

# Equality and Human Rights Commission Response to the Local Bus Service Consultation

Creating a fairer Britain

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# Equality and Human Rights Commission Response to the Local Bus Service Consultation

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## **Contact details:**

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The Equality and Human Rights Commission is the National Equality Body (NEB) for Scotland, England and Wales. We work to eliminate discrimination and promote equality across the nine protected grounds set out in the Equality Act 2010: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

We are an “A Status” National Human Rights Institution (NHRI) and share our mandate to promote and protect human rights in Scotland with the Scottish Human Rights Commission (SHRC).

### **Partnerships**

#### **Question 3 – Do you agree with our proposals for Service Improvement Partnerships as outlined in pages 32-35?**

- Yes
- No

Please explain your answer to this question.

We believe that the proposals for Service Improvement Partnerships as outlined in pages 32-35 of the Consultation Paper<sup>1</sup> could go further in addressing the importance of equality issues.

It is proposed that the Service Improvement Partnerships would be based on a review of the local bus service network by the transport authority and the relevant bus service operators. This review would include an initial analysis (the Improvement Plan), an identification of the changes needed to meet local needs and an Improvement Scheme, which would impose requirements needed to make those changes happen. To ensure that local needs are adequately met, equality concerns have to be at the centre of this review. The proposal states that the Improvement Scheme could only be made if it “brings benefits to persons using local services in the area by improving quality or effectiveness of services.”<sup>2</sup>

However, both the proposed Improvement Plan and Improvement Scheme currently do not seem to take equality issues into consideration. It is the duty of transport authorities to ensure that the needs of people with, or who share protected characteristics are adequately considered. Accessibility and the needs of disabled and older people should, for example, be a key concern during the initial analysis, when identifying local needs and when imposing requirements through the Improvement Scheme. This is particularly the case in areas where there are very limited public transport options and people therefore heavily rely on the local bus service, including in rural areas that

<sup>1</sup> Scottish Government (2017), *Local Bus Services in Scotland – Improving the Framework for Delivery*. Accessible at: <https://consult.gov.scot/transport-scotland/improving-bus-services/> [accessed on 14.12.2017].

<sup>2</sup> *Ibid.*

have seen service cutbacks.

### **Open Data**

**Question 10 – Do you agree with our proposals to require the operators of local services to release open data on routes, timetables, punctuality and fares in a specified format?**

- Yes
- No

Please explain your answer to this question.

We agree that operators of local bus services should have to provide information on routes, timetables, punctuality and fares for public access. It is important that people are able to plan their trips, know when the bus is scheduled to leave and arrive and what they will have to pay for the bus service. However, the data made available should include additional information that addresses the needs of people with protected characteristics, such as disabled people. It is important for the disabled people and carers of disabled people to have clear information about the accessibility of bus services. They need to know that both the bus and bus stops that they want to use will be accessible to them. In addition, the information itself also needs to be made available in an accessible manner, so that visually impaired people, for example, can make use of bus services around Scotland.

### **Other**

**Question 13 – Please provide any other comments or proposals around the regulation of bus services in Scotland that were not covered in the above questions.**

The EHRC is of the opinion that further work needs to be done to better address equality concerns. As detailed above in relation to the Improvement Plans and Improvement Schemes, local needs will not be adequately assessed or met unless equality concerns are at the centre of any analysis, plan and implementation. We believe that the proposals do not currently address these concerns.

Tender processes, Quality Contracts, business cases for franchising bus services and any models that allow transport authorities to directly run bus services need to incorporate a clear approach to assessing and adequately taken account and addressing the needs of people with, or who share protected characteristics into account. The current proposal, for example, does not give any indication whether or how the needs of disabled or older people will or should be assessed when transport authorities examine the options for delivering local bus services.

Public transport plays a vital role in enabling disabled people to live independently. Independent living is an important human right enshrined in the Convention on the Rights of Persons with Disabilities.<sup>3</sup> It helps to enable people to take part and shape our society in a more inclusive and equal manner. It thereby reduces the stigma faced by disabled people and helps to bring about much needed societal change.

The Public Service Vehicle Accessibility Regulations 2000 require all buses and coaches to meet accessibility requirements by 2017 and 2020 respectively, as long as the buses and coaches in question have a capacity exceeding 20 passengers and are used to provide scheduled or local services. The proposals, especially in regard to tenders, should make clear reference to and highlight the importance of bus service operators meeting these legal requirements. Moreover, the public sector equality duty requires the Scottish Government, Transport Scotland, Transport Partnerships and local authorities to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people. If these bodies do not consider how their function and actions can affect people with, or who share protected characteristics in different ways, then the likelihood of these actions contributing to greater inequality and poor outcomes is much higher. The Scottish Government, Transport Partnerships and transport authorities are therefore required to consider how they could positively contribute to the advancement of equality and address inequalities in their local community through the local bus services.

### **Equality**

**Question 14 - Are there any likely impacts the proposals contained within this consultation may have on particular groups of people, with reference to the 'protected characteristics' listed above?**

- Yes
- No

Please be as specific as possible.

As mentioned above, the statutory duty to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people applies not only to the Scottish Government but also to Transport Scotland, Transport Partnerships and transport authorities. We believe that the proposals currently do not address how these public bodies would meet their statutory duty.

As detailed above in our responses to Questions 3, 10 and 13, disabled and older people's needs need to be considered when assessing the general local

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<sup>3</sup> [The Convention on the Rights of Persons with Disabilities](#), Articles 9 and 19.

needs in relation to local bus services and it is the duty of these bodies to do so. In 2014, around 10 per cent of disabled people in the UK had difficulties getting to public transport and on or off public transport, including buses.<sup>4</sup> Accessibility therefore needs to be a key concern when planning and implementing local bus services across Scotland.

This is particularly the case as public transport plays a vital role in enabling disabled people to live independently and access education, employment opportunities and take part in public life. Independent living is an important human right enshrined in the Convention on the Rights of Persons with Disabilities,<sup>5</sup> which helps to enable people to take part and shape our society, reduces the stigma faced by disabled people and helps to bring about societal change.

Disabled and older people also need accessible public transport in order to access important health care and social care. In order to secure better health and social care outcomes, public transport, including bus services, have to prioritise this need.

There are particular concerns that reduced public transport services, including bus services, in rural areas and the use of old fleets that are inaccessible for some people with protected characteristics, including wheelchair users, will further increase the discrimination and inequality of opportunities that people with, or who share protected characteristics face.

It is therefore vital that the proposals highlight the importance of identifying and adequately addressing these concerns.

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<sup>4</sup> Department for Work and Pensions and Office for Disability Issues (2014), *Opinions and Lifestyle survey: Fulfilling Potential outcomes and indicators*. Available at: <https://www.gov.uk/government/collections/opinions-and-lifestyle-survey-fulfilling-potential-outcomes-and-indicators> [accessed on 15.12.2017].

<sup>5</sup> [The Convention on the Rights of Persons with Disabilities](#).