

Name of the activity being assessed	Update of Special Educational Needs Transport Policy to meet the necessary new statutory requirements				
Directorate / Department	Schools and Education	Service	Special Needs Transport	Assessment lead	Jackie Clarkson
Is this a new or existing activity?	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing	Responsible manager / director for the assessment		Sue Hayward/Linda Clegg	
Date EIA started	18/10/2016	Implementation date of the activity		01/12/2016	

SECTION 1 - ABOUT YOUR ACTIVITY

How was the need for this activity identified?	<p>The Department for Education has issued statutory guidance on the provision of Post-16 Transport for Education and Training which imposes new duties on the local authority. https://www.gov.uk/government/publications/post-16-transport-to-education-and-training This paper deals with the new duties in relation to young people and adult learners (16-25) with special educational needs and disabilities. Amendments to the Education Act 1996 have imposed some additional statutory requirements on Local Authorities and in addition the Council has a duty to have regard to this statutory guidance when carrying out its duties in relation to Special Educational Needs and Disability Transport.</p> <p>The main points to note are as follows:- The Council has a legal duty to make the transport arrangements it considers necessary to ensure access to education or training for learners of sixth form age (i.e. aged 16 – 18 or those who have started on a relevant course before their 19th birthday). The Council also has discretion to provide transport. The Council does not have to provide transport under these arrangements free of charge.</p> <p>Under Section 508F of the Education Act 1996 (as amended), the Council now has a duty to “make such arrangements for the provision of transport... as we consider necessary or as the Secretary of State may direct” in order to facilitate the attendance of adult learners receiving education at relevant institutions (those maintained or assisted by the authority providing further or higher education or within the further education sector). Any transport we do provide under these arrangements must be provided free of charge to the learners.</p> <p>The Council has concluded that it may be necessary for us to provide transport for:-</p> <ul style="list-style-type: none"> • Adults who are aged between 19 and 25, who have an Education Health and Care Plan and are receiving full-time education in a further education college where the provision has been commissioned by the local authority. • Adults who are aged between 19 and 25, who have an Education Health and Care Plan and the local authority has commissioned provision at an Independent Specialist College on a day or residential basis. <p>The criteria that will be applied to determine whether Blackburn with Darwen Council considers the provision of</p>
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	<p>transport to be necessary is:-</p> <ul style="list-style-type: none"> i) Where the adult has severe or complex learning difficulties that can be evidenced through their previous statement/EHC plan, and previously was entitled to supported transport ii) Where the adult has a physical disability that can be evidenced with professional medical support (see medical evidence form) and through their previous statement or EHC plan, was entitled to supported transport and who cannot reasonably be expected to walk or access public transport now because of their mobility problems or because of associated health and safety issues related to their special educational needs or disability.(As defined in section 6 of the Equality Act 2010 a person has a disability if they have (a) a physical or mental impairment and (b) that impairment has a substantial long term effect on their ability to carry out normal day-to-day activities, therefore, a chronic health condition may lead to eligibility under this definition). <p>The appeals process has been updated with a view to achieving a more consistent approach. The process will now be clearer and more transparent for both parents and the Council in line with the same process for Home to School Transport.</p>
<p>What is the activity looking to achieve?</p> <p>What are the aims and objectives?</p>	<p>Under Section 508F of the Education Act 1996 where a local authority considers the provision of transport to be necessary for young people between the age of 19 – 25 to access education, this must be provided free.</p> <p>The current policy needs updating to reflect the proposed provision as the Council would be in breach of its statutory duties if its policies did not clearly reflect the current legal entitlement of sixth form age and adult learners, and could be challenged.</p>
<p>Services currently provided (if applicable)</p>	<p>Currently Special Needs Transport is provided for pupils aged 5 – 19 attending special schools providing that they meet the eligibility criteria. This will now be extended to the age of 25.</p>
<p>Please outline recommendations that have been identified for implementation following a review of the activity.</p>	<p>Approve the changes to the Special Educational Needs and Disability Transport Policy with effect from December 2016. The policy will be available on www.bwd-localoffer.org.uk.</p> <p>Adults who are aged between 19 and 25, who have an Education Health and Care Plan and the local authority has commissioned provision at an Independent Specialist College on a day or residential basis transport will be extended and will be discussed in the annual review.</p>
<p>Type of activity</p>	<p> <input type="checkbox"/> Budget changes <input type="checkbox"/> Decommissioning <input type="checkbox"/> New activity </p> <p> <input checked="" type="checkbox"/> Change to existing activity <input type="checkbox"/> Commissioning <input type="checkbox"/> Other [please state here] </p>

SECTION 2 - UNDERSTANDING YOUR CUSTOMER**Who else will be involved in undertaking the equality analysis and impact assessment?**

Please identify additional sources of information you have used to complete the EIA, e.g. reports; journals; legislation etc.

Sue Hayward – Service Lead SEND, Children’s Services
 Legal Advice from the Councils Solicitors
 Officers from the Council

- Section 508F of the 1996 Education Act (amended by the Education and Inspection Act 2006
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277016/Post-16_Transport_Guidance.pdf
- Education and inspections Act (2006). <http://www.legislation.gov.uk/ukpga/2006/40/contents>
- Departure for Education’s statutory guidance on post-16 transport to education and training
<https://www.gov.uk/government/publications/post-16-transport-to-education-and-training>

Who are you consulting with? How are you consulting with them? (Please insert any information around surveys and consultations undertaken)

This update is in response to statutory requirement, for this reason along with the view that this update is overwhelmingly positive, consultation is not required. However, consultation will take place with those affected once the policy has been agreed in order to advise them off the changes.

Who does the activity impact upon?*	Service users	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Indirectly			
	Members of staff	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly			
	General public	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly			
	Carers or families	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Indirectly			
	Partner organisations	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly			
Does the activity impact positively or negatively on any of the protected characteristics as stated within the Equality Act (2010)?* The groups in blue are not protected characteristics (please refer to p. 3 of the guidance notes)	Positive impact	<input checked="" type="checkbox"/> Age	<input checked="" type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Pregnancy & maternity	<input type="checkbox"/> Vulnerable groups
		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Deprived communities	<input checked="" type="checkbox"/> Carers
	Negative impact	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Pregnancy & maternity	<input type="checkbox"/> Vulnerable groups
		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Deprived communities	<input type="checkbox"/> Carers
	Don't know	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Pregnancy & maternity	<input type="checkbox"/> Vulnerable groups
		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Deprived communities	<input type="checkbox"/> Carers

***If no impact is identified on any of the protected characteristics a full EIA may not be required. Please contact your departmental Corporate Equality & Diversity representative for further information.**

Does the activity contribute towards meeting the Equality Act's general Public Sector Equality Duty? *Refer to p.3 of the guidance for more information*
A public authority must have 'due regard' (i.e. consciously consider) to the following:

DUTY	DOES THE ACTIVITY MEET THIS DUTY? EXPLAIN
Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity removes or minimises disadvantages suffered by people due to their protected characteristic)</i>	A learner with difficulties or disabilities may take longer to complete a programme of learning or training, therefore the local authority will extend arrangements for the provision of transport until a learner has completed their programme even if that is after they have reached the age of 19 and will continue to support up to the age of 25.
Advance equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity takes steps to meet the needs of people from protected groups where these are different from the needs of other people)</i>	By extending the provision of transport to 25 this facilitates attendance at schools and learning providers of young people with learning difficulties or disabilities.
Foster good relations between people who share a protected characteristic and those who do not <i>(i.e. the function encourages people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	By extending transport provision beyond the age of 19 we will encourage and assist in participation of young people with learning difficulties or disabilities up to the age of 25 to stay in education and training. By providing adequate transport this will enable young people to participate.

ASSESSMENT	Is a full EIA required?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please explain how you have reached your conclusion <i>(A lack of negative impacts must be justified with evidence and clear reasons, highlight how the activity negates or mitigates any possible negative impacts)</i>			
Under section 508F of the Education Act 1996 where a local authority considers the provision of transport to be necessary for young people between the age of 19 – 25 to access education, this must be provided free. As demonstrated throughout the initial assessment this has a positive effect on a number of protected groups including carers, disabled people and young people. No negative impacts have been identified and as a result of this it is suggested that the activity continues without change and without the need for a full Equality Impact Assessment			

Assessment Lead Signature	Signature redacted for online version	Date	18/10/2016
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