

EQUALITY IMPACT ASSESSMENT - RESULTS

Title of Policy	The National Bus Travel Concession Scheme for Young Persons (Scotland) Order 2021
Summary of aims and desired outcomes of Policy	To offer all eligible persons free bus travel on local and long distance scheduled bus services in Scotland and to place the scheme on a statutory footing. This offer will extend free bus travel to young people over five years old and up to and including eighteen years old.
Directorate: Division: team	Transport Scotland; Bus, Accessibility and Active Travel; Bus Strategy & Concessions Policy

Executive summary

The Scottish Government intends to introduce a national scheme to provide free bus travel to all residents in Scotland aged between 5 and 18 inclusive. Children under five are already eligible for free bus travel as a widespread practice across the bus industry. There are approximately 770,000 people under 19 resident in Scotland who would be eligible for free bus travel.

Currently, under the National Concessionary Travel Scheme for Young People, discounted bus travel is limited to 16 to 18 year olds (and full time volunteers aged under 26) holding a valid Young Scot card and provides a one-third discount on adult single fares. This policy will allow all children and young people who are resident in Scotland to travel on the bus in Scotland at no cost to themselves.

By providing free bus travel to persons aged 5 to 18 inclusive, we are firstly seeking to embed positive sustainable travel behaviours from an early age and, secondly, seeking to improve their access to education, training and employment.

Currently, disabled children age 5 and over are eligible for free bus travel, and those who are in receipt of particular disability benefits or are severely sight impaired qualify for a companion to travel with them free of charge. This Order will extend National Bus Travel Concession Scheme for Older and Disabled Persons provisions on companions to disabled children aged under 5 who would have been eligible under current provisions had they been aged 5 or over.

Background

Section 40 of the Transport (Scotland) Act 2005 enables the Scottish Ministers, by order, to make national concessionary travel schemes. A national travel concession scheme provides travel concessions to 'eligible persons' travelling on 'eligible services' on 'eligible journeys'. The schemes may be new or they may modify or revoke existing local authority concessionary schemes established under section 93 of the Transport Act 1985.

There is currently a non-statutory National Concessionary Travel Scheme for Young People. This has been in operation since 2007 and is a voluntary agreement between bus operators and the Scottish Government underpinned by grant funding. The scheme provides a one-third discount on bus travel within Scotland for young people resident in Scotland aged between sixteen and eighteen years of age. (The scheme also provides discounts on trains and, for island residents, ferries. These non bus elements are not affected by the current proposal.)

The current proposal seeks to place the bus concession in this scheme on a statutory footing and to extend it in two important ways. It will replace the one-third discount with free bus travel on local and long distance scheduled bus services in Scotland. It will also extend eligibility for the new bus concession to young people aged under 16.

The Scope of the EQIA

This EQIA considers impacts on equalities groups based on the three tests it is required to address:

- Does this policy eliminate discrimination for each of the 9 protected characteristics (PCs)? If not, is the discrimination justifiable? Can it be mitigated?
- Does this policy advance equality of opportunity for PC groups?
- Does this policy foster good community relations between people of PC groups.

Transport Scotland publicly consulted on proposals to provide concessionary bus travel to people under age 19. This opened on 26 October 2020 and closed on 7 December 2020. Many of the 3,074 consultation responses received indicated that they anticipated only positive impacts on groups of people with protected characteristics, by supporting families and children on low incomes, making it easier for children and young people to get to school, access support groups, meet peers, engage in activities, and access services. The policy was considered to have positive impacts for women and girls, who could travel safely on the bus rather than walking, and to reduce household costs for young mothers.

Several potential negative impacts on PCs were identified, alongside potential mitigation measures. These potential risks include: the age criteria for eligibility could generate inequality between people under 19 and those age 19 and over; accessibility of the bus network and existing infrastructure could present a barrier to disabled people, and some young disabled people may need additional support to obtain the travel card; young people with learning disabilities or mental health conditions may face higher risks in relation to unaccompanied travel; and the information printed on the travel card could present a barrier for transgender young people. Careful consideration has been given to mitigation measures, such as ensuring the application process is accessible, consideration of what information should be on the travel card, ensuring that the cardholder's details can be easily updated, and driver awareness training.

Some consultation responses outlined concerns that an increase in the number of young people on the bus could negatively impact other passengers with protected characteristics, such as older travellers, disabled people, or pregnant people, either through a lack of seats or anti-social behaviour. There is no evidence suggesting that young people are less likely to give up their seat than other bus users. Young people are commonly perceived as perpetrators of anti-social behaviour, with research showing that these perceptions are increasingly being used to exclude or limit young people's access and rights to public space. In 2018-19, 22% of all anti-social behaviour fixed penalty notices were given to people aged under 21, the same percentage as for people aged over 40. Those aged 21-35 were the most likely to be given an anti-social behaviour fixed penalty notice, receiving 35% of all notices issued.

Additional engagement with internal and external stakeholders who have expertise in equalities and children's issues was undertaken between

October and December 2020. This included engagement with young people themselves through a focus group session with Members of the Scottish Youth Parliament and engagement through the Children's Parliament. Scottish Government officials within child protection, anti-poverty, and learning directorates highlighted issues to be considered further within impact assessments.

At the launch of the consultation, a number of young people's organisations were informed of the consultation and were offered conversations to share more information. Additional conversations were held with Barnardo's, Action for Children, Who Cares Scotland, and two local authorities who had undertaken similar free bus pilot programmes (Falkirk Look After Pass and Renfrewshire Through Care programmes). The impacts on children's rights and wellbeing, informed with findings from this stakeholder engagement, are outlined in more detail in this policy's Child Rights and Wellbeing Impact Assessment and Fairer Scotland Duty assessment.

Finally, Transport Scotland has drawn on existing evidence on travel in relation to protected characteristics, from previous analysis reports, Office of National Statistics (ONS) statistics, and third-sector analysis from organisations such as Engender and LGBT Youth Scotland. Some of this evidence is more recent, taking account of the evolving Covid-19 pandemic.

Key Findings

Transport Scotland identified the following impacts on groups with protected characteristics:

AGE - This policy has both positive and negative impacts on equality because of age. Young people age 16-18 are more likely to travel by bus and more likely to find public transport services to be of lower value for money. This is exacerbated as Covid-19 has meant young people are more likely to be unemployed, or in insecure and/or low paid work, in debt, and working in sectors negatively impacted by Covid-19. This policy will expand opportunities for young people under 19. It will also mean that young people can travel for free in the same way older people over age 60 can travel.

While the age criterion for eligibility could potentially generate inequality with young people over the age of 19, evidence suggests that people under 19 are generally more reliant on public transport, more likely to be in education, and more likely to be in low-paid or insecure work than persons aged 19 and over. Figures gathered from the ONS estimated that the gross

median weekly earnings for full time employees in that group was £252.60 in 2019, compared to £345.40 for full time employees aged 19 to 20. There is therefore evidence to suggest that people aged 19 to 20 who are in employment are better able to bear the costs of public transport than those aged 16 to 18 who are in a similar situation.

DISABILITY - This policy is considered to have overall positive impacts for disabled people. The policy extends the disabled concessionary scheme to children under 5, allowing them to access the companion pass. Young disabled people under 19 will be able to choose between the under 19 NEC or the disabled NEC scheme.

SEX - Taking the bus to work, to access education and social opportunities may allow access to additional locations and reduce the additional cost young women who make multi-stop journeys may incur. It will also expand opportunities for young women who seek to travel but may not feel safe walking.

PREGNANCY AND MATERNITY - This scheme is considered to have a positive impact on people because of pregnancy and maternity. Young mothers (under 25) are much more likely to be in both relative and absolute poverty. Mothers aged under 19 may therefore be positively impacted by the scheme, increasing access to healthcare, employment, and education for them and their children. While some consultation responses suggested that pregnant people or people with prams would be negatively impacted by increased numbers of young people on the bus, there is no evidence suggesting that young people are less likely to give up their seat or make space for a pram than other bus users.

GENDER REASSIGNMENT - Free bus travel will have a positive impact for people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex. The scheme may allow young transgender people to access support services and peer groups, and consideration has been given to ensuring that the identifying travel card will be easy to update with photo and name changes. Gender does not appear on the card.

SEXUAL ORIENTATION - This policy will have a positive impact on advancing equality of opportunity as young people will be able access services and support further from home.

RACE - We do not anticipate this policy having an impact on people because of their race.

RELIGION OR BELIEF - We do not anticipate this policy having an impact on people because of their religion or belief.

MARRIAGE OR CIVIL PARTNERSHIP - We do not anticipate this policy having an impact on people because of their marriage or civil partnership.

Recommendations and Conclusion

Overall, free bus travel for people under age 19 will advance equality of opportunities for young people with protected characteristics. The EQIA exercise has identified certain risks, such as the application process acting as a barrier for certain groups, increased risk to safety for certain groups, and the travel card negatively impacting transgender people. Consideration has been given to how to mitigate these risks, such as ensuring the application process is provided in accessible formats, allowing cardholder details to be easily updated, and taking steps to protect children's safety through driver awareness training. Some age groups over 19 years may also benefit from free bus travel, but are outside the scope of this policy. While the age criteria for eligibility could potentially generate inequality with young people over the age of 19, evidence suggests that people under 19 are generally more reliant on public transport, more likely to be in education, and more likely to be in low-paid or insecure work than people aged 19 and over.

An Island Communities Impact Assessment (ICIA), in line with the Islands (Scotland) Act 2018, will be carried out prior to the Young Persons Scheme coming into force to ensure that the needs of island communities are considered when developing and implementing the scheme and to determine if mitigating actions will need to be put in place.