

EQUALITY IMPACT ASSESSMENT - RESULTS

Title of Policy	Adding the National Smart Ticketing Advisory Board to the Gender Representation on Public Boards (Scotland) Act 2018.
Summary of aims and desired outcomes of Policy	Adding the National Smart Ticketing Advisory Board will commit it to working towards achieving the gender representation objective.
Directorate: Division: team	Transport Scotland - Bus Accessibility and Active Travel

Executive summary

Establishing the National Smart Ticketing Advisory Board (NSTAB) (“the Board”) is a legal requirement imposed on the Scottish Ministers by the Transport (Scotland) Act 2019 and will advise Ministers on the development and strategy of smart ticketing in Scotland, including a technological standard for smart ticketing.

An Equality Impact Assessment has been carried out as adding the Board to the Gender Representation on Public Boards (Scotland) Act 2018 (the "Representation Act") requires legislation and therefore needs to be assessed.

The evidence gathered as part of this Equality Impact Assessment has found that there are no negative impacts on people with one or more of the protected characteristics through adding NSTAB to the Representation Act. It found that there are opportunities to advance gender equality and to foster good relations because of working towards the gender representation objective.

As of 31 December 2021, 50.8% of Scottish public appointees were women, and in 2021-2022, 37.5% of Director-General Economy public appointees were women¹. As such, committing NSTAB to the Representation Act should further improve the gender representation within of public boards, and empower more women to apply and be appointed to public boards.

Additionally, Women in Transport, Sustrans, and United Nations Economic Commission are just some bodies that have called for greater representation of women in transport planning and delivery.

Women in Transport state that, “Women make up 47 per cent of the UK workforce yet remain underrepresented in the transport sector accounting for only 20 per cent of workers”².

¹ [2022-10-28 ESC Annual Report 2021-22 \(Public Appointments standalone report\) FINAL_0.pdf \(ethicalstandards.org.uk\)](#)

² [Women in Transport](#)

In 2018, Sustrans called for better representation of women in transport planning and delivery in Scotland: “The report also found that there is a lack of evidence to show how women participate in creating transport policy and planning in the UK. Currently, transport has the lowest percentage of women in senior posts within the public sector in Scotland, with women representing only 6.25% of heads of transport bodies. In addition, the transport sector accounts for only 22% of female workers UK-wide”³.

The United Nations Economic Commission for Europe state that, “Transport is a traditionally male-dominated sector, both from an employment point of view and for the values it embodies”⁴. It also states that for transport policy to be more responsive to the needs of women, it requires that women be represented in each step of the transport investment planning and design process.

The 2011 Scottish Census found that women accounted for 24% of all people employed in the ‘Transport and Communications’ industry. The sector ranked 6 out of 8 for percentage of women and scored 6th for gender balance. In 2020-2021, the Annual Population Survey found that women accounted for 19.8% of people employed in the ‘Transport and Storage’ industry in Scotland⁵.

This Equality Impact Assessment has helped to focus the establishment of the National Smart Ticketing Advisory Board and its addition to the Representation Act so that it complements other aspects of the wider NSTAB Equality Impact Assessment. Adding NSTAB to the Representation Act is just one action being taken by NSTAB to advance quality and remove discrimination.

Background

The National Smart Ticketing Advisory Board will advise Ministers on the development of smart and integrated ticketing, including the development of a smart ticketing technological standard to improve multi-modal integration.

The Transport (Scotland) Act 2019 imposes a legal requirement on the Scottish Ministers to establish an advisory committee to be known as the National Smart Ticketing Advisory Board. The Transport (Scotland) Act 2019 inserted section 27C into the Transport (Scotland) Act 2001 which provides:

27C(1) - “The Scottish Ministers must establish an advisory committee to be known as the National Smart Ticketing Advisory Board (“the Board”)”

27C(4) - “The Scottish Ministers may by regulations make provision about the Board, including provision about—

- (a) the appointment, removal, and replacement of members,*
- (b) the remuneration of members (including as to payment of a member’s expenses),*
- (c) the process by which the Board makes decisions.”*

³ [Sustrans calls for equal representation of women in transport - Sustrans.org.uk](https://www.sustrans.org.uk)

⁴ [Gender and transport | UNECE](https://www.unecf.org/gender-and-transport)

⁵ [Scotland’s Labour Market: People, Places and Regions - Statistics from the Annual Population Survey 2020/21 - gov.scot \(www.gov.scot\)](https://www.gov.scot)

The regulations described at section 27C(4) are being developed and make provision in relation to those matters described in sub-paragraphs (a) to (c).

Evidence showed that as of March 2021, 45% of service public appointees were women, a slight increase on the figure for 2019/20 (44%). Appointees in 2020-2021 who are women in DG Economy public appointments equate for 46%. In addition, at the time of the last Scottish Census, women made up only 24% of employees in 'Transport and Communication', ranking the industry 6th out of 8 for gender balance. Sustrans, Women in Transport and United National Economic Commission for Europe also state that women must play a greater role in transport planning and policy development.

The consultation held on the membership of the National Smart Ticketing Advisory Board did not raise any significant concerns around gender representation, but some did remark about equality more widely.

An appointment process is necessary to appoint board members and a chairperson. Membership will consist of representatives from transport operators, public authorities, charities, and user groups. The policy team will manage this appointment process. It is proposed that the appointments will be open to anyone, although there are specific sectors and roles that will require representation on the Board. Appointments will be made by Scottish Ministers.

Adding NSTAB to the Representation Act would have the following impact:

1. The Scottish Ministers would be under a legal duty to follow an appointments process contained in the Representation Act when appointing "non-executive members" to NSTAB (positions which are not excluded under the Act and not employees). In short, when there are multiple candidates for a vacancy and at least one is a woman and one is a man, the Scottish Ministers would be required to follow the process in the Representation Act with a view to achieving (or making progress towards achieving) the gender representation objective.
2. The Scottish Ministers would need to identify equally qualified candidates in the absence of a best qualified candidate. Then, subject to an exception (discussed next), the Scottish Ministers would be required to give preference to an equally qualified candidate who is a woman if appointing that candidate would result in NSTAB achieving (or making progress towards achieving) the gender representation objective. The exception to this rule is the Scottish Ministers could appoint an equally qualified candidate who is not a woman if they consider it justified based on a characteristic or situation particular to that candidate.
3. If NSTAB was added to the Representation Act, other legal duties would be imposed on the Scottish Ministers and NSTAB itself. Key duties include the Scottish Ministers and NSTAB would be required to take appropriate steps to encourage women to apply to become non-executive members. Also, the Scottish Ministers and NSTAB would be required to publish regular reports on the exercise of their functions under the Representation Act.

It is also worth noting that whilst this Act specifically refers to gender, NSTAB will also work to be attractive to those with protected characteristics, or who are otherwise underrepresented on public boards. This includes making the Board's time commitments low and meetings virtual to maximise suitability to all types of people. The secondary legislation will include that membership should include someone who, in the view of the Scottish Ministers, represents users (including disabled users). It is the intention for NSTAB to be a leader in diversity and inclusion in the transport sector.

The Scope of the Equality Impact Assessment

In the drafting of this Equality Impact Assessment due regard has been given to the three needs of the equality duty: to eliminate unlawful discrimination; to advance equality of opportunity between people who share a protected characteristic and those who do not and to encourage or foster good relations between people who share a protected characteristic and those who don't.

The Equality Impact Assessment gathered a range of data and information to inform the analysis of the impact of establishing the NSTAB. Evidence and information were gathered from the following sources:

- Diversity Delivers (Ethical Standards Commissioner)
- Annual Report 2020-21 (Ethical Standards Commissioner)
- Equality Act 2010
- Gender Representation on Public Boards (Scotland) Act 2018
- Public Sector Equality Duty (Gov.uk)
- Overcoming Barriers to Equality and Diversity Representation on Public, Private and Third Sector Boards in Scotland (Scottish Government)
- Consultation on the membership of the National Smart Ticketing Advisory Board (Transport Scotland)
 - Transport and Travel in Scotland 2019 (Transport Scotland)
 - Disability and Transport (Transport Scotland)
- Women in politics and public life (House of Commons)
- Women in Transport
- Gender and Transport (United Nations Economic Commission for Europe)
- Scottish Census
- Calling for equal representation of women in transport (Sustrans)

The evidence gathered considered the current gender balance on boards and gender balance of transport users.

Key Findings

Having reviewed the evidence and supporting documentation, no negative impacts were identified by the Equality Impact Assessment. It is expected that there will be several positive impacts to equality, as identified below:

Eliminate discrimination by:

- NSTAB will encourage applications from women so there is a greater likelihood of achieving the gender representation objective. We will aim to

network with women in the transport industry who may be interested in applying to be member on NSTAB. This could also include advertising the NSTAB roles on websites such as Women in Transport.

Advance equality by:

- It is intended that NSTAB will be added to the Representation Act, which will commit NSTAB to the target of achieving the gender representation objective and allow certain process to take place to work towards achieving the gender representation objective.
- It is also recognised that it may remain a challenge to achieve this due to the applicant pools and experience required for members of NSTAB.

Foster good relations by:

- Diversity of board members should help to encourage improved relationships by providing a diverse environment for members to learn and be involved in more diverse decision making and discussion. This education and awareness should help to encourage good relations.

The policy is not directly or indirectly discriminatory under the Equality Act 2010.

Recommendations and Conclusion

The Equality Impact Assessment has demonstrated that adding NSTAB to the Representation Act is taking due regard to equality.

For example:

- It is the intention that appointment of members will be subject to the Gender Representation on Public Boards (Scotland) Act 2018.
- The Board will be committed to working towards achieving the gender representation objective.
- Women will be specifically encouraged to apply to improve the chance of achieving the gender representation objective.

This will have minimal impact on costs.

This Equality Impact Assessment has helped to focus the establishment of the National Smart Ticketing Advisory Board and its addition to the Representation Act so that it complements other aspects of the wider NSTAB Equality Impact Assessment. Adding NSTAB to the Representation Act is just one action being taken by NSTAB to advance quality and remove discrimination.

The impact of the legislative changes will be monitored to ensure that any unanticipated impacts are not felt by any group. We will monitor the applications we receive with regards to sex following each appointment round.