

**Report for:** Cabinet, 14 March 2017

**Item number:** 11

**Title:** Approval of the Haringey Travel Policy Promoting Independence, Enabling Mobility.

**Report authorised by :**   
Charlotte Pomery, Assistant Director Commissioning

**Lead Officers:** Sebastian Dacre, Commissioning Manager  
Victor Roman, SEND Project Manager

**Ward(s) affected:** All

**Report for Key/  
Non Key Decision:** Key Decision

## 1. Describe the issue under consideration

- 1.1 It is a statutory requirement for the Council to have a Travel Policy. A Policy is intended to provide clarity for service users and their parents and carers in accessing travel in a wide range of circumstances and to ensure that those with particular and significant needs are appropriately supported.
- 1.2 Following consultation with a wide range of stakeholders, this paper presents the Travel Policy (the Policy, a copy of which is attached as Appendix 1) to Cabinet for approval. The Policy sets out the basis on which Council funded travel will be provided. The Policy is set out in two main sections: Children and Young people (0 to 18 years) – including continuing learners who started their programme of learning before their 19<sup>th</sup> birthday – and Adults with Learning Disabilities and Disabilities (18+).

## 2. Cabinet Member Introduction

- 2.1 Our Corporate Plan, Building a Stronger Haringey Together, set out our ambitions to enable every child and young person to have the best start in life with high quality education and to empower all adults to live healthy, long and fulfilling lives. The Travel Policy attached contributes to the delivery of these priorities for all Haringey residents and shows how the Council will fulfil its statutory obligations with regard to pupils travelling to school and meet the travel requirements for adults with disabilities, including learning disabilities. The draft policy has been developed in full consideration of the Education Act 1996, the Children and Families Act 2014, including the reforms for children with a special educational need and or a disability, and the Care Act 2014.

- 2.2 Our objective will always be to ensure that everyone in Haringey is able to travel as independently and safely as possible and the Policy focuses on the development of travel skills to support independence and improved health and wellbeing by providing access to a range of travel options. This is a challenging and important issue, and we would like to extend our thanks to all those who participated in the development of the Policy.

### **3. Recommendations**

- 3.1 To consider and take into account the feedback from the consultation undertaken which is set out at 6.4 and in Appendix 3;
- 3.2 To consider and take into account the equalities impact assessment of the proposals on protected groups at Appendix 2;
- 3.3 To consider and take into account the actions proposed in Appendix 2 to mitigate the impact of the policy on the protected groups; and
- 3.4 To approve the Travel Policy, Promoting Independence, Enabling Mobility, to take effect from 1<sup>st</sup> April 2017 attached at Appendix 1.

### **4. Reasons for decision**

- 4.1 Through the Corporate Plan, the Council aims to give children the best start in life and to enable healthy and fulfilling lives for all residents. Council arrangements for travel support, which are not collated in a single policy, do not adequately reflect the current policy imperatives to maximise independence, promote personalisation and enable greater resilience.
- 4.2 The Council recognises that most service users can, with support, meet their own needs for travel to access services and can use public transport to develop independence and social and life skills. It further recognises that to enable children, young people and adults to be more independent often requires the provision of support through initiatives such as travel training and the development of community involvement. The Policy's core principle is to promote the principle of independence through such initiatives whilst ensuring that funded passenger transport is made available where, following assessment, it is deemed to be the only reasonable means of ensuring that the service user can be safely transported to an assessed service.

### **5. Alternative options considered**

- 5.1 Continuing with the current arrangements for travel was considered but rejected as it would not have met the requirements set out either in the Children and Families Act 2014 or the Care Act 2014 in respect of transitions and the importance of travel to giving children the best start in life and enabling adults to lead healthy and fulfilling lives. Developing separate policies for children and young people and for adults was also rejected on similar grounds.

- 5.2 Following consultation, the Policy better reflects the strategic aims of the Council to promote independence for children, young people and adults with the appropriate levels of support and training. The Policy changes largely reflect the primary purpose of the Policy which is to ensure that children, young people and adults who may have mobility needs are able to access support in the most independent way.

## **6. Background information**

- 6.1 The majority of people currently accessing funded travel assistance in Haringey are children and young people with Special Educational Needs and/or Disabilities (SEND) and adults with a range of needs including older people and people with learning disabilities. These will continue to be beneficiaries of funded travel assistance in the borough and we have consulted them, and other stakeholders, in drawing up this Policy.
- 6.2 A full round of pre-consultation engagement (prior to carrying out consultation in accordance to statutory guidance on the draft Travel Policy over the summer) was carried out in January and February 2016 with a range of stakeholders including parents and carers of current users of travel services in Haringey.
- 6.2.1 The methodology for this engagement was through discussion at a number of existing forums in the Borough, notably:
- the Adults Partnership Board (attended by voluntary and community sector representatives, Healthwatch, older people, carers, officers from across the Council and partners in the NHS);
  - the Carers' Reference Group (a sub-group of the Adults Partnership Board (which comprises carers of adults with a range of needs); the Older People's Reference Group (also a sub-group of the Adults Partnership Board comprising older people);
  - the Autism Partnership Board (membership of which is made up of carers, voluntary and community sector representatives, partners in the NHS and officers from the Council);
  - the SEND Reforms Steering Group (a broad membership including parent carers, representatives of specific sectors – namely schools, both mainstream and special, further education establishments, voluntary and community sector organisations, providers, partners from the NHS and officers from the Council).
- 6.2.2 Officers attended the user and carer forums across adults' and children's services as identified above to share the early draft of the Travel Policy and to ensure resident feedback was incorporated into the version of the Travel Policy on which consultation pursuant to statutory guidance was carried out.

- 6.2.3 This pre-consultation period resulted in a number of changes to the draft Policy so that the draft which was consulted on already reflected a range of stakeholder views. The key issues raised were:
- Care Act compliance;
  - Impact on carers of any changes to policy or implementation;
  - Concerns about how the proposed Policy fitted with reducing usage of cars and the impact on parking.
- 6.2.4 Officers raised charging as an issue but this was not identified as an issue for users. In general, stakeholders were looking for more detail about how the Policy would be interpreted and implemented rather than more information about the broader statements set out in the Policy itself.
- 6.3 The statutory consultation ran for a period of 90 days from 7<sup>th</sup> of July 2016 to 4<sup>th</sup> of October 2016 and comprised the elements set out below in line with statutory guidance. Appendix 3 to this report summarises the responses. The consultation process was advertised on the Council website and the online questionnaire was also available on the website. Specific consultation events were also held on the draft Policy and officers attended existing forums to discuss it and gain feedback. Consultation packs containing questionnaires and information about the Policy were handed directly to users of funded transport and to users of day services and sent to all parent carers of children and young people using the transport provision. In addition, consultation packs were available in Wood Green Library throughout the consultation period.
- 6.3.1 Specific consultation workshops for parents, carers, users and all stakeholders potentially affected by the Policy were organised over the course of the consultation period in different venues and at different times which were attended by only 6 people. These were all held at the Civic Centre in October – one in the evening and two during the day time. These were publicised on the website alongside the consultation itself.
- 6.3.2 Officers brought the draft Policy for discussion to a range of established forums, reaching about 150 people and gaining valuable feedback. These forums took place during September and October and included:
- The Learning Disability Partnership Board, which comprises users, carers NHS and the voluntary and community sector;
  - The Learning Disability Carers' Forum, which comprises carers of children, young people and adults with learning disabilities;
  - The Dementia Steering Group, whose membership includes carers, people with dementia, partners from NHS provider Trusts and the Clinical Commissioning Group;
  - The Physical Disability Steering Group including carers and users who are physically disabled;

- The Autism Partnership Board, membership of which is made up of carers, voluntary and community sector representatives, partners in the NHS and officers from the Council;
  - The Adults Partnership Board, attended by voluntary and community sector representatives, Healthwatch, older people, carers, officers from across the Council and partners in the NHS;
  - The SEND Reforms Steering Group, the membership includes parent carers, representatives of schools, both mainstream and special as well further education establishments, voluntary and community sector organisations, providers, partners from the NHS and officers from the Council;
  - Officers carrying out the consultation also met with carers and people with dementia at the Haynes Older People's Day Service and visited the learning disability day provision at Birkbeck Road, Roundway and Ermine Road to meet directly with users of transport. Advocates were present at these meetings to ensure users were able to contribute fully to the consultation process.
- 6.3.3 The consultation process and how to engage in it was also highlighted at the above mentioned forums to maximise awareness and therefore responses from a range of sectors.
- 6.3.4 As well as active engagement with the membership of the above forums, the consultation pack was distributed to all children, young people and their parents using or affected by SEND Transport through the special schools (The Vale, Riverside and The Brook) or colleges (Haringey 6<sup>th</sup> Form Centre and CONEL) they were attending. All adult in-house day centre users were also sent a consultation pack. In all, 650 consultation packs were distributed to users and carers of the current transport services. Some copies were also made available at Wood Green Library. There were 39 written responses in total, which equates to a response rate of 6%. 15 of these were received online.
- 6.3.5 There were two meetings with schools during the consultation period. The first was a meeting of headteachers of Special Schools attended also by Haringey 6<sup>th</sup> Form Centre and the second a meeting of the SEND Reforms group, where early years settings, Haringey 6<sup>th</sup> form college, CONEL college, Haringey mainstream and special schools are represented and on the circulation list for all information. This included a presentation about the draft Transport Policy then out for consultation. Specific meetings were held with a special school and a further education establishment in the borough to discuss the potential implications of the application of the Policy for each school in terms of pick up and drop off of children and young people at their provisions.
- 6.4 A second period of consultation specifically with schools and other agencies was held from 22<sup>nd</sup> December 2016 until 7<sup>th</sup> February 2017. During this period, additional consultation was carried out with the following agencies:

- Other local authorities considered appropriate to consult.
  - The Secretary of State for Education.
  - Transport for London.
  - Owners of 16-19 Academies in the Council's area.
  - The governing bodies of all schools in the Council's area, including maintained schools, academies and free schools.
  - The governing bodies of schools maintained by the Council at which education suitable to people aged 17 or older is provided.
  - The governing bodies of further education institutions in the Council's area.
- 6.4.1 The Consultation yielded two responses from schools and one from the DfE on behalf of the Secretary of State.
- 6.4.2 The responses from the two schools were positive, with some comments around formatting that were taken into account in the redraft of the policy.
- 6.4.3 The DfE has expressed a view on the use of Disability Living Allowance for Home to School Transport. The Council has addressed this in redrafting the policy.
- 6.5 There were a number of issues raised during the consultation which have either resulted in changes to the Policy and or have been fed into the Equalities Impact Assessment (EqIA) and in response to which mitigating actions have been identified. These are summarised in 8.4.4 and set out in more detail in the EqIA, attached as Appendix 2 to this report. The key issues raised during the consultation were as follows:
- 6.5.1 Parking – concerns were raised about the sufficiency of disabled parking bays and whether there would be a greater reliance on use of personal cars, which could contribute to further congestion.
- 6.5.2 Infrastructure – concerns were raised about whether the borough's infrastructure, including pavements, is wheelchair accessible and an audit has been requested.
- 6.5.3 Travel assistance – whilst there was support for greater reliance on travel assistance to support independence, it was also questioned whether there would be sufficient assistance available for everyone requiring this and concerns that this would restrict mobility for some people.



- 6.5.4 Travel options – where options such as sharing vehicles are being proposed, respondents were keen to ensure that Disclosure Barring Checks had been adequately undertaken.
- 6.5.5 Carers – carers expressed a risk that they would be required to provide travel for the people they care for on a regular basis to support access to care and support, where currently they may not.
- 6.5.6 Costs of travel – carers noted that cars and mobility vehicles are expensive to purchase and to run and that this could have an impact on family finances.
- 6.5.7 Charging for travel – people were concerned that disability related and other benefits would be used to pay for travel charges, that this would be unreasonable and that charges would not be related to the charging policy or to the overall charges agreed for the care package.
- 6.5.8 Reduced provision – some respondents were anxious that existing supported travel would be taken away from them or the people they care for leading to increased risk of isolation.
- 6.5.9 Scope and eligibility – feedback highlighted that the policy did not offer sufficient clarity on who was eligible for travel support and in what circumstances.
- 6.5.10 Passenger Transport – respondents asked that the Passenger Transport Policy for Children and Young People’s Services be referenced in the policy.
- 6.5.11 Outcomes – there was a concern that insufficient attention may be paid to the priority of the Policy which is to enable outcomes to be achieved for users of the policy, children and adults.
- 6.5.12 Care Act compliance – further feedback suggested that there were areas where the Policy did not meet Care Act requirements particularly with regard to maximising independence.
- 6.5.13 Disability Living Allowance – the point was made that if a child was eligible for free home to school transport, receipt of any further benefit or payment such as Disability Living Allowance does not remove the Council’s statutory duty to make suitable transport arrangements for the child.
- 6.5.14 Alternative provision – a clearer statement of the circumstances in which public transport may not be suitable for pupils who have been placed in alternative provision by their school or by the Council.
- 6.6 In response to each of these points, and some additional points of style raised during consultation, the draft Policy was amended and the draft Equalities Impact Assessment revised. The issues regarding charging and potential use of disability benefits have been reviewed and the Council has changed the draft Policy in response to the concerns raised. There has been a full examination of the draft

Policy's compliance with the Care Act and all other relevant legislation. The wider issues highlighted, regarding for example parking and infrastructure which touch on implementation of the Policy are being explored by the Council. Subject to approval by Cabinet, it is proposed that the Policy be implemented across children, young people and adult provision from 1<sup>st</sup> April 2017.

- 6.7 Currently, the Council offers support for travel for eligible children, young people and adults through the offer of the in-house transport service, access to commissioned transport services, provision of an escort and or support with travel training. As there has previously been no single policy in place which supports these arrangements, or ensures that where, for example, travel training has been delivered in one setting but a young person moves school or placement the skills developed are transferred to the new journey, there has been a lack of continuity for families. Importantly for users, this has also contributed to increased dependence on services.
- 6.8 In addition, the current arrangements for travel support, particularly where they centre on provision of the in-house passenger transport service, pay little attention to wider environmental and health concerns for example the reduction of traffic congestion, the environmental impact of vehicle journeys and the improvement of road safety. The health and wellbeing impacts of alternative forms of travel, such as walking, wheel-chairing, cycling and the use of integrated public transport are not regularly taken into account in assessing the travel options open to individual users.
- 6.9 The Policy now provides a single approach to travel assistance for children and young people attending school or college and adults accessing day opportunities and other services in the community. This will help to ensure that the service received and the user experience are consistent and that the most efficient, effective and suitable travel assistance is provided. The policy recognises that there may be charges for the provision of travel arrangements as part of a care package which also attracts charges. These would only be applied following a financial assessment and would form part of any charges applied to the provision of the care package overall. Wherever possible, in the provision of travel assistance the Authority will consider travel options for eligible children and adults that lead to reducing the number and length of vehicle journeys and promoting health and wellbeing.
- 6.10 In light of the Policy, the current practices for children and young people need to be made more flexible for the service user and also help to promote the independence of the young person by also providing Independent Travel Training, operating from Central Pick Up Points/ Single Collection Points and making Personal Budgets for travel more widely available. Any changes for individuals will be introduced gradually as part of a transition plan to ensure that there is minimal disruption for children, particularly those with certain conditions.
- 6.11 Likewise for adults, there will be changes in light of the Policy aimed at promoting independence and enabling mobility. The changes will be delivered through moving



away from a reliance on passenger transport particularly the use of multiple occupancy vehicles for transporting people to buildings based provisions and developing and implementing a range of community based travel support solutions, including travel training and buddy arrangements. The intention is to replace passenger transport as these alternatives become more widely available as they offer the best route to independence and are cost effective to deliver.

## **7 Contribution to strategic outcomes**

- 7.1 The Corporate Plan, Building a Stronger Haringey Together, sets out the vision and priorities for the Council over the next three years. Its underpinning principles of empowering communities to enable people to do more for themselves and promoting equality to enable each young person to thrive and to achieve their potential are reflected in the Travel Policy.

## **8 Statutory Officers comments (Chief Finance Officer, Procurement, Assistant Director of Corporate Governance, Equalities).**

### **8.1 Finance**

- 8.1.1 The two main budgets for transport for service users are the Home to School Transport budget for Children with Special Educational Needs which is £2.905m (including £0.5m from the Dedicated Schools Grant) and £560k for transport for users of Adults Services Day Opportunities (largely Older People and Adults with Learning Disabilities).
- 8.1.2 The Children's Service is expected to make £0.9m of savings in 2017/18 from the budget for services for Children with Additional Needs. This policy is in line with the Council's overall strategic aims for the service and should also support the delivery of savings by promoting more flexible and better value for money options for transport (although it is too early to attribute a specific figure to this).
- 8.1.3 Cabinet has approved proposals for the provision of Day Opportunities for Adults with Learning Disabilities and Older People that will result in a shift away from traditional buildings based care towards a more flexible model providing net savings of around £2m. (£1.5m for the Learning Disabilities centres and £0.5m for Older People centres.) The transport budget forms part of this overall reprovision. This policy will support the overall aims of this reprovision and the delivery of savings.

### **8.2 Procurement**

- 8.2.1 The recommendation does not identify any Procurement issues

### **8.3 Assistant Director of Corporate Governance**

- 8.3.1 Cabinet is being asked to approve the Travel Policy that include the arrangements for the provision of transport to attend school, further and higher education and to access services to meet an adult's eligible care and support needs. This is to

ensure compliance with the Council's statutory duties under the Education Act 1996 as amended, the Children and Families Act 2014 and the Care Act 2014, and to better manage resources.

- 8.3.2 The Education Act 1996 as amended and the supporting statutory guidance sets out the Council's duties in respect of home to school travel and transport for children of compulsory school age (5-16) and for all persons of sixth form age receiving education or training (post 16). This includes children and young persons with special educational needs.
- 8.3.4 Section 508A of the Act (*duty to promote sustainable modes of travel etc*) places a general duty on the Council to promote the use of sustainable modes of travel to meet the school travel needs of its area. The duty applies to children of compulsory school age and to young people of sixth form age who travel to receive education or training in the Council's area. The duty relates to journeys to and from institutions where education or training is delivered.
- 8.3.5 Under Sections 508B (*travel arrangements for eligible children*), the Council must make such travel arrangements as it considers it necessary, to facilitate attendance at school for eligible children in its area. Schedule 35B of the Act defines eligible children – those categories of children of compulsory school age (5-16) and for whom free travel arrangements will be required. The Council is required to:
- a) provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school is: beyond 2 miles (if below the age of 8); or beyond 3 miles (if aged between 8 and 16) (*Statutory walking distances eligibility*);
  - b) make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability (*Special educational needs, a disability or mobility problems eligibility*);
  - c) make transport arrangements for all children who cannot reasonably be expected to walk to nearest suitable school because the nature of the route is deemed unsafe to walk (*unsafe route eligibility*);
  - d) provide free transport where pupils are entitled to free school meals or their parents are in receipt of maximum Working Tax Credit if: the nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11); the school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools); the school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11-16) (*Extended rights eligibility*).
- 8.3.6 Section 508C (travel arrangements etc for other children) of the Act provides the Council with discretionary powers to go beyond its statutory duties and provide transport for children who are not entitled to free transport. The Council may, as it thinks fit, pay the whole or part of the child's reasonable home to school travel expenses.

- 8.3.7 Under Section 508D (Guidance etc in relation to sections 508B and 508C) of the Act, the Secretary of State is required to issue guidance in respect the discharge by local authorities of their duties under sections 508B and 508C of the Act. The Department for Education has issued statutory guidance entitled “Home to school travel and transport guidance” in July 2014 which the Council is under a duty to have regard to when carrying out its duties under sections 508A, 508B and 508C. The guidance requires the Council to publish its arrangements and policies for home to school travel and transport for children of compulsory school age.
- 8.3.8 The guidance also requires the Council to consult stakeholders on any proposed changes to the policy on school travel arrangements.
- 8.3.9 The Council is required by the guidance to have in place both complaints and appeals procedures for parents to follow should they have cause for complaint about the service, or wish to appeal about the eligibility of their child for travel support. The procedure should be published alongside the Council’s travel policy statement. The statutory guidance includes a review/appeals process which is recommended for local authorities to adopt.
- 8.3.10 There are also distinct transport provisions for young people (over compulsory school age) aged 16-18 and those continuing learners who started their programme of learning before their 19<sup>th</sup> birthday. These young people and continuing learners are defined as “persons of sixth form age”. Under Section 509AA (*provision of transport etc. for persons of sixth form age*) the Council must prepare for each academic year a transport policy statement. The statement shall specify the arrangements for the provision of transport or otherwise that the Council consider necessary for facilitating the attendance of persons of sixth form age receiving education or training at schools , at further education institutions and at higher education institutions maintained or assisted by the Council. The statement, amongst others, must specify the arrangements that the Council consider necessary for the provision of financial assistance in respect of the reasonable travelling expenses of persons of sixth form age receiving education or training at any of these establishments. The statement shall specify any travel concessions which are to be provided to persons of sixth form age receiving education at any of these establishments. The Council must publish the statement, in a manner which they consider appropriate, on or before 31st May in the year in which the academic year in question begins.
- 8.3.11 Section 509AB (*further provision about transport policy statements for persons of sixth form age*) requires the policy statement prepared under section 509AA to state to what extent transport arrangements include arrangements for facilitating the attendance at these establishments of disabled persons and persons with learning difficulties. It also requires the Council to consult, when preparing the policy statement, governing bodies of schools it maintains at which young people are educated, further education institutions in its area, young people and their parents in its area, and Transport for London.

- 8.3.12 In preparing the post 16 policy statement, the Council is required by section 509AB to have regard to the statutory guidance issued by the Secretary of State titled “Post – 16 transport to education and training” February 2014.
- 8.3.13 The Act in Sections 508F – H makes provision for additional duties owed by the Council to adult learners. This includes transport arrangements to facilitate attendance at further education institutions or higher education institutions maintained or assisted by the Council, preparation and publication of transport policy statements and having regard to statutory guidance issued by the Secretary of State.
- 8.3.14 The Post-16 guidance requires the Council to publish as part of the transport policy statement the process which will be followed should a complaint or an appeal be made on behalf of, or by, a young person. It requires the Council to consult with a number of stakeholders in developing the transport policy. This includes persons of sixth form age and their parents, the governing bodies of schools and further education institutions, Passenger Transport Executives and Transport for London (TfL).
- 8.3.15 Under Section 30 of the Children and Families Act 2014 (*Information and Advice: Local Offer*) the Council must publish information about the provision it expects to be available in its area for children and young people who have special educational needs or a disability. This includes the arrangements for travel to and from schools and post-16 institutions and places at which relevant early years education is provided.
- 8.3.16 The Travel Policy covers the arrangements for the provision of transport as part of the assessed care and support needs of an adult under the Care Act 2014. Section 1 of the Care Act (*Promoting individual well-being*) requires the Council when exercising its care and support functions in respect of an individual, to promote the individual’s wellbeing.
- 8.3.17 Section 2 of the Act (*Preventing needs for care and support*) requires the Council to provide or arrange for the provision of services, facilities or resources, or take other steps, which it considers will contribute towards preventing, delaying or reducing needs of adults in its area for care and support, or the needs of carers in its area for support.
- 8.3.18 Section 4 of the Act (*Providing information and advice*) requires the Council to provide an information and advice service in relation to care and support for adults, and support for carers. The service should include information on how the care and support system operates in the Council’s area, how to access it, what services and providers are available, how to access independent financial advice and how to raise concerns about the safety or well-being of an adult with care and support needs.
- 8.3.19 When an adult is found to have care and support needs following a needs assessment under section 9 of the Act (or in the case of a carer, support needs

following a carer's assessment under section 10), the Council must determine whether any of those needs are at a level sufficient to meet the "eligibility criteria" under section 13 of the Act. Sections 18 and 20 of the Act set out the duty of the Council to meet the adult's needs for care and support and the carer's needs for support which meet the eligibility criteria. For service users and carers, the Council must continue to meet their eligible needs.

- 8.3.20 Section 26 (*Personal budget*) requires the Council to provide each service user with a personal budget. The Care and Support Statutory Guidance provides that *"11.3. The personal budget is the mechanism that, in conjunction with the care and support plan, or support plan, enables the person and their advocate if they have one, to exercise greater choice and take control over how their care and support needs are met. It means....having a choice over who is involved in developing the care and support plan for how the personal budget will be spent, including from family or friends..."*
- 8.3.21 In addition to the statutory requirements mentioned above for consultation on school and post 16 transport, there is a common law duty on the Council to consult with stakeholders that are likely to be affected by the transport policy proposals. The consultation must take place at a time when the proposals are still at their formative stages. The Council must provide the consultees with sufficient information to enable them properly to understand the proposals being consulted upon and to express a view in relation to it. The information must be clear, concise, accurate and must not be misleading. The consultees must be given adequate time to consider the proposals and to respond.
- 8.3.22 The Council must give genuine and conscientious consideration to the responses received from the consultees during the consultation before making its final decision on the proposals.
- 8.3.23 As part of its decision making process, the Council must have "due regard" to its equalities duties. Under Section 149 Equality Act 2010, the Council in exercise of its school and further education transport functions and care and support functions under the Acts referred to above, must have "due regard" to the need to eliminate unlawful discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and those who do not, and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The relevant protected characteristics are age, gender reassignment, disability, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council is required to give serious and substantive consideration to the adverse impact (if any) the proposals would have on the protected groups and, if there would be such adverse impact, to what mitigating factors can be put in place. This exercise must be carried out with rigour and an open mind and should not be a mere form of box ticking.
- 8.3.24 The responses to the consultation on the proposals, the EQIA of the proposals, 'the steps being taken to mitigate any adverse impact on protected groups, and the



general duties of the Council under the Acts referred to above, all must be considered before the Cabinet makes its decision.

#### 8.4 Equality

8.4.1 The Council has a public sector equality duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (as defined in paragraph 8.3.23) and those who do not;
- Foster good relations between persons who share a relevant protected characteristic and those who do not.

8.4.2 The Council currently funds supported travel arrangements for over 500 children and young people needing assistance to travel to their educational establishment. The Council also currently provides supported travel to around 150 adults who need assistance in travelling to adult care services.

8.4.3 An Equalities Impact Assessment (EqIA) has been carried out to accompany the Travel Policy and is attached at Appendix 2. The EqIA finds that the new Travel Policy does not discriminate against protected groups. It aims to adopt a more consistent approach to supported travel based on an assessment of service user needs. The Travel policy intends to advance equality of opportunity by promoting independence and ensuring that all those who have a need for travel assistance are able to access the educational establishment or care service that meets their needs.

8.4.4 As mentioned earlier in paragraph 6.5, the EqIA also identifies in stage 6 a number of mitigating actions to help address some of the concerns raised during the consultation over the fairness and future structure of supported travel arrangements. A summary of the mitigating actions are as follows:

8.4.4.1 We will monitor the consistency of the assessment approach taken under the new Travel Policy, including across different protected characteristics. We will also ensure there are high standards governing supported travel risk assessments and that those carrying out the assessments have the rights skills and experience.

8.4.4.2 The new Travel Policy introduces an objective appeals process for both children and young people and adults so that a travel decision can be challenged if service users or their carers believe it has been wrongly made.

8.4.4.3 Carers' and families' situations, including where appropriate their financial position, will be an active part of the assessment around supported travel assistance.



8.4.4.4 Haringey's information, advice and guidance services including those on the website will be updated to incorporate the new Travel Policy, ensuring that children, young people and adults know about the criteria and options available.

8.4.4.5 Should we change any of the current in-house supported travel services, we will ensure alternative travel options are identified and phased in gradually to avoid risks of disruption or uncertainty for users. This is in acknowledgement of the fact that a significant proportion of those using funded transport services have conditions which may mean they become distressed by any changes to their routines.

## **9 Use of Appendices**

9.1 Appendix 1: Travel Policy Promoting Independence, Enabling Mobility

9.2 Appendix 2: Equalities Impact Assessment

9.3 Appendix 3: Consultation feedback

## **10 Local Government (Access to Information) Act 1995**