

TAYSIDE AND CENTRAL SCOTLAND TRANSPORT PARTNERSHIP**EXECUTIVE COMMITTEE****12 APRIL 2019****PUBLIC SECTOR EQUALITY DUTIES REPORTING 2019****REPORT BY DIRECTOR**

This report seeks the Executive Committee's approval of reports which require to be published by 30 April 2019 under the Equality Act 2010 and Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

1 RECOMMENDATION

- 1.1 That the Executive Committee approves for publication the updated Mainstreaming the Equality Duty Report and Employee Information and accompanying Equality Outcomes Progress Report as detailed in the Appendices to this report.

2 BACKGROUND

- 2.1 The Equality Act 2010 requires specified public bodies, including RTPs, to publish and periodically update and report on progress on meeting equalities duties and obligations through a Mainstreaming the Equality Duty Report and an Equality Outcomes Report.

- 2.2 The Equality Duty covers the following protected characteristics :-

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

In addition the public sector duty covers marriage and civil partnerships with regard to eliminating unlawful discrimination in employment.

- 2.3 The 2010 Act sets out a General Equality Duty whilst Specific Duties for Scottish public bodies are specified by Scottish Ministers in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.
- 2.4 The General Equality Duty requires public bodies to have regard to the need to :-

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

2.5 The Equality and Human Rights Commission (EHRC) publishes and updates guidance to assist public authorities in meeting their duties to publish :-

- a **Mainstreaming Report** which sets out progress the authority has made to make the Equality Duty integral to the exercise of all its functions;
- an **Equality Outcomes Report** setting equality outcomes which are the results the authority aims to achieve in order to further the elimination of discrimination, the advancement of equality of opportunity, and/or the fostering of good relations;
- **Gender Pay Gap** information, to be published not more than 2 yearly, and an **Equal Pay Statement**, to be published not more than 4 yearly – these apply to authorities employing more than 20 staff, so are not required for Tactran.

2.6 Public bodies are required to publish the required reports 2-yearly. The Partnership published a Mainstreaming Report and Equality Outcomes Report in April 2017 (Report RTP/17/11 refers) and is now required to publish updated reports indicating progress, by 30 April 2019.

2.7 In accordance with previous practice, the Partnership has traditionally agreed to delegate authority to the Executive Committee to consider and approve for publication an updated Mainstreaming Report and Equality Outcomes Report (Report RTP/17/10 refers).

3 DISCUSSION

3.1 Progress on mainstreaming equalities within the Regional Transport Strategy and the Partnership's related policy, delivery and employment duties, is summarised in the updated Mainstreaming the Equality Duty Report and Employee Information at Appendix A and the Equality Outcomes Progress Report at Appendix B. These incorporate and reflect the Partnership's key focus during the reporting period on reviewing and updating of the RTS, culminating in Ministerial approval of the RTS 2015-2036 Refresh in June 2015, subsequent review of the RTS Delivery Plan and development of the RTS Monitoring Framework.

3.2 As outlined in the Appendices, the RTS Refresh and review and updating of the RTS Delivery Plan included widespread consultation with key stakeholders on RTS policies, proposals and priorities, including production of an Equalities Impact Assessment (EIA) in consultation with the regional Equalities Forum and all known groups or individuals representing equalities interests.

- 3.3 As a small, strategic public body employing 7 staff, the Partnership is exempted from the requirement to publish information on Gender Pay Gap and Equal Pay, which previously applied to bodies with more than 150 employees and now applies to bodies with 20 or more employees. Whilst information on employee gender balance is included within Appendix A guidance issued by Scottish Government advises that reporting on staff numbers by protected characteristic should be avoided where small numbers are involved, to avoid risk of identifying individuals.
- 3.4 The Specific Duties regulations require Scottish Ministers to gather, from time to time, information on the relevant protected characteristics of Board members of listed authorities, and to provide this information to the bodies in question to make use of in better performing the public sector equality duty and achieving greater diversity on public authority Boards. The process for gathering Board diversity data is to be included within the report at Appendix A (page 7 refers). Appendix A also confirms an intention for the Partnership to review the need for further action on Board diversity and succession planning as vacancies arise for Council and non-Council representatives, and having regard to progress on the gathering and provision of Board member information by Scottish Ministers.
- 3.5 An Equality Outcomes progress report is attached at Appendix B. This updates and comments on progress on previously approved outcomes in relation to Policy and Delivery and a number of Governance and Employment outcomes and actions. Although the numbers are small, it is important to note that gender diversity has reduced over the past two years as female colleagues have retired/resigned from both the Board and the Team and been replaced by male colleagues. This information has to be considered in the context of the guidance from Scottish Ministers that the aim is to ensure that, *“Boards of public bodies are broadly reflective of the wider Scottish population and have a gender balance by 2020”*.
- 3.6 In line with timescales indicated in revised EHRC guidance (March 2017) the required equalities reports for Tactran require to be updated every 2 years, incorporating a full 4-yearly refresh of the Equality Outcomes required to be published by April 2019, as detailed in Appendix B.
- 3.7 Public bodies have discretion as to how they choose to publish the required information. The Partnership has previously agreed that the relevant reports will be published on the Partnership’s website and notified to all key stakeholders, with progress updates also being included within the Partnership’s Annual Reports, as appropriate. The progress reporting within Appendices A and B has been included within the Partnership’s 2016/17 and 2017/18 Annual Report, the latter recently published in March 2019.
- 3.8 The Executive Committee is asked to approve for publication on the Partnership’s website the Mainstreaming the Equality Duty Report and Employee Information and Equality Outcomes Progress Report, as detailed in the Appendices to this report.

4 CONSULTATIONS

- 4.1 As outlined in the Appendices all key stakeholders, the regional Equalities Forum and a range of individuals and groups representing equalities interests were engaged and consulted at various stages during the Regional Transport Strategy refresh process, which formed a key focus for mainstreaming the equalities duty with regard to the Partnership's statutory responsibility. The refresh of Equality Outcomes for publication by April 2019 along with the EIA for the RTS Delivery Plan will be circulated to the wider regional contact list of equalities bodies. Following that, the Equalities Forum membership will be refreshed and it will be reconvened during 2019 to review RTS Delivery, progress on the emerging City Deal projects and the consultation process for the Strategic Transport Projects Review (STPR2).

5 RESOURCE IMPLICATIONS

- 5.1 This report has no additional or direct financial or other resource implications.

6 EQUALITIES IMPLICATIONS

- 5.2 The relevant equalities issues and implications are addressed within the Appendices to the report.

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NOTE

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing this Report :-

Equality Act 2010

Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 and related Guidance.

On Board, A Guide for Board Members of Public Bodies in Scotland, April 2015

Report to Partnership RTP/17/10, Director's Report, 14 March 2017

Report to Executive Committee RTP/17/11, Public Sector Equality Duties Reporting, April 2015

Report to Partnership RTP/19/13, Director's Report, 19 March 2019