
Report to Clackmannanshire Council

Date of Meeting: 21 August 2025

**Subject: Equality Impact Assessment of Home to School Transport
Policy**

Report by: Strategic Director (People)

1.0 Purpose

- 1.1. The purpose of this paper is to provide an Equality Impact Assessment (EQIA) of the Council's Home to School Transport Policy.

2.0 Recommendations

It is recommended that Council:

- 2.1 Considers the findings of the EQIA and agrees that the current policy, while identifying a limited inequality, continues to support positive pupil transition and social inclusion. Given the small number of pupils affected and the wider implications of any policy change, it is recommended that the existing transport arrangements remain in place at this time
- 2.2 Agrees that a further paper be brought back to enable the Council to decide on the scope of any future public consultation on revisions to the home to school transport policy. The paper will outline the financial and equalities implications associated with the options to be considered as part of the consultation.

3.0 Considerations

- 3.1. At its meeting on 30 January 2025, it was agreed that an Equality Impact Assessment of the Council's School Transport Policies would be undertaken and reported back to Council.
- 3.2. The Council's home to school transport policy was last reviewed in 2011 and is based on the School Transport policy that was approved by Clackmannanshire Council Learning and Leisure Committee in December 2004.

The details of the policy are contained on the Council's website and can be summarised as follows

Free home to school transport is provided

- when a child lives a long way from his or her catchment area school,
- when a child has Additional Support Needs,

- for children who attended P7 in St Mungo's or St Bernadette's Roman Catholic Primary Schools and transfer to St Modan's High School at the start of S1.

Where there are unused spaces on school transport, pupils who are not eligible for free may apply for a concessionary pass.

- 3.3 The Equalities Impact Assessment has identified a potential inequality in the transport policy as free transport is provided to non-catchment children attending St Modan's High school, who previously attended St Mungo's and St Bernadette's Primary school but not to non-catchment children who attended other primary schools in Clackmannanshire. The reason why the Council provides free transport for the children leaving St Bernadette's and St Mungo's is to enable them to travel with their peers to St Modan's. The Equalities Impact Assessment highlights some measures which we consider will mitigate the impact of this potential inequality including where the Council has unused spaces on the buses to St Modan's. Where the Council has unused spaces on the buses to St Modan's it will provide free transport to any young person who applies until all places are used up.
- 3.4 The Council provides transport for approximately 210 pupils who are entitled to free home to school transport to St Modan's and receives applications from a further 15 who are not entitled as they attend the school by way of a placing request and had not attended St Bernadette's or St Mungo's. The Council has capacity for 216 pupils in total across 3 buses which means on average 9 applications per year cannot be accommodated. These remaining pupils can travel to St Modan's, without charge, by public transport using their National Entitlement Card.
- 3.5 While the number of affected pupils is small, the financial impact of extending free transport to all non-catchment pupils attending St Modan's would be significant, estimated at a minimum of £50,000 per year as the pupils come from across the Council area and would require several vehicles. Any change in the policy to provide free transport to all pupils attending St Modan's could lead to a request from parents of any pupil who attends another school by means of a placing request to be provided with free transport. This would have further significant financial implications for the Council.
- 3.6 In order to review the policy a consultation would be required under the 2010 Schools (Consultation) (Scotland) Act which would require consultation with all stakeholders which is all parents across Clackmannanshire and Stirling Council and 2 dioceses of the Catholic Church. Education Scotland would also be required to prepare a report on the outcome of the consultation where they would comment on whether the Council had demonstrated the educational benefits of the change in policy.
- 3.7 As a next step, officers will now consider a review of the policy, resource and implications and timescale for doing so.

4.0 Sustainability Implications

- 4.1. None

5.0 Resource Implications

5.1. Financial Details

5.2. There are no financial implications of accepting the recommendation

5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes ☒

6.0 Exempt Reports

6.1. Is this report exempt? Yes ☐ (please detail the reasons for exemption below) No ☒

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) Our Priorities

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all ☐

Our families; children and young people will have the best possible start in life ☒

Women and girls will be confident and aspirational, and achieve their full potential ☐

Our communities will be resilient and empowered so that they can thrive and flourish ☐

(2) Council Policies

Complies with relevant Council Policies ☒

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ☒ No ☐

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☒

10.0 Appendices

10.1 Appendix 1 - Equality and Fairer Scotland Impact Assessment - Screening

11.0 Background Papers


11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes ☐ (please list the documents below) No ☒

Author(s)

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Michael Boyle	Education Business Manager	2454

Approved by

NAME	DESIGNATION	SIGNATURE
Lorraine Sanda	Strategic Director (People)	

Equality and Fairer Scotland Impact Assessment - Screening

Title of Policy:	Home to School Transport
Service:	Education
Team:	

Will the policy have to go to Council or committee for approval (see below)	No
Is it a major policy, significantly affecting how functions are delivered?	Yes
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups? (see below)	Yes
Does it relate to an area where the Council has set equality outcomes? (see below)	Yes
Does it relate to an area where there are known inequalities?	Potentially
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	Potentially

IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment

IF NO - Explain why an Equality & Fairer Scotland Assessment is not required

APPROVAL		
NAME	DESIGNATION	DATE
Lorraine Sanda	Director	23 June 2025

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

Equality and Fairer Scotland Impact Assessment - Scoping

Purpose of the proposed policy or changes to established policy

Clackmannanshire Council has completed the following Equality and Fairer Scotland Impact Assessment on the Council's existing Home to School Transport policy, which can be accessed on Clacks.gov.uk. The Home to School Transport policy seeks to provide clear information on the provision of home to school transport in Clackmannanshire and be clear about eligibility, statutory requirements, the application process and the process for appeals.

In line with the Education (Scotland) Act 1980, the Council provides school transport to children attending their catchment school if they live a certain distance from the school as follows:

- primary pupils under 8 years at the start of the school session if the distance from home to school is more than 1 mile by the shortest suitable walking route.
- Primary pupils over 8 years at the start of the school session if the distance from home to school is more than 2 miles (by shortest suitable walking route).

For secondary aged pupils, the following criteria applies for the provision of school transport:

Alloa Academy: Any pupil resident in the catchment areas of the school's associated primary schools and whose residence is over 2 miles from the pupil entrance to the school on Lime Tree Walk by the shortest suitable walking route.

Alva Academy: Any pupil resident in the catchment areas of Menstrie PS, Tillicoultry PS, Strathdevon PS, Muckhart PS and Coalsnaughton PS.

Lornshill Academy: Any pupil resident in the catchment area of Clackmannan PS, Craigbank PS, Fishcross PS or Deerpark PS; or who is resident in the catchment areas of Abercromby PS, Banchory PS or St Serf's PS and his/her residence is over two miles from the school, or from the nearest designated transport pick-up point, by the shortest suitable walking route. Pupils' resident in Cambus will also receive free home to school transport.

There are a number of other provisions in the policy and where free home to school transport can be provided:

Additional Support Needs: Children and young people may be entitled to free home to school transport because they have additional support needs such as a disability or mobility issue, which can be short or longer term. These are assessed on a case-by-case basis.

Denominational Schools: The denominational secondary school for Clackmannanshire is St Modans in Stirling. As there is no safe walking route to the school home to school transport is provided. Home to school transport is provided in these cases when:

- Pupils attending St Bernadette's or St Mungo's RC primary schools, and who are eligible under religious grounds (ie baptised) transition to RC secondary education;
- Pupils attending St Bernadette's or St Mungo's RC primary schools and who are not eligible under religious grounds (ie baptised) transition to RC secondary education;

Welfare and Safeguarding: In certain circumstances, children and young people may be entitled to home to school transport where there are welfare and safeguarding concerns, and

where without additional support a pupil may be disadvantaged.

Home to school transport is **not** provided when:

- Placing requests are made for children/young people to attend a school outwith their normal catchment area.
- Placing requests are made for children/young people to attend non-catchment denominational primary schools.
- Placing requests are made for children/young people to attend denominational secondary school (unless they transition from St Mungo's or St Bernadette's).
- Pupils live within the minimum distance thresholds stated in the policy (as above).

Concessionary Travel on School Transport

The policy includes provision that where a vacant place is available on a contract vehicle (and where there is no additional costs) then a place may be offered to a pupil not normally entitled to free school transport. This is normally provided based on the date an application is made (ie first come first served), although an assessment on the affordability of these spaces can be considered when allocating vacant seats.

Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?

General Equality Duty -

➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct

There may be impacts on this part of the general duty, arising from the policy. This non-Roman Catholic children from 2 primary schools in the authority are eligible for home to St Modans high school but non-Roman Catholic children from the other 16 primary schools are not eligible

➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not

There may be impacts on this part of the general duty, arising from the policy.

➤ Fostering good relations between people who share a protected characteristic and those who do not.

There may be impacts on this part of the general duty, arising from the policy.

Fairer Scotland Duty -

➤ Reducing inequalities of outcome caused by socioeconomic disadvantage

The Fairer Scotland duty requires the consideration and assessment of impacts on residents who may experience, or whose situation may be worsened by the implementation of the policy. This assessment should consider socio-economic factors including health; income; employment; poverty and areas of known deprivation. In relation to the Council's home to school transport policy, there may be impacts which arise when pupils (and their parents) are not eligible for this service, and where factors are prevalent which would have a disproportionate impact on some families. This could include low-income families, families where a parent has a disability or health inequality or families residing in areas of multiple deprivation. Young carers, looked after children and large families with several children attending nursery or school could also be impacted by the school transport policy.

To which of the equality groups is the policy relevant?		
Protected Characteristic	Yes/No*	Explanation
Age	n/a	The Public Sector Equality Duty does not apply to age in relation to the provision of school education and related benefits, facilities or services.
Disability	Yes	This policy impacts children with Additional Support Needs including those with a disability. This policy may also affect parents (and their children) with a disability who have children attending school who are not eligible for home to school transport.
Gender Reassignment	No	There is no evidence to suggest that this protected group is impacted by the policy.
Marriage and civil partnership	No	There is no evidence to suggest that this protected group is impacted by the policy.
Pregnancy and Maternity	No	There is no evidence to suggest that this protected group is impacted by the policy.
Race	Potentially	We have no data to indicate any discrimination against children from minority groups.
Religion and Belief	Yes	This policy may impact children and young people who are eligible to attend denominational schools in Clackmannanshire, and schools outwith the authority area.
Sex	No	There is no evidence to suggest that this protected group is impacted by the policy.
Sexual Orientation	No	There is no evidence to suggest that this protected group is impacted by the policy.

* Delete as required

What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?
<p>At the time of the annual school census in September 2024, the Council's full primary school roll is 3,621 The secondary school roll is 2,775.</p> <p>67 primary school children and 1,800 secondary school children/young people receive home to school transport to Clackmannanshire schools. Whilst this number changes year on year, these changes are normally proportionately low and reflect expected shifts in school roll numbers.</p> <p>The number of children with additional support needs, or a disability, receiving home to school transport in 25/26 is 162.</p> <p>The number of children attending denominational primary school education in Clackmannanshire is 92 (St Bernadette's) and 133 (St Mungo's).</p> <p>The number of primary school children attending Gaelic Medium Education(GME) is 5 pupils.</p> <p>The number of children/young people from Clackmannanshire attending denominational secondary school education is 195 (average over 3 years).</p> <p>The number of children receiving home to school transport to attend denominational schools is 180</p> <p>The number of children requesting to attend St Modan's at the start of S1 from other primary schools in Clackmannanshire through a placing request and therefore not eligible for home to school transport is on average 15. After spare transport places are allocated, around 9 pupils per year from this group do not receive free school transport.</p> <p>12% of pupils attending Clackmannanshire schools are from minority ethnic groups</p>
Which equality groups and communities might it be helpful to involve in the development of the policy?
<p>Clackmannanshire Council is undertaking an Equality and Fairer Scotland Impact Assessment on an existing policy and therefore this section is not relevant for the purposes of this review.</p>
Next steps
<p>As per previous section.</p>

Equality and Fairer Scotland Impact Assessment - Decision

Evidence findings	
<p>The Council recognises that the home to school transport policy is of significant interest to children, young people and parents, as well as the wider school's community.</p> <p>Whilst this impact assessment is being undertaken on the existing policy, feedback has previously been provided about home to school transport through previous consultation, and Equality and Fairer Scotland impact assessments prepared as part of these proposals and published on the Council's website. This feedback has provided insight into the concerns that parents and young people have relating to any changes to the Home to School Transport policy which may be considered. Our evidence suggests that this predominantly relates to safe walking routes to schools, particularly in the winter months.</p> <p>The purpose of an Equality and Fairer Scotland Impact Assessment is to consider, assess and mitigate impacts on specific groups and to <i>pay due regard</i> to any impacts when making decisions. Where there are potential impacts, these are set out below, alongside any mitigating factors for the following protected characteristics: disability, religion or belief, race and socio-economic status.</p> <p>Disability – The provision of home to school transport for pupils with additional support needs is clearly set out in the policy. This provision ensures that pupils with multiple and complex additional support needs are transported to and from school to ensure their health and wellbeing and maintain their safety. This means they are able to travel safely, attend regularly, achieve their full potential and access their full entitlement to education. This provision includes pupils with a disability or mobility issue, which can be assessed as short or longer term based on need. This provision includes pupils attending school within the Clackmannanshire authority area and outwith the area.</p> <p>The policy acknowledges that additional support needs, or disability may also affect another person in the pupil's household, such as a parent or sibling. In situations where a pupil is adversely impacted by the disability of a family member living in the same household and which may limit their access to full entitlement to education an application for home to school transport can be made. This <i>could</i> include young carers, although this group is not explicitly stated in the policy.</p> <p>Religion and Belief – The provision of home to school transport for pupils attending denominational education is clearly set out in the policy. There are two Roman Catholic primary schools in Clackmannanshire and Catholic and non-Catholic pupils attend these schools, either through normal catchment rules or through placement request. In line with the policy, if a</p>	

Catholic pupil attends their catchment denominational primary and are distance eligible they will be provided with school transport on distance grounds. If a Catholic pupil applies to attend their non-catchment denominational primary, they will not receive free transport and they will fall within the exception relating to placing requests. Non-denominational pupils are not eligible for home to school transport to a denominational primary under the policy as they fall within the exception relating to placing requests.

Roman catholic education at secondary level is provided at St Modan's, and Stirling Council accepts placing requests from Clackmannanshire pupils under their own policies. Stirling Council have decided that the catchment area of St Modan's should be restricted to Roman Catholic children and that pupils who are not Roman Catholic will only be admitted by way of a placing request. Clackmannanshire's home to school transport policy includes the provision of home to school transport for pupils travelling from Clackmannanshire to St Modan's who meet the criteria on religious grounds (ie baptised children). Non-Roman Catholic children attending St Modan's if they have transitioned from St Bernadette's or St Mungo's are also eligible for free home to school transport. Non-Roman Catholic children from other primary schools in the authority would not be eligible for home to school transport. This is in line with the provision that any pupil attending any school by means of a placing request is not entitled to home to school transport.

Under the Education (Scotland) Act 2016 and Gaelic Language (Scotland) Act 2005, the Council has a duty to support pupils who wish to access Gaelic Medium Education (GME) and specific funding is provided to the Council for this purpose. Pupils can access GME by making placement requests to attend provision in Stirling. Although not explicitly stated in the home to school transport policy transport is provided for pupils attending GME which is funded by Scottish Government.

Clackmannanshire Council adheres to the Scottish Government's School Transport Guidance 2021. This reaffirms the relevant legislation that pupils are not eligible for school transport if their place at school was allocated through a placing request. In the case of denominational schools and Gaelic Medium Education (GME), local authorities' assessment of eligibility for free home to school transport (based on reasonable walking distances) should take into account the relevant catchment areas which such schools use, in this case those set by Stirling Council policy.

Whilst the Council is compliant with the guidance from Scottish Government, there is the *potential* for impacts on the basis of religion or belief in relation to school transport provision although there are complex statutory requirements involved. The Council's policy states that any child can access denominational or non-denominational education and will be eligible for home to school transport where the distance eligibility applies. An impact may arise where non-denominational pupils (who have not attended St Bernadette's or St Mungo's) do not qualify for school transport as they are attending St Modan's by way of a placing request. This issue potentially engages all three 'needs' of the general public sector equality duty and in particular we have considered whether there is a risk that the policy could be

<p>relevant to the first need of the duty (eliminating unlawful discrimination and other conduct) and be indirectly discriminatory on the grounds of religion. However, the impact of this measure is mitigated by the free provision of alternative arrangements. For example, any ineligible pupil may be offered a vacant seats on the school transport. .</p> <p>The Council provides transport for approximately 210 pupils who are entitled to home to school transport to St Modans and receives applications from a further 15 who are not entitled as they attend the school by way of a placing request and had not attended St Bernadette's or St Mungo's. The Council has capacity for 216 pupils in total across 3 buses so rejects on average 9 applications per year. These remaining pupils can travel to St Modans ,without charge, by public transport using their National Entitlement Card. The journey by public transport is longer as it involves changing buses in Stirling or walking from Stirling bus station. The Council consider that this disadvantage is outweighed by the aim of the transport policy namely to ensure that non denominational pupils who attended St Bernadette's or St Mungo's may travel alongside their peers to attend secondary school together. The number of pupils in Primary 7 in each school is only around 15 and it makes their transition to secondary school easier if they are travelling with their peers. Clackmannanshire Council does not have any control over which pupils are accepted into St Modan's and can only make decisions on the provision of home to transport to the school. The majority of pupils from other schools will attend their Clackmannanshire secondary school after Primary 7 and so the pupils who attend St Modan's will not be transferring with their peer group. Although the number of pupils who do not access school transport to St Modan's is small (circa 9) the costs to the Council of providing free transport would be at least £50,000 per year as the pupils come from across the Council area.</p> <p>Race – There is no evidence that the policy has a negative impact on children from ethnic minority groups.</p> <p>Fairer Scotland status – There is provision in the home to school transport policy to assess pupils needs and where required to support specific groups including low-income families, pupils with welfare and/or safeguarding concerns, looked after children and children adversely impacted by the disability of a family member. Mitigations are in place to help families on low incomes including through use of vacant transport seats and the promotion of the Free Bus Travel Scheme for under 22's.</p> <p>Where home to school transport is not provided, families are encouraged to consider alternative active travel options for travelling to and from school, including cycling, walking. Safe walking routes are available for families to support walking to and from school and information provided via schools.</p>	
Details of engagement undertaken and feedback received	
This section is not applicable.	
Decision/recommendation	
Having considered the potential or actual impacts of this policy, the following decision/ recommendation is made:	

Tick	Option 1: No major change The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.	
	Option 2: Adjust the policy – this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.	
X	Option 3: Continue the policy – this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council's obligations under the duty.	Any adverse impact on some non-Catholic pupils travelling to St Modan's is small and can be justified when balanced against the legitimate aim of the policy and the cost implication of extending the policy together with the need for Council to balance its budget. Any adverse impact can also be mitigated by offering vacant spaces on the school transport or otherwise the free provision of public transport.
	Option 4: Stop and remove the policy – if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination, it should be removed or changed.	
Justification for decision		
<p>This impact assessment has been completed on the Council's existing home to school transport policy. It assesses the potential for impacts under the Equality Act general duty and the Fairer Scotland Act and assesses the extent to which there are mitigating factors in place to address any potential impacts on children and young people.</p> <p>The recommendation is that the policy continues without major change or adjustment. This recommendation is based on evidence that a) the Council is meeting its statutory obligations in relation to home to transport provision, b) the evidence shows that any potential adverse impacts are likely to affect proportionately very low numbers, c) any adverse impact on some non-Catholic pupils travelling to St Modan's is small and can be justified when balanced against the cost implication of extending the policy (£50,000) in the context of the need for the Council to balance its budget and that d) mitigations are in place, including local discretion where a specific need is</p>		

<p>highlighted, and flexibility in approaches to support pupils where socio-economic factors are a barrier to accessing opportunities for Education.</p> <p>This assessment highlights the potential for impacts, particularly relating to disability, religion and belief and fairer Scotland (or socio-economic) factors. This assessment also highlights a number of mitigating factors already in place and the degree of flexibility and discretion to enable Education services to assess needs and provide support on a case-by-case basis.</p>			
APPROVAL			
NAME	DESIGNATION	DATE	
Lorraine Sanda	Director	23rd July 2025	