstances when support is free and when it a contribution towards the LA's costs is chargeable.

Education Transport support is provided in two stages: (a) processing applications for transport and assessing entitlement, and (b) operating a transport network across the county and to appropriate establishments in other LA areas.

The policy is intended to facilitate wherever possible preferences by parents, carers, and young people for education at specific schools and colleges, within the limits of clear, published criteria. It seeks to do under the terms of relevant legislation and within the budgets set by Elected Members of the County Council.

Policy is set out in two documents: the Education Transport Policy and the Post-16 Education Transport Policy.

## 2. Reason for change / review

Policy is reviewed periodically.

The Policy was reviewed between December 2022 to January 2023 and it is proposed that the level of contribution to the costs of the LA be increased for two groups of service users: children using concessionary seats (spare seats on coaches, minibuses and taxis that have been commissioned by the LA to provide transport for one or more entitled child) and young people with support from the LA to continue their education at pos-16 level.

## 3. Aims / objectives, limitations and options going forwards (summary)

No changes were proposed to the entitlement to free transport that the LA is required by law to provide.

No changes were proposed to the discretionary entitlement to free transport that the LA has chosen to provide. This includes free transport for children on the grounds that they attend a catchment school recognised by the LA for transport purposes and that school is further than a walking distance of 2 or 3 miles, according to their age.

Minor additions were proposed in response to the introduction of a catchment area for Matford Brook Academy in September 2024. This catchment area overlaps existing catchment areas and prompts a decision from the LA whether to recognise it for transport purposes or to continue recognising the existing school catchments for transport purposes.

The principal proposal was to increase the contribution level from £600.00 to £800.00 per academic year. This was proposed in recognition of significant increases in the costs of providing transport and as a part of the LA's financial sustainability programme.

## 4. People affected, diversity profile and analysis of needs

[Community, Staff and Service profiles are available [online for you to refer to](#). Delete this note and insert text here]

## 5. Stakeholders, their interest and potential impacts

The stakeholders are:

- Parents and carers, children and young people: service users of school transport in Devon.
- Elected Members – with responsibility for LA actions and their impact on constituents;
- Schools and colleges – interested in children and young people being able to access them;
- Local diocese officers (Exeter, Truro, Salisbury, and Plymouth) – interested in children and young people being able to access particular schools on faith grounds;
- Local authority officers – clear criteria and processes to enable applications to be submitted, processed and resolved;
- Local authority officers – clear criteria and processes to commission transport services efficiently;
- School Organisation, Capital and Admissions Group – monitoring the fairness and lawfulness of arrangements which impact on school admissions preferences of parents, carers and young people;
- Devon Learning and Development Partnership – with regard to the impact on the Gypsy, Roma and Traveller and wider BME communities;
- Trade Union representatives – interested in the impact on access to schools and colleges and on transport operators and providers.

There is a limited anticipated impact of the revised Policy with regard to Matford Brook Academy's new catchment area for any stakeholders as there is no negative change proposed to the entitlement to transport support. Children and young people living in the catchment area of other schools will continue to their entitlement on catchment school grounds, over the walking distances of 2 and 3 miles. A new entitlement will be recognised on nearest school grounds to Matford Brook Academy, over the walking distances of 2 and 3 miles, where this is the position. All children living in the catchment for Matford Brook Academy will be in the catchment area for another school. If they live closer to another catchment school than to Matford Brook Academy, they will not be entitled to transport to Matford Brook Academy. The entitlement to the other school will remain. This means there is a potential negative impact on parental preference for Matford Brook Academy.

There is a potential impact on parental preference for schools and colleges of an increase in the contribution level. Some parents may decide that they cannot afford the increased rate or choose not to pay it. This would be a limiting factor in parental preference for schools further from home, to which there is no statutory or discretionary entitlement to LA transport. This, in turn, would be a negative impact on admissions rates and numbers on roll at some schools – offset where other children seek places there rather than other schools. These potential impacts may be mitigated by the LA's arrangements for appeal to set aside Policy and provide support.

For young people, an increased contribution level may deter engagement in post-16 education – either at their preferred college or at any college. LA transport support for post-16 young people should be seen as a safety net where the young person and their family are unable to make their own arrangements, including through access to a college bursary fund. Requests for support are most likely where the cost of transport is higher, such as in more rural areas, or where individual travel arrangements are required on special education or medical grounds. These potential impacts may be mitigated by the LA's arrangements for appeal to set aside Policy and provide support.

## 6. Additional research used to inform this assessment

The LA discussed the potential changes to policy with an Equality Reference Group as part of a public consultation. This group included representatives from Age UK, Young Devon, Living Options Devon, Intercom Trust, Devon Faith and Belief Forum, Fawcett Devon, and the Plymouth and Devon Racial Equality Council. The public consultation received a number of responses from parents of potentially affected children and young people. The majority of responses were against the proposed increase in the contribution level, typically commenting that it would cause hardship, could not be afforded and would lead to a reduction in education engagement at post-16.

The contribution levels charged by the LA's neighbours were noted. Devon's charge is lower than some and higher than other LA charges. All LAs are experiencing upward pressure on budgets and considering increases to mitigate those pressures.

## 7. Description of consultation process and outcomes

See section 6. The public consultation augmented the meeting with the Equality Reference Group. Public consultation prompted over 90 responses. All responses have been acknowledged and substantive replies have been sent where appropriate (to reply to specific questions).

## 8. Equality analysis

### Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief. This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).
- The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:
  - Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
  - Proportionate (negative impacts are proportionate to the aims of the policy decision)
  - Fair
  - Necessary
  - Reasonable, and
  - Those affected have been adequately consulted.



Characteristics	Potential or actual issues for this group.  [Please refer to the <a href="#">Diversity Guide</a> and <a href="#">See RED</a> ]	<p>How will the project / service / policy / activity:</p> <ul style="list-style-type: none"> <li>• eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary.</li> <li>• advance equality (meet needs / ensure access, encourage participation, make adjustments for disabled people, 'close gaps').</li> <li>• foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the <a href="#">DCC Equality Policy</a>?</p>
All residents (include generic equality provisions)		

<p>Age</p>	<p>There is no anticipated impact of the Policy according to the age of an applicant parent or carer.</p> <p>Vehicles with older passengers may be unsuitable for very young children.</p> <p>While most applicants are aged below 50, older parents and carers may feel isolated by use of language and assumptions regarding the relationship with the child.</p> <p>The needs of service users of working age may be ignored if transport meetings and open days are at an inconvenient time.</p> <p>Access to education transport is limited to people within a set age range. Devon does not offer education transport to maintained schools or colleges to adults without special needs within this Policy.</p>	<p>The LA avoids mixing the youngest and oldest passengers on vehicles.</p>
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<p>Disability (incl. sensory, mobility, mental health, learning disability, neurodiversity, long term ill health) and carers of disabled people</p>	<p>Service users and applicants may experience additional challenges to engage in the application process or to use education transport provision.</p> <p>Disability may have a consequence that a person has a lower income which could make an increased contribution more challenging to afford.</p> <p>Post-16 contribution charges are more likely to be required for young people with additional needs, where the costs of transport arrangements are higher. The impact this group of young people and families is likely to be greater.</p>	<p>Wherever additional need is identified, support/reasonable adjustment is made available for parents and carers to engage.</p> <p>Transport provision is adjusted where appropriate to meet the needs of children and young people who have additional needs. This may be through the use of a dedicated or specialised vehicle, with or without an escort to promote safety and enable the passenger to arrive at school without stress or distress, able to engage in education.</p> <p>Transport is reviewed regularly to ensure it remains appropriate and suitable for each child with additional needs.</p> <p>The LA recognises that all post-16 young people should be able to access funding from their college's bursary.</p>
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<p>Culture and ethnicity: nationality/national origin, ethnic origin/race, skin colour, religion and belief</p>	<p>Data is not collected to differentiate applicants or service users under the Policy although except where it is necessary for an application for free transport on the grounds that a child attends a school on the grounds of faith. For example, there is an entitlement to free transport to the closest secondary school attended on these grounds where it is between 2 and 15 miles from home.</p> <p>No questions are asked about nationality, national origin, ethnic origin, skin colour or religion or belief other than as described above.</p> <p>Parents and carers may not feel that the service is operated by or for their community representatives. Cultural norms for some communities may combine with other issues to make access to transport services more difficult.</p>	<p>Where necessary, information can be translated into other languages to enable engagement in the process.</p> <p>For service users themselves, children and young people are entitled or not entitled without distinction unless transport support is sought to attend a school on the grounds of religion. Where a child or young person experiences disadvantage or is unable to use the transport that is provided for reasons linked to these characteristics, there is an appeal process which may make alternative arrangements.</p> <p>A Code of Conduct is in place for passengers and any passenger who discriminates against another passenger on the grounds nationality, national origin, ethnic origin, skin colour or religion or belief is liable to sanction under that Code.</p> <p>Children who feel obliged to transfer schools away from any form of discrimination may be eligible for additional consideration for admission under Fai Access arrangements and to transport support where it is accepted that the closer, original school is no longer suitable.</p>
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<p>Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed)</p>	<p>Data is not collected to differentiate applicants or service users under the Policy although applicants are invited to tell the LA what title they want to be used. Service users themselves will be known to the LA and to the transport provider by their pass which has their name and photograph. This does not explicitly identify sex, gender, or gender identity. Decisions on entitlement are not influenced by these characteristics.</p> <p>Parents and carers who do not live with their child may feel disenfranchised from the application process. This is more likely to be a male parent. The information process does not take into account whether a child lives with one or both parents. Literature is only sent to a child's registered address unless there is a specific request for it to be sent to an additional address. For new Reception children, literature is sent out where officers proactively assess there is an entitlement to transport; this does not take account of the</p>	<p>Most applications are submitted using online literature and is therefore considered to be accessible to all people, without distinction according to sex, gender or gender identity.</p> <p>For service users themselves, children and young people are entitled or not entitled without distinction. Where a child or young person experiences disadvantage or is unable to use the transport that is provided for reasons linked to sex, gender or gender identity, there is an appeal process which may make alternative arrangements.</p> <p>A Code of Conduct is in place for passengers and any passenger who discriminates against another passenger on the grounds of sex, gender or gender identity is liable to sanction under that Code.</p> <p>Children who feel obliged to transfer schools away from any form of discrimination may be eligible for additional consideration for admission under Fai Access arrangements and to transport support where it is accepted that the closer, original school is no longer suitable.</p>
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<p>Characteristics</p>	<p>Potential or actual issues for this group.</p> <p>[Please refer to the <a href="#">Diversity Guide</a> and <a href="#">See RED</a>]</p>	<p>How will the project / service / policy / activity:</p> <ul style="list-style-type: none"> <li>• eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary.</li> <li>• advance equality (meet needs / ensure access, encourage participation, make adjustments for disabled people, 'close gaps').</li> <li>• foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the <a href="#">DCC Equality Policy</a>?</p>
	<p>home circumstances.</p> <p>Applying for transport support is made without reference to pregnancy, maternity or feeding arrangements of an applicant. No provision is specifically made to provide transport support in these circumstances.</p>	

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<p>Sexual orientation and marriage/civil partnership</p>	<p>Parents and carers may feel isolated by use of language and assumptions (e.g. assumptions made about parents as heterosexual couples).</p>	<p>Language in literature is reviewed to avoid isolation and discrimination.</p>
<p>Other relevant socio-economic factors such as family size/single people/lone parents, income/deprivation, housing, education and skills, literacy, sub-cultures, 'digital exclusion', access to transport options, rural/urban</p>	<p>Parents and carers may feel isolated by use of language and assumptions, a sense that applications must be made online or can only be made in a certain way.</p>	<p>Language in literature is reviewed to avoid isolation and discrimination.</p> <p>The Policy is reviewed to challenge whether the presentation of information is socially divisive – do those people without internet access have reasonable options to access information? Are groups such as ex-offenders or unemployed people disadvantaged by the practices of the service? Is there a fair distribution of resources across areas of Devon?</p> <p>Do economic considerations prevent access to education? Does the Policy deny access to transport where it would be unreasonable to do so according to an individual's circumstances?</p>

## 9. Human rights considerations:

The Policy supports freedom of thought, belief and religion and respects the right to privacy and family life. No information is requested of parents, carers, or young people not required to administer the Policy and provide transport support.

## 10. Supporting independence, wellbeing and resilience. Give consideration to the groups listed above and how they may have different needs:

### **In what way can you support and create opportunities for people and communities (of place and interest) to be independent, empowered and resourceful?**

Transport support, by default, provides access to vehicles for children without their parents and carers. Passengers are required to get to vehicles themselves, accompanied as the parent feels necessary. This promotes independence for children and young people, increasingly as parents decide that it is appropriate for their children to make their own way to vehicles – or to school.

Children are responsible for and required to carry their own travel pass unless their age or additional need means that would be inappropriate. This promotes independence and resourcefulness.

For children and young people with additional needs, arrangements are in place through the Policy for Independent travel Training. This supports access to school and college without additional, escorted, or specialised transport which promotes independence in other areas of life, not just in getting to and from school.

### **In what way can you help people to be safe, protected from harm, and with good health and wellbeing?**

The Policy provides for transport providers to be suitably assessed as appropriate to work closely with children and young people. All drivers and escorts are DSB checked.

The Policy limits the number of passengers on vehicles contracted by the LA for safety reasons. This avoids overcrowding of vehicles and minimises the risk that a child who has a seat on the vehicle is left unattended at a pick up point. For public service vehicles, the LA is assured that vehicles will

not be overcrowded and that drivers are trained on processes where a child would be left unattended. Transport providers must use vehicles that are inspected regularly and provide a safe and comfortable environment.

The Policy does not provide for all pupils to be entitled to free transport. A minimum walking distance is in place, based on the statutory walking distances for children. This ensures that where children could walk to school, they do walk to school unless parents exercise their prerogative to make other arrangements.

Safety is promoted with in the Policy through route safety assessments. They assess routes where required to ensure that routes that are not suitable for children to walk, accompanied by an adult, as necessary, are identified and transport provided if there is no alternative route below the walking distance.

Passenger escorts are in place where a need is identified to promote the health, safety, and well-being of passengers and drivers.

### **In what way can you help people to be connected, and involved in community activities?**

Information about the Policy and processes involved in applying for and using education transport is available online and in hard copy. Translation and access for people with disability is available on request. Meetings and consultations are held regularly to promote engagement from members of the community and stakeholders.

## **11. Environmental analysis**

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties. The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please mark X in the relevant box below and proceed to the 4c, otherwise complete the environmental analysis table):

Devon County Council's Environmental Review Process	
Planning Permission	
Environmental Impact Assessment	
Strategic Environmental Assessment	



	<b>Describe any actual or potential negative consequences. (Consider how to mitigate against these).</b>	<b>Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).</b>
Reduce, reuse, recycle and compost:		
Conserve and enhance wildlife:		Education Transport reduces the number of private cars on the road to get children and young people to and from school. This reduces the impact on wildlife around the more rural parts of the county.
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:		Education Transport reduces the number of private cars on the road to get children and young people to and from school. This reduces the impact on the network of country roads which are part of Devon's cultural image and safeguards their characteristics.
Conserve and enhance Devon's cultural and historic heritage:		Education Transport reduces the number of private cars on the road to get children and young people to and from school. This frees up roads, including the network of country roads which are part of Devon's cultural image.
Minimise greenhouse gas emissions:	Any vehicle used for travel to and from school instead of a child walking or cycling to school increases greenhouse gas emission.	Education Transport provision reduces the number of vehicles used to get children from home to school, accepting that many children and young people live further from school than they are legally expected to walk. By enabling passengers to travel together, the number of private cars there would be on the road is reduced.

Minimise pollution (including air, land, water, light and noise):		
Contribute to reducing water consumption:		
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):		
Other (please state below):		

## 12. Economic analysis

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Impact on knowledge and skills:		
Impact on employment levels:	<p>It is not anticipated that an increase in the contribution level would lead to fewer accessing the LA's concessionary seat transport. As it is only available where there is a spare seat.</p> <p>An increased contribution to costs for post-16 transport potentially would lead to some young people not travelling on it and either making other arrangements or not travelling to that school or college. This, in turn, would mean fewer and smaller vehicles being commissioned. Other arrangements could include more private cars on the road.</p>	The Policy brings employment to many small businesses: taxi, coach, and mini-bus operators. It also adds business to larger bus and train operators.
Impact on local business:	As above	As above

### 13. Describe and linkages or conflicts between social, environmental and economic impacts (Combined Impacts):

Higher costs for any reason will have a negative impact on those directly affected. The lower the disposable income, the greater that impact. The indirect consequence is that there will be a wider economic impact on communities and businesses across Devon. Less usage of organised

transport could lead to more use of private vehicles, ; more cars on the road and greater strain on those families who feel obliged to change their work patterns, cut their employed hours and use their own vehicles.

#### 14. How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?

The impact on the numbers of transport providers as a consequence of any increase in the contribution rate is anticipated to be small. Numbers of post-16 passengers who pay the contribution is low across the county. Any reduction in their numbers would be partial and the numbers of vehicles no longer being required is also anticipated to be small.

Any increase in contributions charged would have a negative financial impact on affected families, reducing their resources and impacting to a greater extent on those with the lowest disposable incomes. There is no expectation that there would be a positive impact on the communities across Devon.

#### 15. How will impacts and actions be monitored?

The LA records the numbers on children receiving transport support under the Policy. It will also monitor the availability of transport providers where demand for vehicles rises and falls as the Policy operates, including any increase in the contribution rate.