

The purpose of Aberdeen City Council is to protect the people and the place of Aberdeen from harm, enabling them to prosper and supporting them in the event of harm happening.

The purpose of an Integrated Impact Assessment is to evidence that Aberdeen City Council are making decisions in an informed way, and that the impact of decisions made is understood and accepted. The legislation that is considered within this assessment are:

- Section 2 [Equality Act 2010 protected characteristics](#)
- Section 3 [Socio-Economic](#)
- Section 4 [Human Rights](#)
- Section 5 [Children and Young People’s Rights](#)

The term ‘policy’ is used throughout this document and applies to policies, proposals, strategies, provision, criteria, functions, practice, budget savings and activities that includes delivery of our services.

1. About the Policy

1.1 Title

Remove Discretionary Additional Support Needs (ASN) School Transport.

1.2 What does this policy seek to achieve?

The aim of this proposal is to strengthen the assessment criteria for young people, to include further assessment of alternative methods of transport, e.g. can they use public transport or does parent have a car, etc. to ensure transport is only being required where statutory and absolutely required. This policy will likely face some challenge. There is a very high risk that this option would face a legal challenge and the council would be instructed to reinstate service subject to judicial review as ACC could be seen to be failing to deliver a statutory duty .

As an organisation, we may be breaching our statutory need to provide transport based on the following legislation:

Education (Additional Support for Learning) (Scotland) Act (2004)

Children and Young People (Scotland) Act 2014

Getting it right for every child (GIRFEC) Policy

A further integrated impact assessment would be recommended once the policy is fully developed and the full impact has been identified.

ASN young people within statutory mileages are assessed on a case by case basis and awarded transport based on their needs. The Council could take a stronger stance in assessing alternative methods of transport, e.g. can they use public transport or does parent have a car, etc. Though this is likely to result in significant negative publicity and legal challenge, which would come at a cost to the Council. It is also difficult to cost, as children who are removed may be re-awarded transport.

This option would require further consideration and legal input before an accurate costing could be provided.

1.3 Is this a new or existing policy?

New

1.4 Is this report going to a committee?

Will be considered as part of the 2024/25 budget proposals

1.5 Committee name and date:

Council, 6 March 2024

1.6 Report no and / or Budget proposal number and / or Business Case reference number:

OSM-16

Impacts

This section demonstrates the considerations that have been made in relation to the policy - and that the impact of proposals made is understood and accepted.

2: Equality Act 2010 - Protected Characteristics

Aberdeen City Council wants to ensure everyone is treated fairly. This section identifies the [protected characteristics](#) that the policy potentially affects and records the impact and mitigating steps.

2.1 What impact could this policy have on any of the below groups?

Protected Characteristic	What is the impact?				
	Negative			Neutral	Positive
	High	Medium	Low		
Age		X			
Disability	X				
Gender Reassignment				X	
Marriage and Civil Partnership				X	
Pregnancy and Maternity		X			
Race				X	
Religion or Belief				X	
Sex		X			
Sexual Orientation				X	

2.2 In what way will the policy impact people with these protected characteristics?

Demographic of users, children/young people. Negative impact on access to Education, particularly for those who may not be able to afford public transport/fuel costs.

Impact on children with additional support needs, who may have difficulty in walking to school due to their needs. Impact on parents/carers, additional strain on caring and for those who may have children at different schools and have difficulty in getting the child to school. However, those with additional support needs may still have entitlement if they are unable to access school by other means.

This may impact any women who are principal carers and their ability to escort children to school.

This may impact men or women who are principal carers.

2.3 What considerations have been made in reaching the above assessment?

What internal or external data has been considered? What does this data tell us?

Reference to previous EHRIA's and IIA's

Data from the phase 2 consultation process has been reviewed and the option is clearly unpopular with the citizens of Aberdeen due to concerns for the safety and future prospects of children and young people. There were some suggestions that parents should take more responsibility for their children's transport and support for either reducing or charging for services.

From discussion with consultees, impacts on women experiencing Pregnancy and Maternity have been added to this IIA.

What consultation and engagement and has been undertaken with officers and partner organisations?

Chief Officers from all other services have had sight of all budget options being put forward.

What consultation and engagement and has been undertaken with people who may be impacted by this policy (e.g. citizens, community groups, or other people/groups)?

Aberdeen City Council launched a three-part public consultation around the 2024/25 Budget and future spending plans from July 2023 to January 2024. In part 1, which ran throughout July 2023, people were asked to award points across different service areas to indicate where they thought the council's spending priorities should be. In part 2, the public could either increase, decrease or not change the level of expenditure in areas listed. In part 3, which took place throughout January 2024, there were two face to face sessions for the public to attend and an online consultation. There were 3,179 responses to part 1, 2,564 responses to part 2 and 285 responses to part 3. Included in all parts of the consultation was a specific question regarding the proposal to Remove Discretionary Additional Support Needs (ASN) School Transport.

In part 2, 61% of respondents wanted no reduction in expenditure, with only 18% in favour of a 21% reduction and 20% in favour of a 100% reduction.

There were no positive comments received in part 3 with all commentary being against the proposal proceeding, with a selection of comments below:

"Disabled children in Aberdeen get very little support compared to other European countries some poorer than the UK. You should really think about that before taking away remnants of support which might mean ultimately these parents will end up on benefits instead of working."

"The removal of free transport for them will also force them into public transport where they already cause issues i.e. forcing bus doors open, noise pollution and again anti social behaviour."

"My child who is severely disabled has used school transport provided by ACC since the age of 3. And now approaching young adult age. By taking away transport for school and young adults you are taking away our lifeline."

"Every bit of school is important. Please don't change this. We rely on the transport and the current support we receive from school."

"Cutting funding to the schools transport would make it more difficult for some children to get into appropriate schools. Certain schools have better facilities for children with learning difficulties than others so this would have a massive impact on some of those that require the help"

"This is surely discrimination against disabled people? Due to lack of ASN provision within the city there are only a few schools available and if a space has been allocated out with your catchment area it is for a good reason, NOT just because parents wanted children to go out of zone. For many children their education would stop. Many parents can not get their children to school on the other side of the city on public transport."

"My son, who is disabled, relies heavily on the school transport to take him to and from school. He is now in s1 and has spent his primary school years on the buses that take him to school. Giving this up would mean that I would have to drive everyday well out of my catchment, and spend time dropping him off, coming back and

picking him up all the while balancing his little sister's school pick up and drop off at another school. It would just not be possible. And we'd definitely not be able to afford a private pick up and drop off."

"As mentioned before, my disabled son relies on school transport as do I. I would find it next to impossible to take him and bring him back from school, if transport was removed, as I have another child in another school."

"Removal of free school transport - my 7-year-old son attends the ASN Wing of Mile End due to his Autism and Global Development Delay. Our catchment primary school could not cater for his level of needs, nor would they be able to keep him safe therefore we are dependent on transport taking him, as both parents work."

2.4 What mitigations can be put in place?

What mitigations are there against any negative impacts (if applicable)?

Assessments would need to ensure young people are able to travel to school by other means, e.g. by parent or public transport. Although parents/carers may struggle with fuel costs or public transport costs (for carer to travel with young person).

Travel training support can be provided through schools.

With mitigations in place, what is the new overall rating of the negative impact(s)?

High	
Medium	X
Low	
Negative Impact Removed	

3: Socio-Economic Impacts

This section is used to consider the impact of the policy on people who might be **unemployed, single parents, people with lower education or literacy, looked after children, those with protected characteristics** as examples.

Use this guide to understand more on socio-economic inequalities: [The Fairer Scotland Duty: Guidance for Public Bodies \(www.gov.scot\)](http://www.gov.scot)

3.1 What impact could this policy have on any of the below groups?

Group	Negative			Neutral	Positive
	High	Medium	Low		
Low income / income poverty – those who cannot afford regular bills, food, clothing payments.		X			
Low and/or no wealth – those who can meet basic living costs but have no savings for unexpected spend or provision for the future		X			
Material deprivation – those who cannot access basic goods and services, unable to repair/replace broken electrical goods, heat their homes or access to leisure or hobbies		X			
Area deprivation – consider where people live and where they work (accessibility and cost of transport)		X			
Socio-economic background – social class, parents' education, employment, income.		X			

3.2 In what way will the policy impact people in these groups?

Negative impact on access to Education, as those who cannot walk or cycle to school, may have no other alternative or be able to afford fuel costs or public transport costs.

3.3 What considerations have been made in reaching the above assessment?

What internal or external data has been considered? What does this data tell us?

Reference to previous EHRIA's and IIA's

Data from the phase 2 consultation process has been reviewed and the option is clearly unpopular with the citizens of Aberdeen due to concerns for the safety and future prospects of children and young people. There were some suggestions that parents should take more responsibility for their children's transport and support for either reducing or charging for services.

What consultation and engagement and has been undertaken with officers and partner organisations?

Chief Officers from all other services have had sight of all budget options being put forward.

What consultation and engagement and has been undertaken with people who may be impacted by this policy? citizens, community groups, or other people/groups impacted by this policy?

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3.4 What mitigations can be put in place?

What mitigations are there against any negative impacts (if applicable)?

Promotion and education on safe walking and cycling routes to school would be undertaken.

Travel training could also be provided.

Public Transport travel for under 22's is now free.

With mitigations in place, what is the new overall rating of the negative impact(s)?

High	
Medium	
Low	X
Negative Impact Removed	

4: Human Rights Impacts

The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. The Human Rights Act came into force in the UK in October 2000

The Act sets out our human rights in a series of ‘Articles’. Each Article deals with a different right.

Use this guide to understand more about [Human Rights](#).

4.1 What impact could this policy have on Human Rights?

Human Rights Article	Negative	Neutral	Positive
Article 6: Right to a fair trial		X	
Article 7: No punishment without law		X	
Article 8: Right to respect for private and family life, home and correspondence		X	
Article 9: Freedom of thought, belief and religion		X	
Article 10: Freedom of expression		X	
Article 11: Freedom of assembly and association		X	
Article 12: Right to marry and start a family		X	
Article 14: Protection from discrimination in respect of these rights and freedoms		X	
Article 1 of Protocol 1: Right to peaceful enjoyment of your property		X	

Article 2 of Protocol 1: Right to education	X		
Article 3 of Protocol 1: Right to participate in free elections		X	

4.2 In what way will the policy impact Human Rights?

The provision of the transport has been key in enabling children to access education, removal of transport may impact on attendance, development or wellbeing.

4.3 What mitigations can be put in place?

What mitigations are there against any negative impacts (if applicable)?

Assessments would need to ensure young people are able to travel to school by other means, e.g. by parent or public transport.

Travel training support can be provided through schools.

If mitigations are in place, does this remove the negative impact?

No – negative impact remains	X
Yes – negative impact reduced	
Yes - negative impact removed	

5: Children and Young People’s Rights Impacts

The United Nations Convention has 54 articles that cover all aspects of a child’s life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to. It also explains how adults and governments must work together to make sure all children can enjoy all their rights.

Children’s rights apply to every child/young person under the age of 18 and to adults still eligible to receive a “children’s service” (e.g. care leavers aged 18 – 25 years old).

The Conventions are also known as the “General Principles” and they help to interpret all the other articles and play a fundamental role in realising all the rights in the Convention for all children. They are:

1. Non-discrimination (Article 2)
2. Best interest of the child (Article 3)
3. Right to life survival and development (Article 6)
4. Right to be heard (Article 12)

You can [read the full UN Convention \(pdf\)](#), or [just a summary \(pdf\)](#), to find out more about the rights that are included.

5.1 What impact could this policy have on the rights of Children and Young People?

UNCRC and Optional Protocols	Negative	Neutral	Positive
Article 1: definition of the child		X	
Article 2: non-discrimination		X	
Article 3: best interests of the child	X		
Article 4: implementation of the convention		X	
Article 5: parental guidance and a child's evolving capacities		X	
Article 6: life, survival and development		X	
Article 7: birth registration, name, nationality, care		X	
Article 8: protection and preservation of identity		X	
Article 9: separation from parents		X	
Article 10: family reunification		X	
Article 11: abduction and non-return of children		X	
Article 12: respect for the views of the child		X	
Article 13: freedom of expression		X	
Article 14: freedom of thought, belief and religion		X	
Article 15: freedom of association		X	
Article 16: right to privacy		X	
Article 17: access to information from the media		X	
Article 18: parental responsibilities and state assistance		X	
Article 19: protection from violence, abuse and neglect		X	
Article 20: children unable to live with their family		X	
Article 21: adoption		X	
Article 22: refugee children		X	
Article 23: children with a disability	X		
Article 24: health and health services		X	
Article 25: review of treatment in care		X	
Article 26: social security		X	
Article 27: adequate standard of living		X	
Article 28: right to education	X		
Article 29: goals of education		X	
Article 30: children from minority or indigenous groups		X	

Article 31: leisure, play and culture		X	
Article 32: child labour		X	
Article 33: drug abuse		X	
Article 34: sexual exploitation		X	
Article 35: abduction, sale and trafficking		X	
Article 36: other forms of exploitation		X	
Article 37: inhumane treatment and detention		X	
Article 38: war and armed conflicts		X	
Article 39: recovery from trauma and reintegration		X	
Article 40: juvenile justice		X	
Article 41: respect for higher national standards		X	
Article 42: knowledge of rights		X	
Optional Protocol on a Communications Procedure			

5.2 In what way will the policy impact the rights of Children and Young People?

The provision of the transport has been determined by Education as required for the child to access education, removal of transport may impact on the best interests of the child and open the authority to legal challenge.

The provision of the transport has been determined by Education as required for the child, based on their additional support needs, to access education, removal of transport may impact on the welfare of the child and open the authority to legal challenge.

The provision of the transport has been determined by Education as required for the child to access education, removal of transport may impact on the ability of the child to access education and open the authority to legal challenge.

5.3 What mitigations can be put in place?

What mitigations are there against any negative impacts (if applicable)?

Assessments would need to ensure young people are able to travel to school by other means, e.g. by parent or public transport.

Travel training support can be provided through schools.

If mitigations are in place, does this remove the negative impact?

No – negative impact remains	X
Yes – negative impact reduced	
Yes - negative impact removed	

6: Sign Off

Any further positive or negative impacts on individuals or groups that have been considered?
No other impacts considered.
Overall summary of changes made as a result of impact assessment.
No changes.
Outline of how impact of policy will be monitored.
Liaison with School community
If there are any remaining negative impacts after mitigation, what is the justification for why this policy should proceed.
<p>There is a requirement to ensure the Council sets a balanced budget, which requires difficult decisions to be taken and this includes proposals with negative impacts.</p> <p>This is a statutory duty for a LA to maintain the provision. Failure to deliver would mean that there is a high risk that this option would be subject to a legal challenge and consequentially an action taken against the Council.</p> <p>Also likely to result in significant negative publicity and legal challenge, which would come at a cost to the Council. It is also difficult to cost, as children who are removed may be re-awarded transport.</p> <p>There is a statutory requirement to provide such transport based on the following legislation:</p> <ul style="list-style-type: none">• Education (Additional Support for Learning) (Scotland) Act (2004)• Children and Young People (Scotland) Act 2014• Getting it right for every child (GIRFEC) Policy <p>There is a very high risk that this option would face a legal challenge and the council would be instructed to reinstate service subject to Judicial review as ACC could be seen to be failing to deliver statutory duty.</p> <p>May impact upon school employed Escorts. As such, this IIA should be read in conjunction with IIA Workforce Reduction, Restructure and Redesign</p> <p>There is an interdependency with option OSM- 18 below which if that option is taken then this option could not be delivered.</p>

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Date	02/02/2024
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Date	26/02/2024