

Equality Impact Assessment

Strategy or Policy Template

Name of the strategy or policy
Proposal to remove the FE Link Travel Support Offer

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Part 1 The Public Sector Equality Duty and Equality Impact Assessments (EIA)

1.1 The Council must have due regard to its Public Sector Equality Duty when making all decisions at member and officer level. An EIA is the best method by which the Council can determine the impact of a proposal on equalities, particularly for major decisions. However, the level of analysis should be proportionate to the relevance of the duty to the service or decision.

1.2 **This is one of two forms that the County Council uses for Equality Impact Assessments, both of which are available on the intranet. This form is designed for any proposal, strategy or policy. The other form looks at services or projects.**

1.3 The Public Sector Equality Duty (PSED)

The public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have “due regard” to the need to

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. (see below for “protected characteristics”

These are sometimes called equality aims.

1.4 A “protected characteristic” is defined in the Act as:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race (including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

The previous public sector equalities duties only covered race, disability and gender.

1.5 East Sussex County Council also considers the following additional groups/factors when carry out analysis:

- Carers – A carer spends a significant proportion of their life providing unpaid support to family or potentially friends. This could be caring for a relative, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems. [Carers at the Heart of 21stCentury Families and Communities, 2008]
- Literacy/Numeracy Skills

- Part time workers
- Rurality

1.6 Advancing equality (the second of the equality aims) involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristic
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people including steps to take account of disabled people's disabilities
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

NB Please note that, for disabled persons, the Council must have regard to the possible need for steps that amount to positive discrimination, to "level the playing field" with non-disabled persons, e.g. in accessing services through dedicated car parking spaces.

1.6 Guidance on Compliance with The Public Sector Equality Duty (PSED) for officers and decision makers:

1.6.1 To comply with the duty, the Council must have "due regard" to the three equality aims set out above. This means the PSED must be considered as a factor to consider alongside other relevant factors such as budgetary, economic and practical factors.

1.6.2 What regard is "due" in any given case will depend on the circumstances. A proposal which, if implemented, would have particularly negative or widespread effects on (say) women, or the elderly, or people of a particular ethnic group would require officers and members to give considerable regard to the equalities aims. A proposal which had limited differential or discriminatory effect will probably require less regard.

1.6.3 Some key points to note :

- The duty is regarded by the Courts as being very important.
- Officers and members must be aware of the duty and give it conscious consideration: e.g. by considering open-mindedly the EIA and its findings when making a decision. When members are taking a decision, this duty can't be delegated by the members, e.g. to an officer.
- EIAs must be evidence based.
- There must be an assessment of the practical impact of decisions on equalities, measures to avoid or mitigate negative impact and their effectiveness.
- There must be compliance with the duty when proposals are being formulated by officers and by members in taking decisions: the Council can't rely on an EIA produced after the decision is made.
- The duty is ongoing: EIA's should be developed over time and there should be evidence of monitoring impact after the decision.
- The duty is not, however, to achieve the three equality aims but to consider them – the duty does not stop tough decisions sometimes being made.
- The decision maker may take into account other countervailing (i.e. opposing) factors that may objectively justify taking a decision which has negative impact on equalities (for instance, cost factors)

1.6.4 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published. However, Codes of Practice issued under the previous legislation remain relevant and the Equality and Human Rights Commission has also published guidance on the new public sector equality duty.

Part 2 – Aims and implementation of the proposal, strategy or policy

2.1 What is being assessed?

a) Proposal or name of the strategy or policy.

'FE Link' or link transport is offered to 16-19 year olds who live in remote rural areas in the county which have no public transport, and takes the form of a free taxi service to the start of the nearest suitable public transport journey to college. The provision is not means-tested.

The offer is outlined in the 2015/16 post-16 Transport Statement as: *'Link transport: Some students (those living in the most rural locations) may be assisted to get to their nearest bus pick up point or railway station provided they attend the nearest appropriate provision.'* The provision is for a maximum of two years.

The proposal is to remove this travel support offer.

b) What is the main purpose or aims of proposal, strategy or policy?

The proposal is to remove this travel support offer.

Proposed changes would be phased in with new starters only being subject to revisions from September 2016. Students awarded transport help in the preceding academic year will continue to receive the same support for 2016/17.

c) Manager(s) and section or service responsible for completing the assessment

Sara Candler, Project Manager (SEND travel)

2.2 Who is affected by the proposal, strategy or policy? Who is it intended to benefit and how?

Students between 16 to 19 years old living in the most rural areas with no bus services who plan to start college from September 2016.

2.3 How is, or will, the proposal, strategy or policy be put into practice and who is, or will be, responsible for it?

All current support will cease. Partnership work is ongoing with sixth forms and colleges.

Lou Carter, Assistant Director, Communication, Planning and Performance (Children's Services)

2.4 Are there any partners involved? E.g. NHS Trust, voluntary/community organisations, the private sector? If yes, how are partners involved?

Schools and colleges. East Sussex County Council will work with student support services at schools and colleges so that they are able to provide information on other sources of funding for these young people.

2.5 Is this project or procedure affected by legislation, legislative change, service review or strategic planning activity?

Local authorities do not have a statutory duty to provide students who are above compulsory school age and living in the most rural locations with assistance to get to their nearest bus pick up point or railway station.

It is anticipated that East Sussex County Council will need to reduce expenditure by £70-90 million between 2016/17 and 2018/19. This level of financial pressure means that all areas of expenditure need to be considered for potential savings. During the 2012/13 to 2014/15 Medium Term Financial Plan there has been a systematic review of the HTST budget to reduce costs. These further savings against the home to school transport budget therefore must come from discretionary areas of spend.

Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics.

3.1 List all examples of quantitative and qualitative data or any consultation information available that will enable the impact assessment to be undertaken.

Types of evidence identified as relevant have X marked against them			
	Employee Monitoring Data		Staff Surveys
X	Service User Data		Contract/Supplier Monitoring Data
X	Recent Local Consultations		Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
	Complaints	X	Risk Assessments
X	Service User Surveys	X	Research Findings
X	Census Data	X	East Sussex Demographics
	Previous Equality Impact Assessments	X	National Reports
	Other organisations Equality Impact Assessments		Any other evidence?

3.2 Evidence of complaints against the strategy or policy on grounds of discrimination.

None prior to the consultation survey.

3.3 If you carried out any consultation or research on the strategy or policy explain what consultation has been carried out.

As of April 2015, there are only 3 travellers on 2 taxis with an actual annual cost to the HTST budget of £4.4k, each being transported between 3 and 5 miles from their homes to either a train station or a bus stop.

Web-based and networking research on post-16 transport offered by other County Councils gathered information from 13 other authorities.

An online survey (also available in printed format) was open to the public from 10 June until 11 September 2015 to gather feedback on the proposed change. Schools and colleges were informed about the consultation and invited to respond.

The Youth Cabinet were also asked for their response.

3.4 What does the consultation, research and/or data indicate about the positive or negative impact of the strategy or policy?

The policy is likely to have a negative impact on children and young people living in the most rural locations.

Removing this transport assistance carries with it a number of risks. Young people living in the most rural parts of the county will find it more difficult to access public transport links in order to attend sixth form or college; although it is not known if any of the current recipients are from low income families and therefore whether they may have access to other means to get to college.

There were 26 responses to the survey, which asked about both FE Link and ESCC travel support for 16-19 year old students from low income families, which would impact a far greater number of children. Respondents were generally more concerned about the effect of removing support for low income students, also there was some concern about how students currently entitled to FE Link support would cope, given that they may also be low income and have poor access to public transport networks.

Part 4 – Assessment of impact

4.1 Age: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County /District/Borough?

There are approximately 12,500 young people between the ages of 16-19 remaining in education in East Sussex.

b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?

Currently a total of 3 post-16 students meet the criteria FE Link support.

It is impossible to project accurately the number who will be affected by these changes as the young people have not yet made their decisions regarding further education choices.

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?

Yes.

d) What is the proposal, strategy or policy's impact on different ages/age groups?

The policy is likely to have a negative impact on young people between the ages of 16-19 remaining in education who live in rural areas without bus services. The policy change may deter or prevent this cohort from continuing in post-16 education.

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

1. Rolling communications plan to reach young people and their families approaching the transition in good time to allow sensible post-16 choices without the assumption that transport will be provided. The timing of the Lead Member decision on the changes on 12th November will be followed by clear communication with schools, young people, parents, sixth forms and colleges in good time for transition in order to allow post-16 choices to be made with the changes in mind. Schools and colleges were informed at the start of the consultation in June that they should ensure that young people making post-16 choices should not make the assumption that transport costs would be provided from September 2016. The Youth Council will be asked to advise on getting the messages across to young people and families. The Council will also ensure that professionals and stakeholders are aware of the changes in support.
2. If eligible as from a low income family, students previously given FE Link provision will be eligible to access the Hardship Fund and other targeted support.

3. ESCC will continue to work closely with colleges to explore how potential impact can be reduced. Post-16 providers will be further encouraged to offer appropriate, timely financial advice and support to their new and existing students, making full use of available sources of funding such as the EFA bursaries.
4. Also encouraging specific colleges to improve provision and efficiency of transport for their own students through working in partnership when it may be possible to share transport provision or routes, e.g. Plumpton and Sussex Downs Lewes, Bexhill and Sussex Coast College.
5. Close monitoring over time.

f) How will any mitigation measures be monitored?

Communication, Planning and Performance teams will regularly review the mitigation measures put in place as part of this policy change. Action plan measures will show clear lines of responsibility for implementation.

4.2 Disability: Testing of disproportionate, negative, neutral or positive impact.

Not applicable

4.3 Ethnicity: Testing of disproportionate, negative, neutral or positive impact.

Not applicable

4.4 Gender/Transgender: Testing of disproportionate, negative, neutral or positive impact

Not applicable

4.5 Marital Status/Civil Partnership: Testing of disproportionate, negative, neutral or positive impact.

Not applicable

4.6 Pregnancy and maternity: Testing of disproportionate, negative, neutral or positive impact.

Not applicable

4.7 Religion, Belief: Testing of disproportionate, negative, neutral or positive impact.

Not applicable

4.8 Sexual Orientation - Gay, Lesbian, Bisexual and Heterosexual: Testing of disproportionate, negative, neutral or positive impact.

Not applicable

4.9 Other: Additional groups/factors that may experience impacts - testing of disproportionate, negative, neutral or positive impact.

a) Not applicable

b) **How are these groups/factors reflected in the County/District/Borough?**

c) Not applicable

d) **How is this group/factor reflected in the population of those impacted by the proposal, strategy or policy?**

Data not available.

- e) **Will people within these groups or affected by these factors be more affected by the proposal, policy or strategy than those in the general population who are not in those groups or affected by these factors?**
- f) Not applicable
- g) **What is the proposal, strategy or policy's impact on the factor or identified group?**
- h) Not applicable
- i) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**
- j) **How will any mitigation measures be monitored?**

4.10 Human rights- Human rights place all public authorities – under an obligation to treat you with fairness, equality, dignity, respect and autonomy. **Please look at the table below to consider if your proposal, policy or strategy may potentially interfere with a human right.**

Articles	
A2	Right to life (e.g. pain relief, suicide prevention)
A3	Prohibition of torture, inhuman or degrading treatment (service users unable to consent, dignity of living circumstances)
A4	Prohibition of slavery and forced labour (e.g. safeguarding vulnerable adults)
A5	Right to liberty and security (financial abuse)
A6 & 7	Rights to a fair trial; and no punishment without law (e.g. staff tribunals)
A8	Right to respect for private and family life, home and correspondence (e.g. confidentiality, access to family)
A9	Freedom of thought, conscience and religion (e.g. sacred space, culturally appropriate approaches)
A10	Freedom of expression (whistle-blowing policies)
A11	Freedom of assembly and association (e.g. recognition of trade unions)
A12	Right to marry and found a family (e.g. fertility, pregnancy)
Protocols	
P1.A1	Protection of property (service users property/belongings)
P1.A2	Right to education (e.g. access to learning, accessible information)
P1.A3	Right to free elections (Elected Members)

Part 5 – Conclusions and recommendations for decision makers

5.1 Summarise how this proposal/policy/strategy will show due regard for the three aims of the general duty across all the protected characteristics and ESCC additional groups.

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people from different groups
- Foster good relations between people from different groups

5.2 Impact assessment outcome Based on the analysis of the impact in part four please mark below ('X') with a summary of your recommendation.

X	Outcome of impact assessment	Please explain your answer fully.
	<p>A No major change – Your analysis demonstrates that the policy/strategy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.</p>	<p>As stated from the start of the consultation, the Council acknowledges that cutting this provision is likely to have an impact on the number of young people who would have been eligible for this support.</p>
X	<p>B Adjust the policy/strategy – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.</p>	<p>It is important that consideration is given to what mitigations can be put in place and that impacts are monitored. Former FE Link eligible students may have access to the Hardship Fund or other college support if low income, and the Communication, Planning and Performance teams will provide monitoring of mitigation measures to track impact on the affected groups.</p>
	<p>C Continue the policy/strategy - This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate</p>	<p>The key mitigations, as set out fully in 4.e are:</p> <ul style="list-style-type: none"> • A timely communications plan for families, young people and stakeholders • If low income, students in very rural locations may be eligible to apply for some financial support through their college • ESCC to work closely with post-16 providers to encourage them to offer or signposting of other sources of support, e.g. ESA bursaries; as they will know the circumstances of their students
	<p>D Stop and remove the policy/strategy – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/strategy altogether. If a policy/strategy shows unlawful discrimination it <i>must</i> be removed or changed.</p>	<p>The key mitigations, as set out fully in 4.e are:</p> <ul style="list-style-type: none"> • A timely communications plan for families, young people and stakeholders • If low income, students in very rural locations may be eligible to apply for some financial support through their college • ESCC to work closely with post-16 providers to encourage them to offer or signposting of other sources of support, e.g. ESA bursaries; as they will know the circumstances of their students

		<p>better than the LA and will be well placed to target the funding at the most vulnerable.</p> <p>The Communication, Planning and Performance teams will provide additional monitoring of mitigation measures to track impact on the affected groups.</p>
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5.3 What equality monitoring, evaluation, review systems have been set up to carry out regular checks on the effects of the proposal, strategy or policy?

(Give details)

An action plan will be developed with the Planning and Performance team so monitoring is carried out.

5.4 When will the amended proposal, strategy or policy be reviewed?

Date completed:	24/09/15	Signed by (person completing)	Sara Candler
		Role of person completing	Project Manager, SEND travel
Date:	24/09/15	Signed by (Manager)	Lou Carter

Part 6 – Equality impact assessment action plan

If this will be filled in at a later date when proposals have been decided please tick here and fill in the summary report.

The table below should be completed using the information from the equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact
4. **If no actions fill in separate summary sheet.**

Please ensure that you update your service/business plan within the equality objectives/targets and actions identified below:

Area for improvement	Changes proposed	Lead Manager	Timescale	Resource implications	Where incorporated/flagged? (e.g. business plan/strategic plan/steering group/DMT)
Communications	Clear communication with schools, young people, parents, sixth forms and colleges in good time for transition in order to allow post-16 choices to be made without the assumption that transport costs will be provided. Ensure professionals and stakeholders are aware of the policy	Lou Carter	November 2015	Communications resources	Equality and Participation along with Planning and Performance team will monitor action plan deliverables

(a) 6.1 Accepted Risk

From your analysis please identify any risks not addressed giving reasons and how this has been highlighted within your Directorate:

Area of Risk	Type of Risk? (Legal, Moral, Financial)	Can this be addressed at a later date? (e.g. next financial year/through a business case)	Where flagged? (e.g. business plan/strategic plan/steering group/DMT)	Lead Manager	Date resolved (if applicable)