



Meeting the Public Sector Equality Duty

Date of meeting 31 March 2017

Date of report 7 March 2017

Report by Assistant Chief Executive (Business Support)

1. Object of report

The object of this report is to:

- Advise the Partnership of SPT's progress in ensuring compliance with the UK Equality Act 2010 and Scottish Public Sector Equality Duties;
- Recommend the Partnership approve SPT's Equality Outcomes, the publication of the 'Advancing Equality 2017' report (attached at Appendix 1) and the proposed way forward to ensure on-going compliance with the Duties;
- Note that further consultation with equality groups will be undertaken to finalise the 'Advancing Equality' report ahead of the deadline for publication of 30 April 2017; and
- Note the Equality and Diversity Workforce Monitoring Report 2016 (attached at Appendix 2).

2. Background

2.1 Members will recall that the Public Sector Equality Duty ("the Duty") in the Equality Act 2010 consolidated previous equalities legislation.

2.2 The Duty is in two parts:

- A general duty – this requires public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations designed to help public authorities promote equality and tackle discrimination; and
- The specific duties – the purpose of the specific duties is to enable the better performance of the general duty. These focus on outcomes and encourage the integration of equality considerations into the core business of public authorities. They set a supporting framework for the general duty, based on data collection and evaluation, transparency and accountability.

2.3 The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 place specific duties on public authorities including SPT. These are:

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- publish a report every 2 years on progress towards mainstreaming the equality duty in exercising its function - due by 30 April 2017;
- publish equality outcomes and report progress every 4 years - due by 30 April 2017;
- assess the impact of applying any proposed new or revised policy or practice against the general duty;
- gather and use employee information to address any disparities;
- publish gender pay gap information every 2 years – due by 30 April 2017;
- publish statements on equal pay every 4 years – due by 30 April 2017;
- consider award criteria and conditions in relation to public procurement;
- report on the number of men and women who have been members of SPT's Partnership Board during the period covered by the report; and
- signpost future intended action to promote greater diversity of the Partnership Board's membership¹.

2.4 SPT has complied with the Duty since its inception. The current "Advancing Equality" report and Equality Outcomes were approved by the Partnership in 2013² and a progress report for the 2013-2015 was reported to the Partnership in 2015³.

3. Outline of proposals

3.1 Mainstreaming

- 3.1.1 Mainstreaming equality is about the systematic integration of equality and diversity principles, strategies and practices into the everyday work of SPT. Consideration of equality-related issues should be embedded in all SPT activities. This leads to a better understanding of the needs of our customers and staff, and enables SPT to meet the general duty by advancing equality and tackling discrimination.
- 3.1.2 Equality and diversity are central to how SPT delivers services for our passengers. The Regional Transport Strategy has a key focus on promoting equality including through improved access to the transport network and the delivery of vital socially necessary public transport. SPT reports include a reference to consider and outline the equality impact of each report, demonstrating the importance given and that equality is central to decision making. For our staff, Human Resources (HR) policies are promoted across the organisation.
- 3.1.3 SPT's senior management team, the Strategy Group, will continue to ensure that mainstreaming equality is included in all areas of governance and decision-making. Furthermore, and in line with best practice, SPT also has a named officer at a senior level who acts as SPT's "Equality Champion": Valerie Davidson, Assistant Chief Executive (Business Support).

¹ See the Scottish Government's "Guidance on Succession Planning for Public Body Boards" at <http://www.gov.scot/Resource/0051/00513554.pdf>

² See Partnership report and previous SPT "Advancing Equality" report at http://www.spt.co.uk/documents/rtp150213_agenda9.pdf

³ See Partnership report and Progress report at http://www.spt.co.uk/documents/rtp240415_agenda7.pdf

3.2 Equality outcomes and engagement

- 3.2.1 In reviewing the Equality Outcomes, SPT undertook a desk-top study of relevant evidence about people who share protected characteristics. SPT also drew on engagement undertaken with staff, service users, stakeholders and passengers.
- 3.2.2 Equality groups were also contacted to seek their input to refreshing the Equality Outcomes. In addition, an all-staff questionnaire was circulated seeking views on SPT's equality approach.
- 3.2.3 There are approximately 250 public bodies across Scotland subject to the Duty and each is required to engage with equality groups in reviewing their respective outcomes. Officers are guided that this demand has placed pressure on equality groups and made it challenging to secure opportunities to engage. SPT is keen to maximise engagement with equality groups across the range of protected characteristics and will continue to explore opportunities to do so ahead of the 30 April 2017 deadline for publication and on a continuing basis in line with the principle of mainstreaming equality.
- 3.2.4 The Scottish Government's Equality Unit is responsible for developing the Scottish Government's equality policy and has offered to share its experience of developing outcomes with public bodies on its Sounding Board (which includes bodies such as the NHS, Regional Colleges and SPT). This provides a useful opportunity to enhance SPT's approach and learn from best practice.
- 3.2.5 In light of this continuing engagement, officers will continue to refine the outcomes and finalise the document for publication on SPT's website by the deadline of 30 April 2017.
- 3.2.6 Having considered the evidence gathered from the engagement to date, the existing Equality Outcomes remain relevant as themes to enable SPT to better meet the general Equality Duty. These are:
- SPT understands and responds to the needs of communities, passengers and staff;
 - SPT's passengers and staff feel safe;
 - SPT's advances equality through working with partners; and
 - SPT is a fair, flexible and supportive employer.
- 3.2.7 In line with Scottish Government guidance and feedback from consultation, SPT has developed specific outcomes under these themes and identified how we will measure progress. These can be found in part five of appendix 1.

3.3 Assess and review policies

- 3.3.1 SPT is aware of the need to take a proactive approach to meeting its duties and to seek to eliminate discrimination before it occurs. By continuing to undertake Equality Impact Assessments (EqIA) as appropriate, SPT will continue to analyse its policies and practices to ensure they fully take into account the needs of people with protected characteristics. SPT has an EqIA toolkit to support the process of impact assessing new and revised policies and practices.

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3.4 Gather and use of employee information

- 3.4.1 SPT currently employs 533 staff at 31 December 2016. This is a 4% reduction compared to our previous report in 2015. As well as implementing an eRecruitment process in July 2016 which embeds the requirement for applicants to complete equality monitoring information, SPT asked all staff to complete an equality monitoring survey in November 2016; 70% chose to do so. SPT intends to undertake this exercise regularly to refresh the data and to build a more complete picture of our workforce.

3.5 Gender pay gap information

- 3.5.1 Our most recent gender pay gap, calculated as the percentage difference between men's average hourly basic pay on a full time equivalent basis, and women's, showed that the gap has reduced from 12.34% at March 2015 to 12.21% at December 2016. This compares favourably with "Close the Gap"⁴ provisional data which suggests that the national average pay gap is 14.9% on a basic pay only basis.
- 3.5.2 SPT's gender pay gap increases significantly when comparing overall earnings including allowances and stood at 21.15% at December 2016. This is reflective of occupational segregation at SPT whereby, significantly more men than women work in technical roles that attract shift and weekend allowances.

3.6 Equal pay statement

- 3.6.1 The Equal Pay Statement sets out SPT's commitment to the principle of equal opportunities in employment and that staff should receive equal pay for work of equal value regardless of their sex, race or disability. Equal pay analysis is required to be undertaken on staff composition as of 5 April 2017. This will be reported to a future Personnel Committee.
- 3.6.2 SPT recognise that in order to achieve equal pay, a pay, grading and benefits structure that is transparent, flexible, based on objective criteria and free from bias must be in place.
- 3.6.3 The Strategy Group is responsible for implementing, monitoring and reviewing the operation of this Equal Pay Statement and ensuring that due consideration is given to the resources required to achieve equal pay.

3.7 Procurement

- 3.7.1 Procurement is a key enabler in SPT delivering its organisational goals effectively and continuing to demonstrate best value. In December 2016 the Partnership approved SPT's Procurement Strategy 2016-18⁵. The strategy, a requirement under the Procurement Reform Act (Scotland) 2014, demonstrates how SPT meets the "Duty to consider award criteria and conditions in relation to public procurement"⁶. This commits SPT to "ensure the supply chain has declared their compliance with relevant legislation, including but not limited to equalities, environmental, social and employment law". This objective is met through a declaration from tenderers within each tender that they comply with the Equality Act 2010. In addition, SPT will

⁴ Close the Gap is a partnership project working with employers, employees and policymakers to enable and encourage action to address the causes of women's inequality at work.

⁵ <http://www.spt.co.uk/documents/rtp091216agenda9.pdf>

⁶ Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (9)

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undertake checks on a random basis to ensure tenderers can provide appropriate supporting information.

3.8 Board Succession Planning

3.8.1 SPT, as a listed public authority, is required, in reporting on its Equality outcomes, to set out what action it intends to take in future to promote greater diversity of Board membership in relation to appointed members. The Scottish Government has produced new guidance to assist public bodies in meeting this requirement⁷ and in line with their advice we have signposted intended activity within the 'Advancing Equality 2017' report. This supplements the positive activities which SPT has already implemented.

3.8.2 The Guidance, while recognising that Boards can comprise elected and appointed members, seeks to effectively harness the diverse contributions that all Board members can make. Subsequently, SPT will be required to produce a Board Succession Plan setting out in greater detail the actions it intends to take to promote Board diversity. The Scottish Government Guidance states that the Succession Plan should be led by the respective Boards of listed public bodies. SPT officers will prepare further advice for the Partnership on the process to be undertaken.

3.9 Publication and review

3.9.1 The SPT 'Advancing Equality 2017-21' report will be published on SPT's website and the monitoring and reporting of progress against the Equalities Outcomes will be undertaken through existing mechanisms. The publication of the information contained in the report is a statutory obligation and updates are provided via SPT's Annual Report.

3.10 Next steps

3.10.1 To further advance our performance against the duty and assist in the requirement to report on progress made in advancing our Equality Outcomes, an action programme will be developed and monitored internally. The action programme will be reviewed by the Strategy Group bi-annually.

4. Conclusion

4.1 "SPT Advancing Equality 2017-21" sets out the progress SPT has made in meeting the Equality Duties, and the steps taken to review and refresh the Equality outcomes. Promoting equality and diversity is at the core of all SPT activities and while there has been further good progress in terms of how SPT has promoted equality, we will continue to build on and improve current practice. The publication of the information within the report is a statutory obligation as SPT is a listed public authority under equalities legislation.

4.2 Further information on the output from work undertaken in relation to the HR duties, discussed at 3.4, 3.5 and 3.6 is available in the Equality and Diversity Workforce Monitoring report 2016 attached at Appendix 2. Equal pay analysis will be reported to a future Personnel Committee.

⁷ <http://www.gov.scot/Resource/0051/00513554.pdf>

5. Partnership action

The Partnership is recommended to:

- Note the steps taken and good progress made by SPT to ensure compliance with the Scottish Public Sector Equality Duties;
- Approve the “SPT Advancing Equality 2017-21” report attached at Appendix 1 and the Equality Outcomes contained within that report;
- Note that further consultation with equality groups will be undertaken to finalise the ‘Advancing Equality’ report ahead of the deadline for publication of 30 April 2017; and
- Note the Equality and Diversity Workforce Monitoring Report 2016 (attached at Appendix 2).

6. Consequences

Policy consequences	<i>In line with the Regional Transport Strategy outcome of Access for All.</i>
Legal consequences	<i>In line with the UK Equality Act 2010 and the UK Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 and the UK Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2016.</i>
Financial consequences	<i>None at present.</i>
Personnel consequences	<i>Compliance with equalities legislation.</i>
Equalities consequences	<i>In line with legislation noted above.</i>
Risk consequences	<i>Compliance with equalities legislation is a legal requirement and helps ensure SPT delivers high quality services and maintains reputational standing.</i>

Name Valerie Davidson
Title Assistant Chief Executive
(Business Support)

Name Gordon Maclennan
Title Chief Executive

For further information, please contact Mhairi Docherty on 0141 333 3584 or John Binning on 0141 333 3248