

Appendix E Equalities Assessment Framework

Public Sector Equality Duty

Section 149 of the Equality Act 2010 sets out a 'public sector equality duty'. This requires public authorities to have due regard to the need to eliminate discrimination, harassment, victimisation, advance equality of opportunity, and foster good relations between those with a protected characteristic and those without.

The following guide questions have been designed to allow for testing the implementation of the PSED. They provide a transparent framework to assess the extent to which emerging RTS components promote equality of opportunity, including the removal of physical and cultural barriers to accessing and benefiting from the transport system experienced by persons with protected characteristics as specified in the Equality Act 2010, namely age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. The framework also recognises the intersectionality of inequalities by including thematic guide questions that can be considered in relation to protected characteristics both individually and in combination.

Assessment Framework: Public Sector Equality Duty

Will the emerging RTS and its associated delivery mechanisms...

- *Result in any likely different or disproportionate effects on persons with protected characteristics as specified in the Equality Act 2010, namely age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation?*
- *Promote public realm and design choices that provide a safe, secure, and accessible environment for all?*
- *Promote social cohesion and integration between people with different protected characteristics and different demographic groups?*
- *Support all individuals and households in accessing basic goods and services?*
- *Improve access to employment and economic opportunities for all?*
- *Provide affordable access to social and cultural activities for all?*
- *Improve access to public services and key amenities for all?*
- *Support changing demographics by providing appropriate transport facilities to meet the diverse needs of different communities?*
- *Reduce the likelihood of transport-related road accidents and casualties?*
- *Support the removal of barriers to travel and the improvement of access to travel for disabled people?*
- *Improve disabled people's ability to make seamless door to door journeys?*

Island Communities Duties

The Islands (Scotland) Act 2018 provides a legal basis for greater decision making at a local level within Scottish Islands and seeks to increase economic prosperity for island communities.

This is to be achieved through 'island proofing' legislation, policy, and strategic decisions by taking account of the special circumstances of island communities and ensuring no disadvantage to people living and working on islands (as defined by Section 1 of the Act).

Section 7 of the Act sets out a specific duty for relevant public bodies (including Regional Transport Partnerships) to "have regard to island communities" in carrying out their functions. A related duty in Section 8 of the Act requires relevant public bodies to undertake an island communities impact assessment "in relation to a policy, strategy, or service which, in the authority's opinion, is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) in the area in which the authority exercises its functions".

The following criteria will be applied to testing the performance of the emerging RTS in relation to implementing the duties under the Act. This provides a transparent framework to assess the extent to which emerging RTS components will ensure no disadvantage to people living and working on islands.

Assessment Framework: Island Communities Duties

Will the emerging RTS and its associated delivery mechanisms...

- *Protect and increase the economic prosperity of island communities?*
- *Effectively address the unique transport challenges faced by island communities?*
- *Effectively address the unique economic challenges faced by island communities?*
- *Effectively address the unique social challenges faced by island communities?*
- *Protect and enhance quality of life for island residents?*

Fairer Scotland Duty

The Fairer Scotland Duty (FSD) places a legal responsibility on public bodies in Scotland to actively consider how they can reduce inequalities of outcome caused by socioeconomic disadvantage.

This differs from the Public Sector Equality Duty which considers only reducing inequalities of opportunity. However, the FSD identifies a need to consider both 'communities of place' and 'communities of interest' in terms of people who share an experience and are particularly impacted by socio-economic disadvantage (Scottish Government, 2018).

Demographic groups who share one or more of the protected characteristics listed in Section 4 of the Equality Act 2010 can be considered 'communities of interest', meaning there is a direct link between the Fairer Scotland Duty and the Public Sector Equality Duty.

The following criteria will be applied to testing the performance of the emerging RTS in relation to implementing the FSD. This provides a transparent framework to assess the extent to which emerging RTS components reduce inequalities of outcome resulting from low income, low wealth, and multiple deprivation.

Assessment Framework: Fairer Scotland Duty

Will the emerging RTS and its associated delivery mechanisms...

- *Reduce cost related barriers to accessing and use of all transport modes?*
- *Low income: help to reduce levels of absolute and relative income poverty?*
- *Low wealth: help to reduce inequality in the distribution of household wealth?*
- *Material deprivation: support individuals and households to access basic goods and services?*
- *Area deprivation: help to reduce level of multiple deprivation affecting communities?*
- *Socio-economic background: address structural inequalities resulting from differences in social class?*
- *Support the regeneration of disadvantaged or deprived areas?*
- *Facilitate and encourage use of public transport, active travel, and physical recreation, in particular for those facing socio-economic disadvantage?*
- *Support economic development through facilitating the growth of Scotland's key economic sectors?*
- *Support increased provision of higher skilled and higher value employment, particularly for those facing socio-economic disadvantage?*
- *Support the provision of adequate transport infrastructure, services, and facilities to meet identified population and economic needs, in particular those facing socio-economic disadvantage*

Child Rights and Wellbeing Duties

The Children and Young People (Scotland) Act 2014 requires public bodies to consider whether existing and emerging legislation, policy, and guidance have an impact on children and young people and to assess what further action is required to ensure compliance with the United Nations Convention on the Rights of the Child (UNCRC). The UNCRC (Incorporation) (Scotland) Bill was passed by the Scottish Parliament in March 2021 to incorporate the UNCRC within Scot's law, thereby strengthening statutory protections for the rights and wellbeing of children in Scotland.

The following criteria will be applied to test and confirm the implementation of relevant Scottish Ministers' duties under the Children and Young People (Scotland) Act 2014 and the UNCRC in the emerging RTS. They have been formulated with reference to the approach recommended within the Scottish Government's Child Rights and Wellbeing Impact Assessment Guidance (Scottish Government, 2019).

Assessment Framework: Child Rights and Wellbeing Duties

- *How does the intervention relate to, promote, or inhibit the provisions of the UNCRC, other relevant international treaties and standards, or domestic law?*
- *Have children and young people been consulted on the intervention?*
- *What impact will or might the intervention have on the rights of children and young people?*
- *Will the rights of one group of children in particular be affected, and to what extent?*
- *Are there competing interests between the groups of children, or between children and other groups, who would be affected by the intervention?*
- *Is the intervention the best way of achieving its aims, taking into account children's rights?*
- *Will the intervention contribute to the implementation of Transport Scotland's corporate parent duties under Section 58 of the Children and Young People (Scotland) Act 2014?*
- *Will the intervention protect and enhance access to high quality community facilities, public services and key amenities for children and young people?*
- *Will the intervention improve access using active travel and public transport to educational, social and economic opportunities for children and young people?*