

**Appendix B – Equality Needs Impact Assessment**

**Section 1: Equality Assessment Analysis**

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<b>Proposed decision</b>	<b>Possession Order(Mandatory )</b>
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<b>Department</b>	Commissioning		
<b>Period analysis undertaken</b>	October 2023		
<b>Date of review (if applicable)</b>			
<b>Position</b>		<b>Date</b>	

**Section 2: Brief description of policy/decision/business plan**

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<b>1.1 Brief description of decision – reason it is proportionate (Public Law Defence)</b>
<p>The decision to go to the market to tender for a new Home to School transport contract to reliably transport young people to their place of education with a smooth transition from home to school and return as possible.</p>

### Section 3: Pre-implementation equality analysis

This section considers the potential impacts (positive and negative) on groups with 'protected characteristics', the equality information on which this analysis is based and any mitigating actions to be taken.

<p><b>Age</b> - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).</p>
<p><b>Potential impacts (positive and negative) of proposed decision or N/A</b></p>
<p>This decision will impact children of compulsory school age and young adults with SEND up to the age of 25 years. It will also impact on their families, parents and carers.</p> <p>There are an estimated 9,610 children and young people in Southwark with a disability (<b>Southwark SEND JSNA October 2022</b>)</p> <p>The decision will be a positive impact as it will clarify arrangements and support those children and families eligible for home to school transport</p>
<p><b>Mitigating actions to be taken</b></p>
<p>NONE</p>

<p><b>Disability</b> - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.</p>
<p><b>Potential impacts (positive and negative) of proposed decision</b></p>
<p>This decision will impact children of compulsory school age and young adults with <i>Special educational needs and disabilities</i> (SEND) up to the age of 25 years. It will also impact on their families, parents and carers.</p> <p>The decision will have a positive impact as it will ensure good quality transport to school for those children and families eligible for home to school transport. It will also work with young people where possible to develop their ability to travel independently.</p> <p>Different young people will present with different needs and risks. The specification for the transport contract will need to consider all types of need and ensure appropriate service and outcomes for all.</p>
<p><b>Mitigating actions to be taken</b></p>
<p>The specification for the new service should consider the needs of different groups and make provision accordingly such as vehicle accessibility, staggered arrival times, literature available in easy read format and audibly, interpreters in the most common languages and BSL.</p>

<b>Gender reassignment</b> - The process of transitioning from one gender to another.
<b>Potential impacts (positive and negative) of proposed decision of N/A</b>
This decision is not expected to have any impact on this group of people
<b>Mitigating actions to be taken</b>
N/A

<b>Marriage and civil partnership</b> – In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes marriage between same-sex couples. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples and must be treated the same as married couples on a wide range of legal matters. <b>(Only to be considered in respect to the need to eliminate discrimination.)</b>
<b>Potential impacts (positive and negative) of proposed decision or N/A</b>
This decision is not expected to have any impact on this group of people
<b>Mitigating actions to be taken</b>
N/A

<b>Pregnancy and maternity</b> - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
<b>Potential impacts (positive and negative) of proposed decision of N/A</b>
This decision is not expected to have any impact on this group of people
<b>Mitigating actions to be taken</b>
N/A

<p><b>Race</b> - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. N.B. Gypsy, Roma and Traveller are recognised racial groups and their needs should be considered alongside all others</p>
<p><b>Potential impacts (positive and negative) of proposed decision</b></p>
<p>The service is eligible to people based on their disability or impairment. As the prevalence of special educational needs varies significantly between children and young people from different ethnic backgrounds, this service will have a different impact on different amounts of people from these groups. Children from Irish, Black Caribbean and mixed White and Black Caribbean ethnic groups have the highest proportion of SEN and will therefore have the highest number of families affected. Prevalence is lowest amongst Chinese and Indian ethnic groups and will therefore see the lowest number of families impacted.</p>
<p><b>Mitigating actions to be taken</b></p>
<p>Currently data is not routinely gathered on ethnicity of person's being transported to school. It is therefore not possible to verify that the anticipated ethnic breakdown is accurately reflected in numbers of children transported. The new contract should include a requirement that gathering this data is compulsory so that the analysis can be done.</p>

<p><b>Religion and belief</b> - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.</p>
<p><b>Potential impacts (positive and negative) of proposed decision</b></p>
<p>This decision is not expected to have any impact on this group of people</p>
<p><b>Mitigating actions to be taken</b></p>
<p>N/A</p>

<p><b>Sex</b>- Female.</p>
<p><b>Potential impacts (positive and negative) of proposed decision</b></p>
<p>It is anticipated that the service will have a positive impact on families of children with SEND by providing reliable transport of their children to school. It is not therefore designed to be more advantageous towards men or women although it is possible that it may more positively impact women who may be more likely to have to remain at home to care for the child in the absence of this service.</p>

<b>Mitigating actions to be taken</b>
N/A

<b>Sexual orientation</b> - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes
<b>Potential impacts (positive and negative) of proposed decision</b>
This decision is not expected to have any impact on this group of people
<b>Mitigating actions to be taken</b>
N/A

<b>Socio-economic disadvantage</b> – although the Equality Act 2010 does not include socio-economic status as one of the protected characteristics, Southwark Council recognises that this continues to be a major cause of inequality in the borough.  Socio economic status is the measure of an area's, an individual's or family's economic and social position in relation to others, based on income, education, health, living conditions and occupation.
<b>Potential impacts (positive and negative) of proposed decision or N/A</b>
<ul style="list-style-type: none"> <li>• Pupils in all social care groups are over twice as likely to have a special educational need (SEN). Looked after children are nearly 4 times more likely to have a special educational need and almost 10 times as likely to have an education, health and care plan (EHCP) than other children. (Southwark SEND JSNA 2022)</li> <li>• Children looked after are more likely to live or attend school out of borough. This means that there is a greater risk of their Home to School travel being a longer journey time.</li> <li>• Looked after children are twice as likely to have social, emotional or mental health needs. Some of these children have different travel risks such as absconding or being at greater risk of exploitation that can be impacted by their journey to school. The recommended option refers to opportunities that could positively impact this group of young people such as potentially devolving the transport budget to SEMH schools.</li> <li>• The Southwark JSNA also identifies that there is a strong association between poverty and deprivation, and levels of disability. Children and young</li> </ul>

people with SEN are more likely to live in poverty than those without. We know that Southwark is one of the most deprived local authorities in England, ranked 43rd out of 317 local authorities, and approximately 9,600 children (16%) in Southwark aged under 16 live in low income families (though this figure is based on data from 2019/20 and should be treated with caution; impacts of COVID-19 and the current cost of living pressures have likely increased this). Therefore provision of this service is more likely to be of benefit to families living in areas of deprivation.

**Mitigating actions to be taken**

Ensure that all contractors are fully briefed on the different risks presented to/by the cohort of children that they are transporting as well as the appropriate mitigating actions.

Placements for children looked after should continue to consider school travel time when care placements are being considered. Areas of joint commissioning to continue to explore options around longer journeys.

Service providers will be encouraged to be inclusive and staff are required to undertake Equality, Diversity and Inclusion (EDI) training. Service providers are also encouraged to recruit, retain and support a diverse workforce that reflects the service user population and local population in Southwark.

The provider is expected to have an equalities policy in place and it will be a requirement for them to confirm this and share this with commissioners as part of the procurement process.

**Human Rights**

There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour, Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol

**Potential impacts (positive and negative) of proposed decision**

The proposed decision and vision for the service supports children with SEND and their right to life and freedom from discrimination.

**Mitigating actions to be taken**

N/A

Signed.....

