The use of Equality Impact Assessments in Scottish local authority transport projects

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1   Introduction

1.1   Background

Scotland's latest census in 2011 found that nearly 20% of the population are living with a long-term health problem or disability. Every day, common tasks are made more difficult for disabled people, due to the barriers that society has created for them.

The Equality Act 2010 aims to eliminate such instances of discrimination. The Act brought together a substantial number of laws, statutory instruments and legal requirements to simplify anti-discrimination protection in the UK on the grounds of nine protected characteristics:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion and belief;
- sex; and
- sexual orientation.

The Act also extended the general duty, first introduced by the Disability Discrimination Act 2005 and now known as the Public Sector Equality Duty (PSED) and under Section 149 of the Act requires public authorities to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act;
- advance the equality of opportunity between persons who share a relevant characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant characteristic and persons who do not share it.

The act represents a major change for equality legislation in the UK. The onus has shifted toward a positive approach, where it is now a public body's duty to eliminate discrimination against people with a protected characteristic (Hepple, 2014).

1.2   Transport and the Equality Act

In terms of transport, this means that inclusive design must be embedded within transport policies and projects to improve accessibility for everyone. This applies to all 32 local authorities in Scotland.

While processes may vary across each of the councils, it is expected the majority will use Equality Impact Assessments (EQIAs). This process records all the positive and negative impacts of a policy or action to ensure people with protected characteristics are not disadvantaged and with due regard to the PSED. The quality of such assessments will depend upon staff capabilities, the processes in place and the quality to which officers discharge their duties.

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As a result, the act brings additional responsibilities to transport officers. It requires them to better understand the needs of the full range of users, the consequences of their actions in designing schemes and a pro-active, consultative approach throughout their work. This is a considerable change in approach and yet there has been little research into how successful it has been in changing attitudes or making a difference to the lives of disabled people.

1.3   Research Objectives

The aim of the research was to find out more about the application of EQIAs in Scottish local authority transport projects and how it is being addressed at officer level. This included a review investigating equalities training, differences between officer engagement between types of local authority, the processes being used and the involvement of local access panels.

The objectives of the research were to:

- Find out what good practice is by examining the Equality Act and its related literature.
- Establish what local authorities are doing to comply with the recommended procedures.
- Review a selection of transport EQIAs published by type of local authority.
- Discover if equality groups are included within the process and if this has made a positive difference.

2   Literature Review

2.1   The Equality Act 2010

The Act has helped to resolve a number of previous problems such as having a wider definition of discrimination, including more vulnerable groups and applying legal protection more consistently. Another benefit of the Act is that it is no longer necessary for a person to have a protected characteristic when claiming discrimination. Therefore, as anyone can now make a complaint they may become more likely and it is no longer acceptable for local authorities to disregard considering any protected characteristics on the basis that none of the users possess it. This should compel officers to consider each protected characteristic even in circumstances where they do not think it is relevant.

The Act provides four types of anti-discrimination protection; direct, indirect, harassment and victimisation which local authorities need to consider and a description of each is provided by the Equality and Human Rights Commission (EHRC):

- **Direct discrimination** –treating one person worse than another person because of a protected characteristic.
- **Indirect discrimination** –when an organisation puts a rule or a policy or a way of doing things in place which has a worse impact on someone with a protected characteristic than someone without one.
- **Harassment** –people cannot treat you in a way that violates your dignity, or creates a hostile, degrading, humiliating or offensive environment.
- **Victimisation** –people cannot treat you unfairly if you are taking action under the Equality Act (like making a complaint of discrimination), or if you are supporting someone else who is doing so.

2.2   Changes to the Equality Act

Since the Equality Act was passed, some changes may reduce its ability to tackle discrimination in transport. Hepple (2010) regards the Coalition Government's decision not to include socio-economic factors as a major impediment to tackling the gap between rich and poor in society. Traditionally, those on lower-incomes rely on buses as their main form of transport and recent cuts to local authority budget

will put some essential services at risk. Without the socio-economic factor to consider, this could make cuts more likely.

Another feature the Coalition did not introduce was intersectionality – where discrimination exists on two or more grounds. One example where problems may exist but not be found in isolation is where Tinker and Ginn (2015) identified two-fifths of Black, Asian and ethnic minority woman did not use London bus services due to fears of anti-social behaviour and crime. It is questionable whether the same level of concern exists for either all women or all black people. Therefore, there may be similar concerns in Scotland which are not evident through the current assessment of individual characteristics.

2.3   Case Law

There is very little research into discrimination under the Equality Act in terms of the transport sector. Additionally, there are few cases involving transport being brought before the Courts. However, one important case that is being funded by the EHRC and due to be considered by the Supreme Court is FirstGroup Plc v Paulley.

Mr Paulley is a permanent wheelchair user who wanted to travel on a bus operated by FirstGroup but was unable to do so when a woman with a baby in a pushchair refused to vacate the wheelchair space after being asked to by the driver. The driver did not take any further action and told Mr Paulley that he would need to wait on the next bus, delaying his journey and resulting in him missing his connecting train.

This situation appears to set one protected characteristic against another, i.e. disability v pregnancy/maternity. Initially, it is considered that as the Equality Act allows people with disabilities to be treated more favourably than others (even those with another protected characteristic) Mr Paulley should win his case. However, this case has progressed to the Supreme Court and could still be proven otherwise.

The outcome of the appeal is of significant public and professional interest and its outcome will determine whether changes to transport services are required. It is also a test of the reasonable adjustment that the bus operator made to accommodate people with disabilities.

2.4   Equality Impact Assessments (EQIA)

While EQIAs are not compulsory, local authorities use them to demonstrate that they have considered all the relevant equality impacts. Latchford (2008) sees them as a powerful device which make local authorities accountable to the public. Therefore, assessments that are incomplete may suggest that officers have not discharged their duties by considering all the impacts, even if they have but failed to record them. Put simply, a poorly completed EQIA may be just as bad as an authority never considering the impacts of its project at all. This may give cause for legal action and a council's decision being subject to judicial review.

This is supported by Harrison's (2010) review of local authority EQIAs in Britain, although not directly related to transport, it was concluded that their analysis was basic at best. Harrison found that assessments lacked detail, appropriate examples and were indicative of officers wanting to show that they had satisfied their legal obligations rather than promoting equality. It was noted to complete an EQIA properly, research, consultation and time to analyse the results is required. To address these problems, more training, political leadership and better support from management was recommended.

Another problem with the implementation of EQIAs is that they are not being used for their intended purpose. As Asenova et al (2015) describes that with reductions to council budgets, EQIAs are being used to justify austerity measures. Furthermore, it is suggested EQIAs will only disadvantage vulnerable

people further as only the protected characteristics are considered thus socio-economic factors, for instance those on low-incomes, will not be taken into account.

This does not necessarily mean that EQIAs should be scrapped, on the contrary; Latchford (2008) insists they need to be improved, not dropped altogether. He recommends that feedback is key to improve knowledge and processes, better demographic information needs to be included and councils need to share experiences and best practice.

3   Methodology

As the literature review describes few, if any, studies have investigated the views of Scottish local government transport officers on equalities issues or EQIAs. Therefore, a positivist research paradigm was designed to enable the collection of a sample of results where conclusions could be drawn from and follow a deductive process.

This took the form of an online questionnaire being sent to officers for completion. It was expected that more officers would be working in Transport in larger organisations than in smaller organisations and a better rate of response could be achieved from these councils. However, the entire population of transport officers working in Scottish local authorities who are relevant to this study is estimated to be only a few hundred at most. This caused some concern about obtaining good results from the sample were the response rate to be particularly low. Therefore, it was decided to segment the results into three categories; rural, semi-rural and urban authorities to investigate whether the type of organisation had an influence on the results obtained.

The authorities were segmented with the help of the Scottish Government's Urban/Rural Classification and the results of this process are displayed in Table 1.

Table 1:   Assumed Scottish Local Authority Classification

Rural	Semi-rural	Urban
Aberdeenshire	Angus	Aberdeen City
Argyll & Bute	Clackmannanshire	Dundee City
Dumfries & Galloway	East Ayrshire	East Dunbartonshire
East Lothian	Falkirk	East Renfrewshire
Highland	Fife	City of Edinburgh
Moray	Inverclyde	Glasgow City
Orkney Islands	Midlothian	Renfrewshire
Perth & Kinross	North Ayrshire	
Scottish Borders	North Lanarkshire	
Shetland Islands	South Ayrshire	
Western Isles	South Lanarkshire	
	Stirling	
	West Dunbartonshire	
	West Lothian	

Prior to the distribution of the questionnaire a small pilot study helped to refine the questions, review the order and clarify some of the language used. Support for the pilot came from local government professionals and other contacts with backgrounds in marketing and education who provided invaluable feedback.

An initial telephone call to all 32 Scottish local authorities, in the majority of instances, identified an appropriate officer to discuss the research with and to ask them to complete the questionnaire. Being able to inform officers directly about the project allowed them to ask questions and understand the aims of the research, building a good rapport and trust in the process. The questionnaire was then circulated via an e-mail link, with an option for forwarding to other colleagues to complete

The benefits of the questionnaire approach were that it collected quantitative and qualitative evidence as it included a combination of multiple-choice and open answer questions. The survey methodology also allowed the opportunity for desktop research of secondary data by examining EQIAs published by local authorities on previous transport projects.

After the questionnaire closed, interviews were held with experts to better understand the views of user groups on the EQIA process and to find out if they had suggestions to improve the consultation and engagement processes. This was followed by a desktop review of sample EQIAs produced by various authorities, and a review of the accessibility of such documents by interested parties from outside each organisation each Council's website.

4   Results

4.1   Questionnaire Survey

4.1.1   Participation

The questionnaire was deployed online only and included a total of 28 questions for officers to complete. It was made available between 1 and 21 November 2015 inclusive. During that period, a total of 70 full responses were received.

A response was not received from every council. However, it can be confirmed that at least one response was submitted from 20 councils and these were segmented in to rural, semi-rural and urban authorities. Ten respondents did not indicate the council which they worked for and were unable to be categorised by type. Therefore, 60 responses are included within the following analysis of responses by local authority type. Table 2 provides more information on the responses received.

Table 2:   Participation by Council Category

Type	Councils Participated	Number of Councils	Category Percent	Responses	Overall Percent
Rural	8	11	72.7%	14	20%
Semi-rural	8	14	57.1%	9	12.9%
Urban	4	7	57.1%	37	52.9%
Not Specified	-	-	-	10	14.2%
Overall	20	32	62.5%	70	100%

The first question asked officers whether they considered EQIAs were required for transport projects. It was envisaged that support for them could be low as they may be seen by some as additional paperwork with little value. However, the results indicate that a majority of respondents agree (55.7%) or strongly agree (28.6%) that assessments are required. Only three people disagreed with them. This suggests that officers understand the importance of considering equality duties while developing their projects.

4.1.2   Officer Training and Confidence

This series of questions aims to investigate the hypothesis that training varies across Scotland and that few useful examples relative to transport were provided at the time.

The first question regarded training methods and revealed that on the job training was the most common approach. While this may be useful for demonstrating how to complete an assessment form, it may not be the best environment for training someone on often complex equalities issues. Alarmingly, nine people reported that they had received no training at all.

Table 3:   Types of Training Received

Answer	Count	Percent
On the job training	32	45.7%
Briefings	31	44.3%
Presentations	28	40.0%
Workshops / case studies	21	30.0%
Online Learning	20	28.6%
None	9	12.9%
Other	2	2.9%

The second question asked officers to rate the quality of training they received on equalities and the process. Of the 62 responses, 28 people (45.2%) reported that the training they received on equalities issues and the EQIA process was good. However, ten (16.1%) replied that it was poor.

Table 4:   Quality of Training Received

Answer	Count	Percent
Excellent	4	6.5%
Good	28	45.2%
Neutral	15	24.2%
Fair	5	8.1%
Poor	10	16.1%
Total	62	100%

The third question asked officers whether they had been given examples of possible equality impacts from other transport projects to help them better understand the issues. From the 61 responses, nearly two thirds (40 people) said that they had not been given any specific transport examples. Of the 21 people who had been given examples, it was found that 14 worked for urban local authorities, although 21 who had not been given examples also worked for urban councils.

The fourth question, asked officers to evaluate how confident they felt about applying the knowledge they had learnt from their training in a proper assessment for their job. It was expected that those who had been given more training and relevant examples would have had a better understanding of the issues and feel more confident applying what they had learnt. However, the results of the survey do not suggest that there is a strong correlation between staff being given examples and the confidence levels they have applying what they've learnt. This may be due to the small sample size, the complex nature of the subject and the different ways that individuals learn new ideas.

The questionnaire also allowed officers to make any other comments on their training or suggestions to improve it. Seven people said that they felt they would have benefited more if they had received suitable examples and this may have increased their confidence as a result.

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Therefore, while the results do not prove conclusively that the type of local authority necessarily influences the training methods, quality or the confidence it provides, training on equalities issues varies across Scotland. It is limited in some councils and only a third of officers have been given examples of equality issues in transport to aid their understanding.

4.1.3   Local Authority Processes

The next group of questions investigates the application of the process in each authority to ascertain whether there is a consistent approach across the country. The answers will help to determine any trends, such as whether officers in urban areas receive more support.

The first question asked when officers started to consider equalities impacts. The results indicate that more than half of the respondents (53.6%) begin considering the impacts at the start of the project. While this is better than expected, there is still a long way to go to meet the requirements of the Equality Act.

Table 5: Start of Equalities Considerations

Answer	Count	Percent
At the start	37	53.6%
At the design stage	16	23.2%
At the procurement stage	1	1.4%
As part of the report	11	15.9%
Once the task is complete	0	0.0%
Other	4	5.8%
Total	69	100%

Further investigation of the results suggests that there is a relationship between when officers start to consider equalities impact in the process and the type of authority they work for. The table below indicates that in rural authorities there is roughly an even split across the options for when equalities issues come into consideration. In semi-rural authorities, the majority of people begin looking for impacts at the start. When it comes to urban authorities, two thirds of officers take such issues into account at the beginning of the project. This may support the suggestion that larger organisations can dedicate more time to equalities issues and thus start thinking about them earlier in the process.

Table 6: Considering Equalities by Type of Local Authority

Answer	Rural Count	Rural Percent	Semi-rural Count	Semi-rural Percent	Urban Count	Urban Percent	Total
At the start	4	30.8%	5	55.6%	24	66.7%	33
At design stage	5	38.5%	1	11.1%	8	22.2%	14
At procurement	0	0.0%	1	11.1%	0	0.0%	1
As part of report writing	4	30.8%	2	22.2%	4	11.1%	10

The second question asked officers if they were provided with standard forms for an assessment. These can be beneficial ensuring the PSED and all the protected characteristics are considered. However, it could also be argued they can also lead to situations where form filling is considered more important than considering the possible impacts. From the 65 responses, 57 officers (87.7%) use a standard form

and as eight people do not have use of such forms. This supports the hypothesis that there is not a standard EQIA form in use across Scotland.

Table 7 shows that the majority of the 57 officers who answered this question, 25 (43.9%) considered them useful and seven (12.3%) to be very useful for completing an EQIA. More detailed analysis did not reveal any significant differences between the type of local authority and the usefulness of the forms provided from an officer's perspective.

Table 7: Usefulness of Standard Forms

Answer	Count	Percent
Very useful	7	12.3%
Useful	25	43.9%
Neutral	19	33.3%
Useless	4	7.0%
Completely useless	2	3.5%
Total	57	100.0%

Officers were asked if they ever considered the process to be a box ticking exercise. Only 13 people (18.6%) said they had never considered the process as a box-ticking exercise.

Table 8: Frequency of Process Being Considered a Tick-box Exercise

Answer	Count	Percent
No, never	13	19.4%
Yes, rarely	5	7.5%
Yes, sometimes	28	41.8%
Yes, often	13	19.4%
Yes, most of the time	8	11.9%
Total	67	100.0%

Table 8 indicates that most of the time EQIAs are completed as a box-ticking exercise and completing a form is unlikely to provide additional value to the project. However, this does not necessary indicate that officers do not fully consider the equality impacts of their projects, just that completing the forms may not be helpful.

When considering that the majority of officers consider equalities impacts at the start of the project, a further question asking when they start completing assessment forms may have been useful at this stage. The results suggest officers consider the overall process to be valuable, but completing forms less so.

Finally, officers were asked whether the results of an EQIA had ever changed their decision, policy or project. There were 59 responses to this question, with the largest group of 25 respondents (42.4%) reporting that it had never resulted in any changes to their work. However, a majority of, 34 respondents (57.6%) indicated that changes had arisen as a result of the equalities process. This has to be viewed as a success and could demonstrate good engagement with positive outcomes being achieved.

Table 9: Changes to Projects

Answer	Count	Percent answer
No, never	25	42.4%
Yes, rarely	12	20.3%
Yes, sometimes	21	35.6%
Yes, often	1	1.7%
Total	59	100.0%

4.1.4   Fear and Liabilities

The two questions in this section regard whether officers were concerned about possible legal action if their work did not comply with equalities legislation and where that liability would lie.

Table 10: Level of Concern regarding Legal Action

Answer	Count	Percent
Extremely concerned	7	10.6%
Slightly concerned	13	19.7%
Somewhat concerned	18	27.3%
Moderately concerned	14	21.2%
Not at all concerned	14	21.2%
Total	66	100.0%

From Table 10, it can be seen that most officers are somewhat concerned (25.7%) and most are concerned to some degree as only 14 officers (20%) are not at all concerned about possible legal action. Further analysis between officers from; rural, semi-rural and urban local authorities did not reveal significant differences from those reported above.

Finally, officers were asked to identify where they considered any legal responsibility would lie. This was a multiple choice question, where more than one answer could be selected. The results indicate that a majority of officers believed liability lay with their organisation with only three people stating either the Scottish or UK Governments.

Table 11: Where Liability Lies

Answer	Count	Percent
With me	27	25.0%
With my manager	21	19.4%
With my organisation	57	52.8%
With the Scottish Government	2	1.9%
With the UK Government	1	0.9%
Total	108	100.0%

Further analysis revealed an interesting trend; the results in Table 12 suggest that the larger the organisation becomes the less likely officers will consider any liability lies with them. This may be a result of urban authorities having more staff and resources dedicated to equality issues, with individuals

feeling they are better protected from legal action. Conversely, for those in rural authorities there may be fewer people to support officers and they will need to take ownership of their decisions more often.

Table 12: Where Liability Lies

	Rural	Semi-rural	Urban
Includes 'With me'	9	3	13
Total	13	8	37
Percent	69.2%	37.5%	35.1%

The results of this section suggest that officers do view the equalities process with varying degrees of importance but those differences are not clearly evident between those who work for rural, semi-rural and urban authorities. For instance, while officers in urban authorities may start considering the equalities impact earlier in the process, those in rural authorities are more likely to consider themselves legally responsible for their actions.

4.1.5   Equalities Leadership and Consultation

The first question in this section asked officers to confirm whether their organisation had a dedicated equalities officer to help them, or at least if they were aware of one. It is perhaps unsurprising that urban authorities are more likely to have an Equalities Officer as they are predominantly larger organisations than rural or semi-rural Councils.

Table 13: Local Authorities with an Equalities Officer

	Rural	Semi-rural	Urban
Yes	8	4	32
No	4	3	2
Total	12	7	34
Percent	66.7%	57.1%	94.1%

The percentage of officers being informed about equality groups was strongly related to the presence of an Equalities Officer. Therefore, in general terms, urban officers had a better knowledge of specific groups to consult with.

The next question investigates the participation of access panels and equalities groups in the consultation process. It asked officers how frequently they consulted with local access panels during a consultation and also revealed who was aware of them without having to ask that question.

Table 14: Consultation with Access Panels

Answer	Count	Percent
Always	8	14.0%
Often	13	22.8%
Sometimes	19	33.3%
Rarely	8	14.0%
Never	9	15.8%
Total	57	100.0%

Further analysis revealed that of the 57 respondents, 53 could be categorised by type of authority and this revealed rural authorities were more likely to consult with local access panels than semi-rural or urban authorities.

Finally, officers were asked to share good experiences they had with consulting vulnerable people, some suggestions included; liaising with policy officers to identify hard to reach groups, end user testing where a resident with a guide dog initially trialled a project, including representatives of vulnerable users on a project working group, setting up regular meetings (2-4 per year) with equality groups to discuss general transport issues and using existing council databases to identify consultees.

4.1.6   Officers' Views

The first question asked officers to consider any additional factors that are relevant to transport that should be included in equality assessments. There were 45 responses to this multiple choice question, where more than one response could be selected. The majority of officers (75.5%) considered socio-economic factors to be the most important one. This is significant as the Coalition Government decided not to introduction this factor in 2010.

Table 15: Other Relevant Factors

Answer	Count
Socio-Economic Factors	34
Obesity	14
Language	11
Equal Pay	4
Caste	3
Total	66

The next question gauged how relevant the three PSED duties were to transport projects. It was considered that officers would be better able to identify problems for people with physical disabilities and that they may not find some of the duties to be relevant.

Table 16: Changes to Projects

PSED Duty	Not at all	Somewhat	Very relevant
Eliminate discrimination, harassment and victimisation	22.6%	29.0%	48.4%
Advance equality of opportunity	0%	28.1%	71.9%
Foster good relations between people	14.3%	38.1%	47.6%

The results in Table 16 indicate that the majority of officers consider all three duties to be, at least somewhat relevant. However, only the duty to advance the equality of opportunity between people who have and those who do not have a protected characteristic was considered to be very relevant (71.9%). This could support the hypothesis that officers understand their duties for people with disabilities but that they do not appreciate how decisions can eliminate harassment and victimisation or foster good relationships. Furthermore, this reveals that there may still be problems preventing officers from fully understanding and implementing their duties.

The next question sought to identify potential barriers which prevent the elimination of inequality. Responses were received from 66 officers to this multiple choice question and the 60 responses that were identified by council type are presented in the Table 17.

Table 17: Barriers to Inequality by Council Type

Barrier	Rural		Semi-rural		Urban	
	Count	Percent	Count	Percent	Count	Percent
Lack of training/knowledge	9	64.3%	5	55.6%	28	75.7%
Insufficient financial resources	7	50.0%	7	77.8%	18	48.6%
Fewer staff members	3	21.4%	5	55.6%	16	43.2%
Different priorities	5	35.7%	4	44.4%	16	43.2%
Lack of management support	1	7.1%	0	0.0%	12	32.4%
Number of Responses	14	-	9	-	37	-

The results support previous findings that the quality of training for some officers was poor, but that there is sufficient priority and support from managers being given to this matter.

Further comments from officers were gathered from an open question in the questionnaire and some interview surveys undertaken subsequently. Selected responses and observations are summarised in Table 18 below.

Table 18: Other Comments from Officers

Comment (Authority type)	Observation
"Assessments can identify additional requirements and increase costs or delay projects" (Rural)	Demonstrates the benefits of thinking about equality issues right from the start
"A database of stakeholders to be consulted by project type (e.g. transport) would be useful for project managers" (Urban)	Suggests that some urban officers may not aware of specific groups that they can contact
"If carried out properly with trained staff, I believe they can encourage people to think about the needs of equality groups, in particular the disabled" (Urban)	Supports the hypothesis that disability is the main characteristic that transport officers understand.
"You need to change the wording of your questionnaire as it isn't the same terminology we use here" (Rural)	Terminology used throughout Scotland varies and may not be understood by all stakeholders.
"We don't have the staff or resources to do full assessments, although we do the initial scoping part we've never had to do a full one" (Semi-rural)	Supports the hypothesis that larger councils have more time and resources to dedicate to equality processes
"Most of my work is maintenance, looking after what is there or adopting existing roads and there's no conceivable equality impacts." (Urban)	Potential misunderstanding of the Equality Act when dealing with maintenance only schemes.
"A good project will demonstrate that the relevant issues have been considered without having to fill in the forms." (Urban)	Some officers question the value of completing forms.

4.2   Desktop Research

A review of Council websites assessed the ease to which equality impact assessments could be found by the public. Five categories were established to benchmark performance; first whether assessments were published online and secondly if they had been updated in 2015. Thirdly, a search for 'equality impact assessment' determined if relevant pages were available and if Equality was listed in the A-Z directory. Finally, friendly URLs were also recorded.

The results indicate that councils are not making it easy for users to find information or even may not be discharging their equality duties correctly. At least five Councils did not publish all of their completed EQIAs. The Scottish Government requires EQIAs to be published where a policy or decision is being implemented. It is considered publishing means making assessments available online. There was little difference between rural, semi-rural and urban Councils.

Table 20: Desktop Review of Council Websites

Category (exposure)	Publish all Online	Up to date	Ease of using Search function	Equality in A-Z	Friendly URL
All (32)	93.8%	87.5%	84.4%	78.1%	18.8%
Rural (11)	100%	90.9%	81.8%	81.8%	18.2%
Semi-rural (14)	92.9%	85.7%	85.7%	78.6%	14.3%
Urban (7)	85.7%	85.7%	85.7%	71.4%	28.6%

The review also found that assessments are published in all manner of formats. Some Councils offer a searchable database while others provide a long list on one page. Others are listed under the department name, but as management structures vary between councils this can be difficult to use. One authority has a database of EQIAs but after clicking through all the pages to get to it, users are requested to submit a request by e-mail to see the assessment.

4.3   Review of EQIAs

The research also included a study of transport EQIAs from several rural, semi-rural and urban authorities to evaluate the current standard of assessments.

Three rural local authorities were appraised and the first demonstrated an appropriate EQIA process. Officers were able to record both positive and negative impacts of their project, without having to select either one or the other. This would reduce the likelihood of negative impacts being omitted when overall the outcome may be positive. The form was very useful as it provided examples of the types of research that should be included, included definitions of the protected characteristics at relevant sections and suggested useful websites to gather evidence from. It also had a quality assurance section for officers to evaluate its usefulness.

The second rural authority had an EQIA form with a question and answer approach. While this prevents box-ticking, it was difficult to find out if there were any positive or negative impacts without reading the whole document. However, it ensured relevant information was requested; for instance, which sources were used and if there were any gaps. It also made officers evaluate their own project and this may help identify relevant groups to consult.

The third rural authority had a very poor EQIA form, with only a few tick-box questions to answer. One actual assessment, had a 14-page document with only two boxes marked and a seven-word sentence to justify a policy change, without even recording what was being changed in the document. This made it extremely difficult to link it back to the council decision. It was possible there were positive impacts as a result of this policy, but these were not recorded and demonstrated a missed opportunity.

The first semi-rural local authority employed a two-stage process, an initial screening document which determined whether a full assessment was required. At first this appeared to be a suitable approach, the Stage 1 document was two pages long but the Stage 2 assessment was only four pages long. It only asked six questions and was not much more onerous than the screening form. By having only one form this process could easily be simplified. Some of the screening forms were completed without apparent thought effort and little evidence or impacts being noted.

Another semi-rural local authority identified whether a review of an existing policy, a change to a service's budget or a new policy was being assessed. This shows officers that EQIAs are not only needed for new projects. The form also encouraged other factors to be considered, such as local areas of deprivation or other groups that could be affected by decisions.

Two urban local authority EQIA forms were evaluated, the first form usefully recorded the names of officers involved, key dates and committee report names which made it easy to trace back to the council decision. It also had a summary box to highlight the key points. There was a good section on evidence collection. The documents produced by this council were well researched and showed good understanding of the equality issues concerned. A review of two other urban local authorities' EQIAs did not reveal any further issues.

In total, 18 EQIAs were reviewed from rural, semi-rural and urban authorities and the results support the suggestion that transport officers are better prepared to identify potential impacts on the grounds of disability rather than the other protected characteristics. There were 13 occasions where a possible impact on people with disabilities was identified, seven on the grounds of age and one for pregnancy and maternity. The review did not find any examples of impacts on the other six protected characteristics.

5   Conclusions and recommendations

The research revealed that good practice includes: relevant training; community engagement; and good assessment forms that are completed to a high standard and published in full. However, the results of the study suggest that some authorities may not be complying with their duties.

There was a lack of quality training, equality issues were considered too late and EQIAs were completed to a poor standard. However, equality groups are happy and willing to be involved in the process and can help resolve a number of these issues. Better community involvement can also provide a source of good design advice, public support and reduce the likelihood of any legal challenges.

From the findings of this research, it is concluded that:

- Equalities training varies across Scotland and very few examples relevant to transport were provided. This may have resulted in some officers not recognising the importance of considering all the potential impacts of each protected characteristic for their projects.
- There are different levels of performance regarding equality duties between councils. While urban authorities are more likely to consider equality impacts earlier and employ Equality Officers, there is not sufficient evidence to conclude that they are significantly better than rural or semi-rural authorities.
- The review of EQIAs illustrated that whilst transport officers were able to identify impacts on the grounds of disability and to a lesser extent age, pregnancy and maternity; officers did not identify any impacts for any other protected characteristic.
- There is not one standard EQIA form being used throughout Scotland. The quality of assessment forms varies a great deal and is not dependent upon the rural, semi-rural or urban nature of the authority.

- The knowledge of officers on local access panels and equality groups is limited, but many groups are happy and willing to be involved from an early opportunity.

When considering the results of the research, the following actions are recommended:

- Better training should be provided on the protected characteristics with relevant transport examples;
- More data is needed regarding transport and travel experiences of some protected characteristics to promote knowledge sharing;
- Consultation with equality groups should be promoted at the earliest opportunity, in addition to improving outcomes this can save additional cost through, for example, later redesign;
- EQIA forms should be reviewed to ensure they collect relevant data, include robust analysis and offer prompts to help officers complete them;
- An exemplar EQIA should be produced to help officers understand the level of detail required and include other issues, such as areas of deprivation and socio-economic factors;
- Legal responsibility should be clarified within organisations and a high standard of EQUIA completion should be promoted; and
- Full assessments should always be published online to ensure transparency.

In conclusion, Scottish local authorities are performing some of their equality duties well. However, there is room for improvement and the above recommendations aim to help them fulfil their duties thus improving Scotland's transport network making it accessible for everyone.

6   References

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Acknowledgements