

EQUALITY IMPACT ASSESSMENT - RESULTS

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| Title of Policy | Establishment of the National Smart Ticketing Advisory Board |
| Summary of aims and desired outcomes of Policy | The National Smart Ticketing Advisory Board (NSTAB) (“the 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. |
| Directorate: Division: team | Transport Scotland: Bus Accessibility and Active Travel: Concessionary Travel and Integrated Ticketing Unit |

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 the establishment of the Board requires secondary legislation and therefore needs to be assessed. The appointment of Board members will be managed by the policy team responsible for smart and integrated ticketing in Transport Scotland. Appointments will be made by the Scottish Ministers.

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 establishing NSTAB. It found that there are opportunities to advance equality of opportunity and to foster good relations as a result of proposing that membership of the Board should have an accessibility representative.

The evidence showed that public transport (particularly bus and rail) is used by younger and older people, disabled people, as well as being a minority ethnic people. For example, 57% of those aged 16-19 and 48% those aged 60-69 use the bus at least once a month, compared to 59% of those aged 50-59¹. Women tended to use buses more frequently than men (26% of women used the bus at least once a week compared to 23% of men)¹.

As such, having user representatives (including disabled users) on the Board, as well as operator representatives, should encourage consideration of the diverse users of public transport. For example, women tend to use public transport more than men, and therefore consideration of policy should reflect that. Accessibility

¹ [Transport and Travel in Scotland 2019](#) (p.24)

representatives will contribute to the consideration of passengers with different needs.

We are intending to add NSTAB to the Ethical Standards in Public Life etc. (Scotland) Act 2000, and the Gender Representation on Public Boards (Scotland) Act 2018.

This Equality Impact Assessment has helped to focus the establishment of the National Smart Ticketing Advisory Board so that it is open to applications to all those with protected characteristics, and with a membership that understands and represents the variety of transport users in Scotland. It has helped to signify the importance of having a flexible Board operation that encourages those currently under-represented to apply. It has also identified the need for a package of both legislative and non-legislative actions to support advancement of equality and reduction of 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.”*

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).

A consultation has already been held on the membership of this Board, which has identified the requirements that will go into the secondary legislation. The legislation particularly focuses on the appointment methods of members, remuneration, and the process by which the Board makes decisions and operates. The legislation is therefore focused on the Board’s operation, as opposed to the policies the Board will advise on.

The consultation held on the membership of the National Smart Ticketing Advisory Board did not raise any significant concerns around equality. Respondents were asked whether disability organisations should be represented on the Board with 77.4% of respondents agreeing that should. Furthermore, three written answers also emphasised the importance of having accessibility representatives on the Board.

“Passenger representatives and accessibility representatives”

“If disabled people (or other citizens with particular valued perspectives) are involved on the Board it may be reasonable to remunerate them - disabled people are often expected to offer insights from their lived experience on an entirely voluntary basis which can be unfair and can also reduce the pool of people willing and able to contribute.”

“[It] is reassuring that the value of input from disabled people has been recognised”

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. This appointment process will not be regulated by the Commissioner for Ethical Standards in Public Life in Scotland (the “Ethical Standards Commissioner”) and as such process will be managed by the policy team². The Scottish Ministers will make appointments.

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 do not.

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)

² [Public appointments - Public bodies - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/public-appointments-public-bodies/pages/2.aspx)

- Disability and Transport (Transport Scotland)
- Women in politics and public life (House of Commons)

The evidence gathered considered how NSTAB can represent protected groups and how membership of NSTAB can welcome applications and members from protected groups

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 a number of positive impacts to equality, as identified below:

Eliminate discrimination by:

- To ensure we receive applications from a wide range of people as possible we will make the application process accessible, including making information available in the alternative formats. This will be via the standard Transport Scotland process.
- The Code of Conduct (by virtue of the intention of adding NSTAB to the Ethical Standards in Public Life etc. (Scotland) Act 2000) for NSTAB members will contain a section about consideration and treatment of others to promote a good working environment. It will contain information about the process during a member's absence (i.e. maternity cover). It will also outline the process should the Code of Conduct be broken, including escalation of issues to the sponsor team and the Scottish Ministers, and highlighting the power the Scottish Ministers have to remove or replace members of the Board.

Advance equality by:

- It is the intention that NSTAB will be added to the Gender Representation on Public Boards (Scotland) Act 2018. NSTAB and the Scottish Ministers will be required to take steps to achieve the gender representation objective as defined by that Act.
- Meetings will be held virtually by default to maximise inclusivity for groups of people who may have limited time or mobility, or need a specific environment to be in.
- Seek to ensure that meetings are digitally and/or physically accessible for those that have assistive technologies and specific requirements.
- Seek to ensure that print and publications will meet digital accessibility standards.
- Seek applications from accessibility and user groups who will be able to consider the views of people with one or more protected characteristics.
- NSTAB will consider the impact of the recommendations on Scotland's diverse population. Public transport is typically used by younger and older people, as well as those on lower income or from minority ethnic backgrounds. These groups of people are not necessarily independent of each other.

Foster good relations by:

- We will encourage applications from a diverse range of people to promote diversity within Board membership. This could be via publicising adverts via multiple different channels, such as Women in Transport and social media.
- We will aim that Board Members are aware of diversity and inclusion barriers and opportunities. This awareness could be delivered by D&I training, having a range of diverse appointees, and engagement with diverse communities.
- NSTAB will consider the impact to diverse communities when providing recommendations and advice to the Minister.
- These actions will foster 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 the establishment of NSTAB is taking due regard to equality although emphasis on this will now be strengthened. For example:

- The Code of Conduct for NSTAB members will have a section about consideration and treatment of others to promote a good working environment.
- It is the intention that appointment of members will be subject to the Gender Representation on Public Boards (Scotland) Act 2018.
- NSTAB will aim to a representative of accessibility on the Board.
- NSTAB will hold meetings virtually by default, as this is to help encourage diversity of members and work around people's lives.
- NSTAB will aim to foster good relation by encouraging applications from a diverse range of people, be aware of diversity and inclusion, and consider the impact to diverse communities of recommendations and advice.

This will have minimal impact on costs. Having virtual meetings, for example, will help to minimise costs. There has been no budgetary effect from the undertaking of the Equality Impact Assessment as consultation and collection of evidence was needed as part of the development of the legislative proposals.

This Equality Impact Assessment has helped to focus the establishment of the National Smart Ticketing Advisory Board so that it is supportive of people with protected characteristics, and with a membership that understands and represents the variety of transport users in Scotland. It has helped to signify the importance of having a flexible Board operation that encourages those currently under-represented to apply. It has also identified the need for a package of both legislative and non-legislative actions to support advancement of equality and reduction of 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 gender following each appointment round.