

**GO  
SEStran**

South East of Scotland  
Transport Partnership



# REGIONAL TRANSPORT STRATEGY

**Equalities Duties Assessment  
Framing Note**

March 2021

In partnership with:  **Stantec**



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**Note Title:** SEStran RTS Equalities Duties Assessment Framing Note

**Date:** March 2021

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## 1 Introduction

### Background

1.1 Stantec UK Ltd has been commissioned by the South-East Scotland Transport Partnership (SEStran) to assist with the preparation of the new Regional Transport Strategy (RTS). This commission includes undertaking an Equalities Impact Assessment (EqIA) to fulfil the requirements of relevant 'equalities duties' prescribed through statutory provisions.

1.2 SEStran is the statutory Regional Transport Partnership for eight local authorities: City of Edinburgh, Clackmannanshire, East Lothian, Falkirk, Fife, Midlothian, Scottish Borders, and West Lothian. The new RTS will consider the present and future transport needs of this area in the context of changing policy environment, new travel behaviours, and significant infrastructure investment.

1.3 A three-stage process is being applied to develop a new Draft RTS for the SEStran region:

- **Initial Appraisal: Case for Change:** Development of SMART and evidenced-based Transport Planning Objectives (TPOs) to provide the robust basis necessary to underpin the development and assessment of sound candidate policies, proposals and transport interventions for potential inclusion within the emerging RTS.

Building on the SEStran RTS Main Issues Report (2020), the next stage of RTS preparation will involve more extensive baseline analysis to identify a suite of key transport problems and issues which should be addressed in the emerging RTS.

From this, a corresponding suite of proposed Transport Planning Objectives (TPO), to be referred to as outcomes and strategic objectives, and vision will be defined to provide a strategic framework under which candidate policies, proposals and interventions can be developed. In addition to the TPOs setting out the outcomes for the region in alignment with NTS2, they will also provide the basis for the appraisal of alternative options.

- **Preliminary Options Appraisal:** detailed appraisal of identified options (policies and proposals) using integrated SEA and Scottish Transport Appraisal Guidance (STAG) criteria to establish and evaluate reasonable alternative options for potential inclusion within the Draft RTS to achieve the proposed RTS vision and objectives (TPO). Strategic Environmental Assessment (SEA), STAG and equalities duties assessment processes will be integrated to generate a clear audit trail which identifies reasonable alternative options.
- **SEStran RTS Preparation:** The outcome of the appraisal (STAG) stage will be the identification of a recommended strategic framework (vision, outcomes, and strategic objectives) and corresponding implementation options (policies, proposals, and transport interventions) for inclusion in the Draft RTS. All selected components will be drawn together to create a visionary and engaging Draft RTS.

1.4 This Assessment Framing Note is the first stage of the EqIA process being undertaken in tandem with and to inform RTS development. It will frame the application of relevant equalities duties at each stage of the RTS development process by identifying key equalities issues (and the associated equalities evidence base) which should be considered in the emerging RTS and taken account of in EqIA reporting.

## The EqlA process

### Overview

- 1.5 Equalities issues are becoming increasingly prevalent in transport planning. Policy needs to recognise the different ways people interface with and experience the transport network. This trend towards a greater focus on inclusion is best articulated by the Scottish Government's National Transport Strategy 2 (NTS2) (2020), which targets reducing inequalities as one of the four central priorities which now underpin national transport policy.
- 1.6 An Equalities Impact Assessment (EqlA) process is therefore being undertaken to apply relevant equalities duties throughout and identify likely equalities impacts arising from RTS preparation. This EqlA is being undertaken in tandem with the development of the emerging RTS to allow assessment findings to influence the content of the RTS on an iterative basis, rather than being undertaken retrospectively at the final Draft RTS consultation stage only. The objectives of this EqlA are to integrate the consideration of relevant equalities issues and impacts into the development of the RTS from the outset and, in doing so, to demonstrate compliance with the Public Sector Equality Duty (PSED), the Fairer Scotland Duty (FSD), and Child Rights and Wellbeing duties.
- 1.7 Relevant equalities duties are being used as tools to inform and embed key equalities issues within the emerging RTS from the outset. Acting together with the SEA being carried out for the emerging RTS, this integrated approach allows the environmental, social and economic implications of all strategy components to be tested at the earliest opportunity and for any uncertainties or issues identified during impact assessment processes to be addressed during RTS preparation.

### Assessment Framing

- 1.8 The only equalities duty applicable to SEStran on a statutory duty is the public sector equality duty. This EqlA will however also address the Fairer Scotland and Child Rights and Wellbeing duties insofar as relevant to the RTS on a voluntary basis, as these relate to issues affecting the transport system and apply on a statutory basis to SEStran's constituent local authorities and NHS health boards.
- 1.9 This Assessment Framing Note identifies a suite of key equalities issues (and the associated evidence base) which should be considered in the emerging RTS and taken account of in the EqlA process. To apply relevant equalities duties, the identified key issues have informed the development of an Equalities Assessment Framework, comprising a suite of criteria against which all substantive components of the emerging RTS will be tested at each stage of development. This framework aims to provide holistic coverage of all key equalities issues and priorities which should inform RTS development as well as to demonstrate compliance with applicable equalities duties.

### Relationship with SEStran Equalities Outcomes

- 1.10 SEStran as a listed public body under the Equality Act 2010 and the Equality Act 2012 (Scotland) Specific Duties Regulations, has a requirement to publish a set of Equality Outcomes, covering the period April 2021 – March 2025 which it considers will enable it to better perform the equality duty.
- 1.11 SEStran (2021) has developed five draft outcomes which at the time of writing (March 2021) are currently published for consultation:
  - i. Increase the representation of ethnic minorities and disabled people on the SEStran Partnership Board, whilst retaining the gender balance of the non-councillor members.

- ii. To ensure design and development of all active travel initiatives deliver increased opportunities for disabled people to access active travel initiatives.
  - iii. Increased opportunities to access public transport in rural areas for ensuring the benefits of concessionary travel are available to relevant groups, mainly disabled people, elderly and young people.
  - iv. Develop a Thistle Assistance Journey and Wayfinding solution to help disabled people, older people, vulnerable people, and women access public transport and plan their journey's more easily.
  - v. Expand the Real Time Passenger Information (RTPI) network and continue to promote the Hate Crime Charter to improve safety and accessibility to public transport within the region.
- 1.12 The new RTS and its implementation will be designed to positively contribute to these draft outcomes. Through its assessment of the PSED and wider relevant equalities duties, the EqIA process will test and refine emerging components of the new RTS to support the achievement of these outcomes.

## Proposed Form and Content of the RTS

- 1.13 In accordance with the Transport (Scotland) Act 2005, SEStran prepared the first RTS for the South East Scotland region covering the period 2008 – 2023. In 2015, SEStran published an update to the RTS, covering the period 2015-2025. The emerging RTS is being developed to replace the current RTS once it expires in 2025 and to set out a new long-term transport vision, outcomes, and strategic objectives for the South East Scotland region, aligned with the NTS2 (2020).
- 1.14 At this stage it is envisaged that a new RTS for the SEStran region will comprise the following substantive components:
- Vision
  - Outcomes and Strategic Objectives
  - Policies
  - Delivery Framework: Transport Proposals and Interventions.
- 1.15 It is also envisaged that the new RTS will include a Monitoring and Evaluation Framework to support the effective delivery of the substantive components listed above. It should be noted that this list of intended RTS components is not exhaustive and may change through the development of the strategy.

## Note Structure

- 1.16 Section 2 of this note summarises key equalities issues pertinent to the regional transport network, as identified by publically available reports, policy requirements, and academic literature. These identified key equalities issues must be addressed through the development of a new RTS for the SEStran area and the associated application of relevant equalities duties. Section 3 then develops a related assessment framework against which compliance of the emerging RTS with the statutory duties will be iteratively tested. Finally, Section 4 outlines relevant stakeholders who should be engaged within the EqIA process. The views of consultees will be sought throughout this EqIA, including on this scoping exercise.

## 2 Key Equalities Issues

- 2.1 This section provides a high-level overview of key equalities issues experienced on the SEStran transport network, drawing largely on secondary research and policy. Little of the secondary research focuses exclusively on the SEStran area, instead highlighting trends at a Scotland and UK level.
- 2.2 The evidence base is grouped by theme and reports discrimination experienced by people relating to individual protected characteristics. Yet it is important to remember that many people who use the transport network experience an intersection of multiple inequalities. Social identities and characteristics overlap, which can create a compounding experience of discrimination. Age-based discrimination, for example, will be experienced differently by an individual who has high material wealth and by an individual in poverty.
- 2.3 Related to this, wider inequalities in society mean that discrimination or other equalities impacts based on one characteristic or social identity may be more likely experienced by a particular social group. For example, the equalities impact of a reduction in fares will have a disproportionate impact on people with low incomes. As many ethnic minority groups in Scotland have lower than average incomes, a change in fares could indirectly result in a disproportionate impact on such ethnic minority groups.

### Travel Behaviour and Differential Requirements

- 2.4 Different people use the transport network at different times, more or less frequently, and for different purposes. Some groups of people, such as people from ethnic minority groups, disabled people, young carers, young mothers, and care leavers, are less mobile and more reliant on public transport (Scottish Government 2017). This may result in differential impacts of changes to service provision for a particular time of day or route. Recent literature has suggested several trends relating to the protected characteristics which should be considered in the EqIA process:

- **Sex:** in general, women engage in travel linked to domestic commitments and are more likely to travel with young people and the elderly (Duchene 2011; Sánchez de Madariaga 2013). This influences travel behaviour and women tend to travel shorter distances within a more restricted geographical area, make more multi-stop trips, and rely more on public transport.
- **Age:** elderly people also tend to travel relatively less often and for shorter distances than other adults (Fatima, et al. 2020). Without needing to commute, elderly people are more likely to travel between the hours of 9:00 and 15:00, with most trips for shopping (mostly undertaken by elderly women) (Su and Bell 2012).

According to Davis (2014), young people may have a more local focus than the population as a whole. This suggests that young people from deprived areas may look for jobs and training opportunities only in their local area and those easily accessible via public transport.

- **Disability:** an individual will generally use public transport less frequently if they experience a greater number of difficulties completing daily tasks (Yarde, et al. 2020). However, travel behaviour among this group varies widely as the behaviour of people with specific types of disabilities is often markedly different to each other (Clery, et al. 2017).
- **Race:** data at a Scotland-level is limited on different ethnic minority groups (Scottish Government 2015, 26) and any analysis of race-based discrimination must consider the differences in people's experiences and preferences both between and within different ethnic groups (Gentin 2011). Yet recent research suggests that black and ethnic minority

individuals take relatively few active leisure trips such as walking or cycling (Colley and Irvine 2018). Potential explanations can include socio-economic disadvantage, fear of discrimination, and language barriers.

- 2.5 Policies around service provision and scheduling in the emerging RTS are therefore likely to impact groups related to protected characteristics in different ways. This should be considered further in the emerging strategy and EqIA to ensure any likely differential impacts are identified.

## Income, Wealth, and Affordability

- 2.6 The affordability and availability of transport to people facing socio-economic disadvantage through low incomes and wealth is a key equalities issue. This characteristic influences how people use and experience the transport network. Further, the transport network itself influences inequalities of opportunity and outcome related to income and wealth.
- 2.7 How a person interacts with the transport network is influenced by their income. Statistics published by Transport Scotland (2020, 185; 2019, 66) have repeatedly shown that people in lower income households are more likely to travel by bus, while people in higher income households are more likely to drive or take the train. This is reinforced by research undertaken by the Glasgow Connectivity Commission (2019) found that, across Scotland, people in the lowest SIMD quintile make 58% fewer trips by car; 75% fewer trips by rail; 50% more trips by foot; and 206% more trips by bus and coach than those in the highest SIMD quintile.
- 2.8 There is also a spatial relationship between transport connectivity and material wealth. Areas of multiple deprivation tend to have poorer public transport links than areas with high material wealth, in terms of both service quality and the range of options available (Lucas, et al. 2011; Titheridge, et al. 2014). 'Transport poverty' where a lack of affordable travel options prohibits access to employment and essential services has been estimated to impact more than one million people across Scotland (Sustrans Scotland 2016). This can lead to higher transport costs for people living in areas of high multiple deprivation, compounding inequalities of income. Low public transport accessibility can make car ownership a necessity for people to commute to work or access basic services – evidenced by a recent study of suburban areas around Glasgow (Curl, Clark and Kearns 2017).
- 2.9 'Forced car ownership' occurs in urban and suburban areas, but it is particularly a concern for low-income households in rural areas (Crisp, Gore and McCarthy 2017). This is compounded, and likely influenced by, higher fares for bus travel in rural areas across Scotland (Citizens Advice Bureau 2016). Car-centric design itself has discriminatory impacts, with a relationship between less safe infrastructure and travel patterns and material wealth. Children in the 20% most deprived areas in Scotland are three times as likely to be in a collision with a car as children in the least deprived 20% of areas (Quayle 2019). The transport network itself can have a potential impact in determining incomes. Affordable transport with a good service can promote equality of opportunity, enabling people to access jobs, education, and training (The Poverty and Inequality Commission 2019).
- 2.10 Owing to these relationships, policies in the emerging RTS should seek to identify any differential impacts on different socio-economic groups (e.g., disaggregated by income, wealth, or social class). As mentioned above, differential impacts between such groups are likely to also be manifest within and between groups with other characteristics and social identities with disproportionate rates of poverty and low income and wealth.

## Other Barriers to Transport

### Accessibility

- 2.11 Barriers to accessible travel can leave disabled people unable or unwilling to travel. While most disabled travellers in Scotland rely on public transport, many experience difficulties when travelling. Problems include poor service frequency, inadequate infrastructure between home and stop or station, and the most reported, difficulties physically accessing the transport (Disability Equality Scotland 2017).
- 2.12 The Scottish Government launched Going Further in 2016, an accessible travel framework aimed at eliminating barriers which prevent disabled people travelling. The Framework included commitments to disability training for transport staff, mechanisms for enabling onward travel should journeys be disrupted, and advice on ticketing and pricing (Scottish Government 2016).

### Hate Crime

- 2.13 As well as being accessible, transport should be safe for individuals to use. Individuals should be free from hate crime, bullying and harassment when travelling. A hate crime is any criminal offence motivated by malice and ill-will towards a social group. Hate crime can be motivated by disability, sexual orientation, gender reassignment, race, religion, or faith.

## 3 Equalities Assessment Framework

### Overview

- 3.1 The objectives of this EqIA are to integrate the consideration of relevant equalities issues and impacts into the development of the RTS and to demonstrate compliance with the Public Sector Equality Duty, the Fairer Scotland Duty, and Child Rights and Wellbeing duties. This section outlines the requirements of each of these duties and provides a set of criteria which will be used to iteratively assess all substantive components of the emerging RTS.
- 3.2 Identified key equalities issues (**Section 2**) have informed the development of a bespoke Equalities Assessment Framework as set out below, comprising a suite of criteria linked to relevant equalities duties against which all substantive components of the emerging RTS will be tested at each stage of development. This framework aims to provide holistic coverage of all key equalities issues which should inform RTS development as well as to demonstrate compliance with each applicable equalities duty.
- 3.3 The Equalities Assessment Framework has been developed in tandem with the identification of SEA Objectives (through the **SEStran RTS SEA Scoping Report**) to ensure close alignment between the two impact assessment processes, including regarding the assessment through both workstreams of likely effects from the emerging RTS on population and human health. This integrated approach will also ensure alignment with high level social inclusion and accessibility STAG criteria that will subsequently be used to help develop, test, and appraise substantive components of the emerging RTS.

### Public Sector Equality Duty

- 3.4 Section 149 of the Equality Act 2010 sets out a 'public sector equality duty'. This requires public authorities to have due regard to the need to eliminate discrimination, harassment, victimisation,

advance equality of opportunity, and foster good relations between those with a protected characteristic and those without<sup>1</sup>.

- 3.5 The following guide questions have been designed to allow for testing the implementation of the PSED. They provide a transparent framework to assess the extent to which emerging RTS components promote equality of opportunity, including the removal of physical and cultural barriers to accessing and benefiting from the transport system.

**Assessment Framework: Public Sector Equality Duty**

*Will the emerging RTS and its associated delivery mechanisms...*

- *Result in any likely different or disproportionate effects on persons with protected characteristics as specified in the Equality Act 2010?*
- *Promote social cohesion and integration between people with different protected characteristics?*
- *Advance the SEStran equalities outcomes?*
- *Provide equal access to employment opportunities, social and cultural activities, and public services and amenities for all?*
- *Promote public realm and design choices that provide a safe, secure, and accessible environment for all?*
- *Support the removal of barriers to travel and the improvement of equal access to travel?*

**Fairer Scotland Duty**

- 3.6 The Fairer Scotland Duty (FSD) places a legal responsibility on public bodies in Scotland to actively consider how they can reduce inequalities of outcome caused by socioeconomic disadvantage. This differs from the Public Sector Equality Duty which considers only reducing inequalities of opportunity. However, the FSD identifies a need to consider both ‘communities of place’ and ‘communities of interest’ in terms of people who share an experience and are particularly impacted by socio-economic disadvantage (Scottish Government 2018). Demographic groups who share one or more of the protected characteristics listed in Section 4 of the Equality Act 2010 can be considered ‘communities of interest’, meaning there is a direct link between the Fairer Scotland Duty and the Public Sector Equality Duty.

- 3.7 The following criteria will be applied to testing the performance of the emerging RTS in relation to implementing the FSD. This provides a transparent framework to assess the extent to which emerging RTS components reduce inequalities of outcome resulting from low income, low wealth, and multiple deprivation.

**Assessment Framework: Fairer Scotland Duty**

*Will the emerging RTS and its associated delivery mechanisms...*

- *Help to reduce levels of absolute and relative income poverty, inequality in the distribution of household wealth, and levels of multiple deprivation affecting communities?*
- *Reduce cost related barriers to accessing and use of all transport modes?*

<sup>1</sup> The protected characteristics referenced within this duty are specified within Section 4 of the Act, namely: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.



**Assessment Framework: Fairer Scotland Duty**

- *Provide equal access to employment opportunities, social and cultural activities, and public services and amenities for all?*
- *Improve accessibility to open spaces, and sports facilities for physical recreation, in particular for those facing socio-economic disadvantage?*
- *Promote good local access to existing facilities, services, and employment, in particular for those facing socio-economic disadvantage?*

**Child Rights and Wellbeing Duties**

3.8 The Children and Young People (Scotland) Act 2014 requires public bodies to consider whether existing and emerging legislation, policy, and guidance have an impact on children and young people and to assess what further action is required to ensure compliance with the United Nations Convention on the Rights of the Child (UNCRC). The following criteria will be applied to test and confirm the implementation of relevant Scottish Ministers’ duties under the Children and Young People (Scotland) Act 2014 and the UNCRC in the emerging RTS. They have been formulated with reference to the approach recommended within the Scottish Government’s Child Rights and Wellbeing Impact Assessment Guidance (Scottish Government 2019).

**Assessment Framework: Child Rights and Wellbeing Duties**

*How does the intervention relate to, promote, or inhibit the provisions of the UNCRC, other relevant international treaties and standards, or domestic law?*

*Have children and young people been consulted on the intervention?*

*Will the rights of one group of children in particular be affected, and to what extent?*

*Are there competing interests between the groups of children, or between children and other groups, who would be affected by the intervention?*

*Will the intervention protect and enhance access to high quality community facilities, public services and key amenities for children and young people?*

*Will the intervention improve access using active travel and public transport to educational, social, and economic opportunities for children and young people?*

**4 Stakeholders Engagement & Reporting**

**Overview**

- 4.1 A collaborative approach is being adopted to prepare the emerging RTS, with a strong emphasis on stakeholder engagement from the outset. The preparation of the emerging RTS will be closely informed by the application of relevant equalities duties as detailed in this note.
- 4.2 Building on the SEStran RTS Main Issues Report (2020), this Equalities Duties Assessment Framing Note and a **SEA Scoping Report** have been published to identify key equalities and environmental issues for consideration within the new RTS and to outline proposed approaches to undertaking a proportionate and robust statutory impact assessments. At this stage, relevant stakeholders are invited to consider the key equalities issues identified in this note and the proposed approach to undertake an EqIA iteratively at each formal consultation stage in the development of the new RTS for the SEStran region, namely the Initial Appraisal: Case for Change and Draft RTS.

**Reporting**

4.3 With reference to the three-stage process outlined in **Section 1** to develop the Draft RTS, application of relevant equalities duties including testing of identified options will be undertaken by a dedicated assessment team throughout the process. Iterative reporting against relevant equalities duties will then be prepared to accompany each formal RTS consultation document (i.e. Initial Appraisal: Case for Change and Draft RTS). Findings from the application of relevant equalities duties at Stage 2 - Preliminary Options Appraisal and from formal assessment of Draft RTS components will both be reported together in an Equalities Duties Report which will accompany the Draft RTS. This approach will provide a proportionate and transparent audit trail of decision making regarding the identification, assessment of equalities impacts and selection of components for inclusion within the Draft RTS.

**Engagement with Stakeholder Groups**

4.4 In tandem with EqIA assessment framing, a Consultation and Engagement Plan is being developed to integrate wider stakeholder engagement with the development of the emerging RTS itself, and to allow this engagement to inform subsequent stages of associated impact assessments. The stakeholders listed below have been initially identified as representing equalities interests within the SEStran area of relevance to the emerging RTS. Following publication of this Equalities Duties Assessment Framing Note, further engagement with these stakeholder groups will take place to inform preparation of the Initial Appraisal: Case for Change. Other relevant stakeholder groups and interested individuals are also encouraged to engage with Stantec and SEStran throughout the development of the emerging RTS and the associated EqIA.

AccessAble (Central Borders Access Panel)	Fair Deal
Age Scotland	Falkirk Area Disability Access Panel
Berwickshire Access Panel	Guide Dogs
Capability Scotland	Inclusion Scotland
CEMVO Scotland	Interfaith Scotland
Children and Young People's Commissioner Scotland	Joseph Rowntree Foundation
CKUK	LGBT Youth Scotland
Clackmannanshire Disability Awareness Group	Midlothian Access Panel
Coalition for Racial Equality and Rights	Mobility and Access Committee for Scotland
Deaf Connections	RNIB Scotland
Disabilities Fife	Scottish Accessible Transport Alliance
Disability Equality Scotland	Scottish Council on Deafness
East Lothian Access Panel	Scottish Trans Alliance
Edinburgh Access Panel	Scottish Women's Aid
Edinburgh Disability Forum	Stonewall Scotland
Enable Scotland	Tweeddale Access Panel
Equal Scotland	Visibility
Equality Network	West Lothian Access Panel
Equate Scotland	Young Scot

4.5 To remain proportionate and effective, formal consultation will only be undertaken at the first and third of the RTS development stages (Initial Appraisal: Case for Change and Draft RTS), with a representative panel of stakeholder interests instead convened to provide proportionate inputs to the appraisal of options during Stage 2 - Preliminary Options Appraisal.

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## Opportunity to Comment

- 4.6 Interested stakeholders are invited to provide comments regarding:
- Key equalities issues for a new RTS as identified in this note; and,
  - Proposed approach to undertake and report an EqlA iteratively at each formal consultation stage, namely Initial Appraisal: Case for Change and Draft RTS.

- 4.7 Any comments specifically regarding or in response to this Equalities Duties Assessment Framing Note should be directed to:

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