

DERBYSHIRE COUNTY COUNCIL

CABINET

25 March 2014

Report of the Strategic Director for Children & Younger Adults

**Changes to Policy for Home to School Transport
to Schools Preferred on Grounds of Religion or Belief – (Children
and Young People)**

1. Purpose of Report

To seek approval for changes to Derbyshire County Council's provision of home to school transport preferred on grounds of religion or belief following a consultation.

2. Information and Analysis

2.1 Background and context

Derbyshire County Council is facing severe budget pressures and needs to save £157m by 2018. Reductions in Government grants, inflation and greater demands on areas of the County Council's budget for adult social care and vulnerable children mean it must re-think the way it delivers services. It means some services will remain, some will be run differently but some will have to cease.

Derbyshire County Council currently provides transport assistance to children and young people that exceeds its legal requirements. One area is denominational (faith) transport where the cost of the transport is either subsidised, or provided for free (for faith pupils who were attending the school before September 2011). The cost of providing this transport was £1,055,198 in 2012/13. Currently 1,613 pupils use this transport provision to 6 Church of England aided and 20 Catholic schools.

In September 2013, Cabinet approved a consultation on the following proposed changes to transport to faith schools from September 2015:

- The Authority would not provide any funding for transport to faith schools, with the exception of pupils entitled to assistance due to low income or disability;
- Transport assistance would be provided only to pupils attending their nearest suitable or 'normal area' school, irrespective of whether this was a faith or non-faith school, and only where the distance between home and school was more than 2 miles for primary school pupils and more than 3 miles for secondary school pupils;
- The Council would continue to provide transport for children attending a school of choice if this school was closer to home than the normal area school but more than the two/three miles;
- Pupils with disabilities who have chosen a school on faith grounds would be subject to a charge consistent with other charges for local authority provided transport, and subject to any provision set out in a Statement of Special Educational Needs.

2.2 Consultation Responses

Under the current Home to School Transport Guidance (2007) local authorities should consult widely on school transport arrangements and such consultations should last for at least 28 working days excluding school holidays. The Council's consultation period ran from 14th October 2013 to 2nd December 2014.

The consultation consisted of an online questionnaire, with letters sent to all current users of the transport, faith schools with Derbyshire pupils, dioceses with schools in Derbyshire and MPs. Furthermore, a notice was placed on the schools' extranet to advise all schools of the consultation.

In considering the responses Cabinet Members will wish to give particular attention to the responses from parents of pupils who currently use the transport.

The Council received the following responses to the consultation:

- 1071 questionnaire responses;
- 19 letters and emails;
- 2 petitions
- 3 meetings with parents, school governors and a representatives of a Diocese.

Questionnaire responses were as follows.

Table 1: Questionnaire responses

Question: To what extent do you agree or disagreewith the Council's proposal to remove the transport assistance currently provided to pupils attending denominational (faith) schools?		...that those parents/carers of pupils with disabilities who choose a school on faith or religious grounds should contribute towards the cost of any transport?		...that if the provision of subsidised transport to denominational (faith) schools ceased, protection should be offered to pupils in exam years i.e. starting in Year 10 or 11 in September 2014?		The proposed changes would mean that pupils attending faith schools would, in future, only receive assistance with transport if they were entitled because of low income or disability, as is currently the case with pupils attending other schools. To what extent do you agree or disagree that this is fair?	
	Users	Non users	Users	Non users	Users	Non users	Users	Non users
Strongly agree	19	81	53	61	269	173	26	73
Agree	9	16	89	60	58	42	49	36
Neither agree nor disagree	3	11	67	38	49	30	41	30
Disagree	26	15	56	38	24	31	57	41
Strongly disagree	409	204	183	124	54	48	284	141
Don't know	4	1	20	6	13	7	13	4

Table 2: Respondents

The breakdown of respondents was as follows.

I am a parent/carers of a pupil using faith school transport	49.79%
I am a parent/carers of a pupil not using faith school transport	15.13%
I am a governor at a school which receives faith school transport	2.94%

I am a governor at a school which does not receive faith school transport	2.00%
I am a member of staff that works at a school which receives faith school transport	7.46%
I am a member of staff working at a school which does not receive faith school transport	3.15%
I work for Derbyshire County Council (not at a school)	4.1%
Other	28.99%

From the questionnaire responses, letters, emails, petitions and meetings the most prevalent reasons for disagreeing with the proposed change by parents of pupils using the transport were:

- It is discrimination against or unfair to Catholic and other faith schools;
- It is unlawful as it contravenes human rights law;
- Faith schools have a wide catchment area making the transport more difficult;
- It would make it more difficult for those just above the threshold for free transport due to low income;
- It is important for children to be education in accordance with belief, faith or values;
- Children might not be able to get to school without the transport, and may have to change schools;
- It is a right to choose to go to a faith school;
- Parents might not be able to get to work;
- There will be more traffic;
- Not wanting to have to go to the local school;
- Some parents already pay for the bus;
- Using public transport is risky;
- It is not fair to introduce changes during a child's education;
- Cost savings are minimal;
- Those attending faith schools pay taxes and non-workers should be targeted first;
- Environmental impact of increased car usage.

For those other than parents of pupils using the transport who disagreed with the proposed changes, the majority of whom identified themselves as a staff member, governor or former pupil of a faith school, the most prevalent reasons given for disagreeing were as for parents of pupils currently using the transport. Additionally, there was a concern that the proposed changes would affect the numbers of faith schools.

The most prevalent reasons for agreeing with the proposed changes, the majority of whom identified themselves as parents of pupils, staff or governors at a non-faith school not receiving transport, Derbyshire County Council employees or 'other' were:

- Going to a faith school is a matter of choice so parents should arrange transport themselves;
- The current policy is discriminatory in favour of faith schools;
- There are better uses of tax payer's money by supporting services for the vulnerable;
- Faith schools are divisive;
- The council is not responsible for these schools so shouldn't provide transport.
- Many of these parents would be able to pay;
- Some could walk anyway;
- Children at non-faith schools are no less important;
- If the transport is important the schools should pay;
- Other councils don't fund parent's choice of school;
- There are some people who really need help who don't receive it.

All the substantive points are responded to within the report and in the equalities impact analysis in Appendix A.

2.3 Response

Whilst there is a duty on the Local Authority to have regard to, amongst other things, any wish of a parent for their child to be provided with education or training at a particular school or institution on grounds of the parent's religion or belief, parents do not enjoy any right to have transport arrangements made by their Local Authority to and from a particular school.

Should the proposed changes go ahead, the Council would endeavour to work with schools and commercial bus operators to seek a replacement service. This, however, would not be guaranteed and it could not be predicted what any costs might be to the parents. In those circumstances, as with parents who choose a school that is not their nearest normal area school, it would be the parents responsibility to ensure their child or children get to school.

Under the current Government Guidance good practice is stated to be that any changes to transport policy should be phased in and come into effect as pupils start school.

Consideration has been given to the application of this good practice guidance. However, given the Council's severe financial position and the steps being taken to mitigate the effects of the change on individual pupils and families described below, together with the outcome of the equality analysis, it is considered reasonable to apply the policy with effect from September 2015.

If the proposal to protect transport for pupils entering years 5 and 10 in September 2014 was approved, transport would continue to be provided for the school year 2015/16 for those pupils, and spare seats could be made available at a charge for other pupils. As such, the transport would cease being provided from July 2016. As such, only pupils currently in years 4 and below, and years 7 and 8 would be directly affected by the proposed changes.

An impact analysis of the proposed changes is attached as Appendix A. Of the 1,613 students currently using the transport, many would have left their current educational establishment by the time the changes came into effect, and a further group would be able to purchase spare seats on transport provided in order to protect those in key years (those entering year 5 or 10 in September 2014). As such, of the 1,613 pupils potentially involved 578 pupils would be directly affected by the changes to the policy.

The analysis indicates that for many students affected by the changes, an alternative source of transport to school is a likely viable alternative, although this would be at the cost of the parents. Furthermore, a further 33 would be entitled to free transport due to low income, 4 have transport provided due to special educational needs, and 4 attend a faith school closer than their normal area school. Transport would continue to be provided for these pupils. 33 pupils currently are taken to school by their parents and receive a reimbursement from the Council, and 13 use public transport. For these pupils their mode of transport would remain, although at the expense of the families in future. 42 pupils currently use a bus provided by the Council but live less than walking distance from school. As such, the current transport arrangements for 449 pupils remain to be resolved.

However, the analysis of the consultation results identified that there are two groups that may be particularly vulnerable as a result of the changes: those living some distance from other pupils attending the school, and families just above the threshold for free transport on the grounds of low income.

It is recognised that many families are facing a challenge due to increased cost of living. The proposed changes are recommended due to the cuts to the council's budget, and whilst it is acknowledged that this may present some difficulties for some families, the Council will seek to mitigate any unwanted negative impacts by committing to work with schools and families to seek alternative commercial solutions to the bus routes being ceased, and by provision of hardship grants to support families particularly affected.

A hardship fund of £100,000 over 4 years be offered to be administered by the relevant Diocesan authorities. This will include £25,000 to be provided to each affected Diocese for a two year period in support of pupils directly affected by the changes in secondary schools, and a further £25,000 to be provided to each affected Diocese for a four year period in support of pupils in primary schools. These grants are intended to be used in support of families and pupils particularly disadvantaged by the changes. In particular those

identified as particularly vulnerable which include pupils living some distance from others travelling to the school and without an alternative means of transport, and families with an income just above the threshold for entitlement to free transport on the grounds of low income for whom the costs may be prohibitive.

2.4 Proposals

It is proposed that the following changes are made to transport provided to schools preferred on grounds of religion or belief:

- That from September 2015 transport assistance would be provided only to pupils attending their nearest suitable or 'normal area' school, irrespective of whether this was a faith or non-faith school, and only where the distance between home and school was more than 2 miles for primary school pupils and more than 3 miles for secondary school pupils;
- That although the provision of subsidised transport to denominational (faith) schools would cease in September 2015, protection should be offered to pupils in key years i.e. those entering years 5 and 10 in September 2014 (therefore years 6 and 11 in September 2015), with spare seats on the transport provided made available to other pupils subject to a charge consistent with other charges for local authority provided transport (currently £316 per annum for primary aged pupils, and £349 per year for secondary age pupils, plus new inflation rate each year);
- That as per the statutory duty, the Council continues to provide free transport for children aged 11-16 who are entitled to free school meals or whose families get the maximum level of working tax credit, where the school is preferred on grounds of religion or belief, where the distance from their home address is between two and fifteen miles and the school is the nearest suitable school;
- That pupils with disabilities who have chosen a school on faith grounds would be subject to a charge consistent with other charges for local authority provided transport, and subject to any provision set out in a Statement of Special Educational Needs (currently £316 per annum for primary aged pupils, and £349 per year for secondary age pupils, plus new inflation rate each year);
- That officers of the Council will continue to support schools and families with sourcing alternative solutions to current bus provision;

- That a hardship grant is offered to the affected Dioceses, totalling £100,000. These grants should be used in support of families and pupils particularly disadvantaged by the changes. In particular those identified as particularly vulnerable which include pupils living some distance from others travelling to the school and without an alternative means of transport, and families with an income just above the threshold for entitlement to free transport on the grounds of low income for whom the costs may be prohibitive.

3. Financial Considerations

The current average annual cost to the Authority per pupil of providing transport assistance to faith schools is approximately £713. The total cost of this is £1,199,750 per annum, of which £1,006,308 is spent on buses, £117,538 is spent on taxis, and £75,904 is spent on parental refunds.

From September 2015, the anticipated annual savings made by the proposed cessation of provision of transport to faith schools would be £1.23m minus income received from charges levied for use of spare seats. This income is predicted at £390,000. It is anticipated that costs for specially-commissioned vehicles and contributions to public service transport for entitled children would increase due to economies of scale. There would continue to be a cost, which is not possible to ascertain at present, for providing transport for statutorily entitled pupils, who live in various parts of the County.

The total annual saving from implementing the changes proposed in this paper would be approximately £760,000 by 2016. The total cost of providing a hardship grant to the 2 affected Dioceses would be £100,000 over 5 years. This would be provided to the Dioceses in April 2015 as a lump sum. It is proposed that the hardship fund of £100k is funded from the previous year CAYA underspend and is held in an earmarked reserve pending transfer of these resources to the Diocese.

4. Legal and Human Rights Considerations

Section 509AD Education Act 1996 places a duty on local authorities to have regard, amongst other things, to parental preferences on grounds of religion or belief, when exercising their powers relating to home to school transport provision. The definition of “religion or belief” follows that in the Equality Act 2010, so the duty covers all religions and philosophical beliefs, and includes lack of religion or belief.

Human rights legislation also requires parental preferences based on religious and philosophical convictions to be taken into account, in so far as this is compatible with the provision of efficient instruction and training, and the avoidance of unreasonable public expenditure. The Guidance Document (373/2007) confirms that parents do not enjoy a free standing right under the European Convention of Human Rights to have transport arranged by the local authority to a faith or secular school.

The Education Act 1996 sets out the Council's duties relating to school transport. The Council must provide free transport to children who are "eligible children". Some children who attend faith schools will be eligible children but only if their families are on low incomes or they meet other criteria. If the proposed policy changes were made, the Council would continue to meet these statutory obligations.

The Council has no duty to provide assistance with transport to those other than eligible children although it has a discretionary power. As set out in DfE Guidance 373/2007, to ensure that the Authority's policy and arrangements continue to comply with equalities and human rights duties, an equalities impact analysis has been completed and is attached as Appendix A and Members are requested to give close attention to the conclusions of this analysis.

In addition Members will wish to be satisfied that there are good reasons contained within the report which justify not applying the phased introduction of changes to transport arrangements as recommended within the Guidance.

5. Human Resources Considerations

There may be some additional requirements for Environmental Services Officer time to support schools in developing their own travel arrangements, should they choose to do so. There would be a moderate reduction in requirement for financial and Environmental Services Officer time in procuring vehicles and managing payments following the proposed cessation of discretionary transport provision.

6. Equality of Opportunity Considerations

In March 2011, the Authority took the decision to withdraw all school transport subsidies for those pupils travelling to non-faith schools who were not statutorily entitled to free school transport, from April 2012. The Authority's current policy, as it stands, could be seen as inequitable since it provides assistance to pupils choosing to attend certain schools on the grounds of religion or belief, but not to pupils attending other faith or non-faith

schools. The proposed changes would remove these perceived inequalities.

Full equality considerations are included in the analysis attached as Appendix A.

7. Health Considerations

For a small number of pupils currently catching a bus for a journey shorter than walking distance, some may choose to walk rather than source an alternative form of transport to get to school which may be beneficial to health.

8. Environmental Considerations

Some pupils affected by the cessation of buses may in future be transported by car to school, thus increasing traffic congestion, air pollution and carbon emissions. The Council would continue to work with schools, parents and other stakeholders to secure alternative bus provision where possible, which would minimise the impact on the environment.

9. Transport Considerations

The proposed changes would have an impact on current providers of transport to faith schools, including bus companies and taxi firms. By seeking to secure alternative commercial bus operations this would minimise the impact on bus providers.

10. Other Considerations

In preparing this report the relevance of the following factors has been considered – prevention of crime & disorder, and property considerations.

11. Background Papers

Derbyshire County Council, Cabinet Report, 1st October 2013 - Consultation on Changes to Policy for Home to School Transport to Schools Preferred on Grounds of Religion or Belief – (Children and Young People)

Department for Education, Guidance on Home to School Transport, available at <http://www.education.gov.uk/aboutdfe/statutory/g00224737/home-school-travel-transport>

12. Key Decision?

Yes.

13. Call-in

Call-in should not be waived in respect of the decisions being proposed within this report.

14. Strategic Director's Recommendation

That Cabinet approve the following changes to the Home to School Transport Policy with regard to schools chosen on grounds of religion or belief:

- That from September 2015, transport assistance would be provided only to pupils attending their nearest suitable or 'normal area' school, irrespective of whether this was a faith or non-faith school, and only where the distance between home and school was more than 2 miles for primary school pupils and more than 3 miles for secondary school pupils;
- That although the provision of subsidised transport to denominational (faith) schools would cease in September 2015, protection should be offered to pupils in key years i.e. those entering years 5 and 10 in September 2014 (therefore years 6 and 11 in September 2015), with spare seats on the transport provided made available to other pupils subject to a charge consistent with other charges for local authority provided transport (currently £316 per annum for primary aged pupils, and £349 per year for secondary age pupils, plus new inflation rate each year);
- That as per the statutory duty, the Council continues to provide free transport for children aged 11-16 who are entitled to free school meals or whose families get the maximum level of working tax credit, where the school is preferred on grounds of religion or belief, where the distance from their home address is between two and fifteen miles and the school is the nearest suitable school;
- That pupils with disabilities who have chosen a school on faith grounds would be subject to a charge consistent with other charges for local authority provided transport, and subject to any provision set out in a Statement of Special Educational Needs (currently £316 per annum for primary aged pupils, and £349 per year for secondary age pupils, plus new inflation rate each year);

- That officers of the Council will continue to support schools and families with sourcing alternative solutions to current bus provision;
- That a hardship grant be offered to the affected Dioceses, totalling £100,000, for 4 years on the terms set out in the report;
- That officers be authorised to enter into negotiations with the Diocesan authorities to regard to the provision of hardship funds;
- That an earmarked reserve be created to hold the hardship fund prior to its allocation to each Diocese.

Ian Thomas

Strategic Director for Children & Younger Adults

Appendix A: Equalities Impact Analysis

1. Proposed changes

Due to reductions in funding from central government, Derbyshire County Council must reduce its expenditure by £157m over the next 5 years. In order to meet these targets, Cabinet is reviewing all areas of expenditure. Cabinet will be guided in its decision making by the priorities contained within the new Council Plan, as it is developed.

Local authorities have statutory responsibilities to provide home to school transport in specified circumstances, but the provision of transport to schools preferred on the grounds of religion or belief is made on a discretionary basis.

There are 46,144 pupils in secondary schools and 55,646 pupils in primary schools in Derbyshire. Of these, 1,682 pupils use transport provided by the Authority to get to faith schools. In 2011, charges were introduced for new students not statutorily entitled to free transport, who were using transport provided by the Authority to travel to faith schools. The current average annual cost to the Authority per pupil is approximately £713 (Mar 2013). From September 2013 the charge is £349 a year per pupil for secondary pupils and £316 for primary pupils, and as such the council subsidises the cost to parents.

The policy change proposed is that from September 2015, with the exception of pupils entitled to assistance due to low income or disability, transport assistance would be provided only to pupils attending their nearest suitable or 'normal area' school, irrespective of whether this was a faith or non-faith school, and only where the distance between home and school was more than 2 miles for primary school pupils and more than 3 miles for secondary school pupils. The Council would continue to provide transport for children attending a school of choice if this school was closer to home than the normal area school but more than the two/three miles walking distance. Due to the potential disruption to pupils at key stages of their education, the Authority will continue to provide transport to pupils going into Year 5 and 10 in September 2014, until the end of the 2015/16 school year. Spare seats on vehicles contracted for this purpose would be available to other pupils on a first come, first served, basis.

It is also proposed that the Authority would give non-financial support to schools and parents who chose to develop replacement transport arrangements. This would involve liaising with potential operators to find suitable alternative provision, including opportunities for commercial solutions. Furthermore, a one-off hardship fund would be made available to both affected diocese, for the provision of support to families whose incomes fall just above the low income threshold, and whose children are currently attending a school, to minimise disruption to their education.

2. Scope of the analysis

This analysis has been conducted to appraise the impact on all 1682 current recipients of transport assistance from Derbyshire County Council to faith schools. It is not possible to anticipate potential future pupils of faith who may have expected to receive transport assistance in the future.

Of the 1613 current recipients of transport assistance to faith schools from the council, 1104 will have either left their current school, due to reaching a natural transition point (those currently in years 5,6,10 and 11, and those in sixth form), or will be able to use spare seats on transport provision protected under the proposed changes, for pupils entering critical years of their education (those currently in years 4 and 9). As such, they will not be directly affected by the proposed changes. As such, the scope of the analysis will include the 578 pupils currently receiving transport assistance to faith schools, who would be affected by the proposed changes during their education at their current school.

For those families whose children do not currently attend a faith school but who wish to apply for a faith school place for their child or children in the future, their right to choose a school on the grounds of faith or belief remains unaffected.

3. Sources of data and consultation

A public consultation was undertaken on the changes proposed in the Cabinet paper 'Consultation on Changes to Policy for Home to School Transport to Schools Preferred on Grounds of Religion or Belief – (Children and Young People)', dated 1 October 2013, and ran from 8 October 2013 to 2 December 2013.

During the consultation, the following responses were received, all of which have informed the proposed changes, and this analysis:

- 1,071 completed questionnaires
- 19 letters or emails
- 2 petitions
- 3 meetings with stakeholders

Furthermore, the following data sources have been used in this analysis:

- Numbers, ages, addresses and schools of those using transport assistance;
- Contract details of buses and other transport contracted by the council to provide assistance to pupils attending faith schools, including routes, costs and numbers of users;
- Types of transport assistance provided, broken down by: buses contracted by the council, other vehicles contracted by the council including taxis, payment of parental reimbursements, payment of transport costs to use trains or service buses.
- Numbers of pupils entitled to transport due to distance, low income and/or special educational needs;
- Distance measures by road between home addresses and schools attended.

- Transport usage and policy for all Derbyshire pupils.

4. What the data and consultation responses tell us

4.1 Availability of transport

Of the 578 pupils potentially affected, approximately 7% would see no change to their transport arrangements, due to being entitled to transport on grounds of low income (6%), or because they are attending a faith school by choice that is nearer to home than normal area school (<1%).

A further 9% would see no change to the transport, but would incur an additional cost. Those entitled to transport assistance due to special education need (<1%) would continue to receive it but would be subject to a charge. 2% currently travel to school using public transport and are provided with passes at the expense of the council, and could continue to do this, but it would be at the families' expense. 6% are currently taken to school by their parents who receive a reimbursement from the council of 45p per mile. For these pupils the reimbursement would be removed.

A further 47% are assessed to be travelling on a bus with a strong likelihood of being continued by a commercial operator. This is assessed by utilisation and cost per seat. Whilst there is no certainty of such routes being secured on a commercial bases, there is a strong likelihood that the route would be of commercial interest, and should it not be, there remains the possibility of either the school, or the parents, or both, procuring the same route at a similar cost to the local authority, at a reasonable cost per seat, per year.

The remaining 37%, are identified as currently travelling on a route which would be less likely to be continued by a commercial operator, due to high cost per seat (currently up to £2,023 per seat per year), low usage and short distances covered by the route. The local authority would, however, pursue in partnership with schools, parents and operators, commercial replacements for these services if possible and appropriate. Of this group 12.5% would be able to get to school using public transport with a total journey times (including walking to and from transport) of less than an hour each way. A further 4.5% do not have a reasonable public transport alternative to their current school.

19% of the pupils affected live in close proximity to, or on a sensible route from other pupils, their current school, and as such are likely to be able to source an alternative mode of transport, which may include local shared arrangements, for which non-financial support would be provided by the council, should it be required.

As such, it is anticipated that approximately 5% of pupils do not have a viable public transport alternative, nor do they live near to other pupils for whom shared transport arrangements might be possible. The local authority deems these pupils to be at

high risk of a negative consequence should the proposed changes go ahead. It is primarily for these pupils that a hardship fund is being provided to each diocese covering the Derbyshire schools affected, in support of families who may experience considerable difficulty in sourcing an alternative means of transport to school.

4.2 Issues affected protected groups, and other groups identified by the data

The data provides us with the following findings:

<i>Protected Group</i>	<i>Findings</i>
Age	<p>The data tells us that the proposed changes would most significantly impact on those currently attending a faith school and receiving transport assistance, who would still be attending that school at the time that the changes would be introduced. As such those affected would be pupils currently in years 3 and below, and pupils in years 7 and 8. Those currently in years 4 and 9 would have their transport provision protected under proposals, and those currently in years 5,6,10 and 11 would have left their current school. Future choices of school for those pupils at educational transition points would be made in the knowledge that there may be cessation of future transport subsidies to faith schools for non-entitled pupils, and as such appropriate transport considerations could have been made by families.</p> <p>The data tells us that most (61%) of those at moderate or high risk of an alternative mode of transport not being found are pupils attending primary schools. It is therefore anticipated that the hardship fund provided to the dioceses would be allocated with this in mind.</p>
Disability	Pupils entitled to transport due to a special educational need would be unaffected, as their transport would continue to be provided under the proposed changes. Whilst there was a small but significant number of respondents to the consultation who stated that they did not feel additional support to pupils with disabilities, this is not accepted, and the local authority will continue to fulfil its statutory duties in providing transport where necessary due to special educational need.
Gender (Sex)	There are no greater adverse impacts anticipated of the changes for any gender.
Gender reassignment	The proposed changes will in no way more greatly impact on those undergoing, or who have undergone, gender reassignment.
Marriage and civil partnership	The proposed changes will in no way more greatly impact on any individual due to their marriage or civil partnership status.

Pregnancy and maternity	The proposed changes will in no way more greatly impact on any individual due to their pregnancy or maternity status.
Race	The proposed changes will in no way more greatly impact on any individual due to their race.
Religion and belief including non-belief	<p>The data tells us that although all 1613 pupils currently receiving the transport assistance attend a faith school, 60% of these are baptised into their faith.</p> <p>Some respondents to the consultation assert that the proposed changes represent an 'anti-faith attitude', or that it discriminates against people choosing to send their child to a faith school. Others assert that the provision of transport assistance to non-entitled pupils attending faith schools, but not to other schools is unfair. Some respondents asserted that faith schools have a wider catchment area than non-faith schools. In March 2011, the Authority took the decision to withdraw all school transport subsidies for those pupils travelling to non-faith schools who were not statutorily entitled to free school transport, from April 2012. The Authority's current policy, as it stands, is inequitable since in practice it provides assistance to pupils choosing to attend certain faith schools on the grounds of religion or belief, but not to pupils attending other faith or non-faith schools. The proposed changes would remove these inequalities and as such the changes do not represent an anti-faith attitude, nor do they discriminate against those with faith over those that do not. It is agreed that faith schools often have a wider catchment area, but in so far as is reasonable given the financial cuts faced by the council, expenditure in facilitating the discretionary transport to schools preferred by choice is not possible.</p>
Sexual orientation	The proposed changes will in no way more greatly impact on any individual due to their sexual orientation.
Socio-economic	Whilst most families on low incomes would be protected under 'extended rights' criteria (currently there are 81 pupils entitled to transport assistance due to low income), the consultation data tells us that those on incomes just above the low income threshold would be particularly affected by these changes. We would deem it appropriate for the hardship fund provided to the dioceses covering schools affected by the proposed changes to allocate the funding with this group considered a priority group.
Rural	The data tells us that there are some families who live a considerable distance from the school their children attend, and for whom alternative public transport is very limited, or unavailable, and for whom the likelihood of a commercial operator or local arrangement providing a service for their

	children is very small – although the data indicates that this group would be small in number (approximately <1% of the total) these families would be particularly affected by these changes. We would deem it appropriate for the hardship fund provided to the dioceses covering schools affected by the proposed changes to allocate the funding with this group considered a priority group.
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5.Ways of mitigating unlawful prohibited conduct or unwanted adverse impact, or to promote improved equality of opportunity or good relations

5.1 Availability of transport

Wherever possible the Council would offer non-financial assistance to schools and other stakeholders (such as the Dioceses) to develop replacement transport arrangements, by liaising with commercial bus providers, and supporting the development of local arrangements in school communities.

5.2 Rurality and Cost

We acknowledge that for some families the withdrawal of the transport assistance would have an adverse impact, however the decision is not one taken of choice, but one of necessity due to the substantial cuts to the council's funding.

The council will continue to work with schools, families and bus operators to seek replacement transport, however in some cases not all current routes may be replaced, and the cost of any replacement services is not known.

In particular, the change could limit significantly for some families the availability of transport to their child's school, and that for some families with an income just above the threshold for entitlement to free transport due to low income, the cost of transport may be prohibitive.

To mitigate some of the challenges faced by these families, we propose to offer a one-off hardship grant of £20,000 to each of the dioceses affected this decision (Hallam and Nottingham) to provide assistance to families whose children are currently attending a faith school and whose continued attendance at that school would be put at risk due to the unaffordability of alternatives to the transport assistance provided by the council.

5.3 Equalities issues relating to faith or belief

In March 2011, the Council took the decision to withdraw all school transport subsidies for those pupils travelling to non-faith schools who were not statutorily entitled to free school transport, from April 2012. The current policy, as it stands, could be perceived as inequitable since it provides assistance to pupils choosing to attend certain schools on the grounds of religion or belief, but not to pupils attending

other faith or non-faith schools. The proposed changes would remove these inequalities.

The council would continue to work with schools to seek replacement transport, as has been done following the decision to withdraw transport subsidies for transport to non-entitled pupils attending non-faith schools.

For those families whose children do not currently attend a faith school but who wish to apply for a faith school place for their child or children in the future, their right to choose a school on the grounds of faith or belief remains unaffected.