

MACS meeting with Equality Unit and Islands Policy regarding Equality Impact Assessments

7th of July 2020

Attendees:

Mobility and Access Committee for Scotland (MACS)

Scottish Government Equality Unit (EqU)

Scottish Government Islands Policy (IP)

Scottish Government Accessibility Team (AT)

Background:

This meeting was originally scheduled so that Ms McKelvie's officials could give MACS an update on how their work on producing a gold standard Equality Impact Assessments (EqIA) template was progressing and how this would be used/mainstreamed through all pieces of work.

At the start of the meeting the Equalities Unit (EqU) explained that three 3 policy officials were tasked with carrying out a review of the operation of the Public Sector Equality Duty including Scotland's Specific Duty regulations, including the regulation which requires policies to be assessed for equality impact. This project was designed to make sure regulations make sense and hopefully improve their usage and equality outcomes. This work has been disrupted by COVID-19, however lessons learned from the pandemic response will be reflected in the review.

Discussion:

1. MACS thinks while this review is taking place, it is important that Island communities are included and integrated into this project. Islands Policy (IP) explained that during a meeting with Mr Wheelhouse at the start of the year, it was identified that there could be shared learning between work on Island Community Impact Assessments (ICIA) and EqIAs. However again due to COVID work on ICIA's has been delayed, extending the timeframe to the end of 2020. The Islands policy Team are rapidly trying to pick up this work.

EqU asked how the policy team's work on ICIA would alter their use/outcome.

IP explained how vital ICIA's are because small changes on the mainland can have such a significant effect on Island communities so it's important the assessments are carried out correctly and that part of the Island Act is

enacted. The Islands (Scotland) Act 2018 puts responsibility and expectation on relevant authorities to conduct an ICIA if they feel there will be any impact as a result of the policy, strategy or service being introduced. If they don't carry out an ICIA they will need to state why. Whilst Section 8 has not yet been enacted, the Islands Team are hopeful this will be in place by the end of the year.

2. EqU spoke about the possibility of **integrating assessment models** and the need for discussion across impact assessments leads, because several different assessments overlap, such as human rights and Child Rights and Wellbeing impact assessments. The Scottish Government is keen to look at impact assessments across other governments, in a hope SG can learn from their models; and discussions about how best to do this are ongoing.
3. Although MACS recognise that we have the [Equality Act Section 149](#), in reality there are many inconsistencies with it being applied particularly at a local authority level. MACS believes there is focus on part (a) but not enough on (b) and (c):
 - (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
 - (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
 - (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

<http://www.legislation.gov.uk/ukpga/2010/15/section/149>

EqU believes these inconsistencies arise due to lack of understanding about real-life impact on the ground. MACS added that meaningful involvement with disabled people from the outset would overcome these issues.

4. MACS praised Transport Scotland's [Transport Transition Plan](#) Advisory Board (TTP) for how they have approached EqIAs through setting up a transport equality network. This network contains stakeholders, some of whom are speaking directly from lived experience (or the experience of those they represent) and have their input is fed directly back to the TTP. This is a positive example of an impact assessment working well, as well as the [Spaces for People](#) project which has also engaged with people who can share lived experience.

EqU has also previously met with TS colleagues to speak about impact assessments and agrees that they seem engaged on the topic. EqU would like to know if there are examples of authorities, which aren't doing as well.

5. MACS thinks that some other areas within TS that need to improve their engagement with EqIAs. **Active Travel** have done good work on improving infrastructure to make it more accessible however when introducing new bike hire schemes, these schemes are aimed at able bodied people and there are no adaptable bikes for disabled people to use. This in effect means that disabled people are excluded.

By failing to advance opportunities for disabled people they are widening the equality gap. An example of this can be found at The Kelpies attraction where there are only bikes available for able-bodied people, thus making disabled visitors feel excluded. This issue lies across all the bike hire schemes. MACS gave further examples of three new bike hire schemes in South Queensferry and multiple schemes in Glasgow, Edinburgh, Aberdeen and Dundee, where they have introduced bike hire and ebike hire schemes with no option for disabled people.

MACS added that the cycling infrastructure certainly isn't promoting equality between visually impaired people and people who can see, as there is never more than a painted line segregating cyclists from pedestrians, which isn't something you can follow if you can't see.

MACS also states that 'wheeling' should have the same emphasis as walking and cycling.

6. EqU believes that much of this comes back to the opportunity to advance equality as opposed to removing barriers only. They acknowledges that this is a mind-set, which authorities need to change. MACS thinks the solution is to foster good relationships between people who have protected characteristics and those who don't. They also mentioned that, to her knowledge, Transport Scotland (who administer funds for bike hire schemes) had not commenced research to ensure these schemes were inclusive to all, offered opportunities for disabled people too and did not widen the inequality gap. This was against a background of the increasing inequalities being raised by MACS for over 18 months.

This was frustrating against the backdrop of infrastructure improvements aimed at assisting increased active travel.

MACS wants the COVID pandemic to be used as an opportunity to make changes now, rather than returning to a normality, which didn't work for many people. EqU agrees that issues, which disabled people may have always had to endure are now exposed and being discussed.

EqU want to use **policy making tools** to make sure equality is embedded in new changes. Equality colleagues have been asked to provide training to other teams and authorities including bill making teams and Health and Social Care colleagues. They are also producing a Podcast on EqIAs. MACS acknowledges and welcomed this move.

7. MACS thinks transport to **healthcare appointments** is another area, which will need attention as we approach phase 3 of the COVID route map out of lockdown. There was already real concern and anxiety about getting to medical appointments before COVID and the work and reports produced by MACS evidence that transport to health and social care was failing disabled people and older people.

Currently, no one really knows how the Scottish Ambulance Service (SAS) is going to manage capacity now, in a situation where private transport options will be restricted (by capacity, affordability and inability of friends to step in) and things could be much worse.

SAS, potentially alongside IJBs should have carried out a standalone equality impact assessment and MACS is keen that focus is moved to this now.

AP- EqU and the Accessibility Policy Officials to arrange a meeting to speak further about Transport to Health and Social Care.

MACS added that these problems are only exacerbated on the islands where ferry services are greatly reduced. IP stated that they are working on making sure an impact assessment is carried out on stage 3 of the route map. IP have been working closely with TS Ferries Team and they are already discussing the issue that increased traffic to and from the islands will cause. The Ferries Team have been very engaged in working with transport providers and IP will continue to look for solutions.

AP- IP will pick up SAS discussions up with TS colleagues.

8. MACS reiterated that they are here to help. They want to get the message across that the key to successful EqIAs is involving people with lived experience and getting all authorities to carry out assessments to the same standard.

EqU agreed and said there needs to be balance between listening to lived experience and channelling queries into bodies which are best placed to comment, without overwhelming them. A shift is required in people's understanding of what EqIA's are for, they need to be done for the right reasons and seen as integral to policy development, not only because it's a legal obligation.

EqU invited MACS to get in touch should they see a policy decision being made that hasn't completed a full EqIA.

AP- MACS asked that their secretariat send all meeting attendees a copy of the [MACS 2020 Annual](#) Report, as well as the MACS [Transport to Health and Social Care](#) report.

Action Points

EqU and AT to arrange a meeting to speak further about Transport to Health and Social Care.	
IP to pick up Scottish Ambulance Service discussions up with TS colleagues from an Islands Policy point of view	
Secretariat send all meeting attendees a copy of the MACS 2020 Annual Report, as well as the MACS Transport to Health and Social Care report.	Complete