

Equality Impact Assessment
Designation under The Health Protection (Coronavirus) (International Travel)
(Scotland) Regulations 2020

Introduction

1. The Scottish Government, along with the UK Government and the other Devolved Administrations, have introduced emergency public health measures at the UK border, designed to reduce the public health risks posed by Coronavirus (Covid-19), by limiting the further spread of the disease.
2. It has been necessary to take these extraordinary measures to respond to the pandemic, in order to protect the right to life and the right to health for Scotland's population. However, the unequal impact of the pandemic and the need to advance equality, eliminate discrimination and foster good relations (as per our Public Sector Equality Duty), and take an integrated and balanced approach to ensuring the proportionality of the measures taken, have also been at the forefront of consideration of these actions during this emergency situation.
3. [The Coronavirus \(Covid-19\): Framework for Decision-Making](#) published in 2020 made clear that Covid-19 is first and foremost a public health crisis, and the measures to combat it have been necessary to save lives. The Framework identified four main categories of harm: **direct health impacts, non-Covid-19 health harms, societal impacts and economic impacts**. These harms are deeply inter-related: health harms impact on society and the economy, just as the societal and economic effects impact on physical and mental health and wellbeing.
4. The measures contained within these Regulations have been introduced by emergency public health legislation to reduce the public health risks posed by the spread in Scotland of severe acute respiratory syndrome Coronavirus 2 (SARS-CoV-2) ("Coronavirus"), which causes the disease Covid-19, by limiting the further spread of the disease.

Legislative background

5. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 and the Health Protection (Coronavirus, Public Health information for Passengers Travelling to Scotland) Regulations 2020 came into force on 8 June 2020.
6. The Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 generally came into force on 15 January (with some specified provisions coming into force on 1 February 2021).
7. The above Regulations were due to expire on 20 September 2021 but were instead revoked and replaced by the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021 ("the consolidated International Travel Regulations") on that date. The 2021 Regulations consolidated the provision in the Regulations being replaced.

8. The consolidated International Travel Regulations set out requirements for people arriving into Scotland including:-
- to provide particular passenger information before or on arrival into Scotland;
 - to possess a notification of a negative coronavirus test;
 - to possess a testing package for the detection of coronavirus before or upon arrival into Scotland and to undertake such tests;
 - to stay in specified premises (e.g. at home) for a specified period upon arrival into Scotland;
 - to stay in managed isolation accommodation for a specified period upon arrival into Scotland.
9. The application of these requirements varies depending on which country outside the Common Travel Area a person has arrived from or travelled through, as well as whether any particular exemption is applicable. It is a criminal offence to fail to comply with the requirements in accordance with the Regulations.
10. The Regulations also impose related requirements on persons (“operators”) operating commercial services for international passengers travelling to Scotland.”
11. For the purposes of the requirement to stay in Managed Isolation, the Scottish Ministers have designated accommodation at the University of St Andrews and the University of Stirling from 13 August 2021 for the purposes of a managed self-isolation package.
12. This means that students arriving into Scotland from or having travelled through a red list country in the previous 10 days can isolate in accordance with the International Travel Regulations within the designated student accommodation provided for that purpose.

Key Findings

13. The impacts of adding countries to the list of acute risk (red list) countries, territories and part of countries or territories was assessed at the introduction of The Health Protection (Coronavirus) (International Travel) (Managed Accommodation and Testing) (Scotland) Regulations 2021 and can be found [here](#).
14. We have reviewed the amendment to these Regulations in relation to red list arrivals coming to the UK in order to attend a boarding school for education purposes to allow them to transit across the UK without the need to enter managed isolation at their point of arrival and consider there to be no further amendments to the characteristics discussed in the Impact Assessments previously published [here](#).

Assessing the impacts and identifying opportunities to promote equality

Managed isolation in student accommodation: Allowing international higher education students attending St Andrews University and Stirling University and arriving from or having travelled through within the previous 10 days a red list country to undertake self-isolation in student accommodation.

Impact: Students travelling from out with the CTA to receive education at St Andrews University or Stirling University will be able to isolate in student accommodation.

Differential impacts	Age: Children and Younger People	All international students to isolate in an on-campus environment which is likely to be more conducive to good mental health than staying in a quarantine hotel, whilst maintaining the health benefits of managed isolation in order to prevent the spread of coronavirus. They are more likely to get support from their institutions on campus. Separate Children's Rights Impact Assessments have been completed and published alongside this document.
	Age: Older People	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Sex: Women	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Sex: Men	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Race	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Religion & Faith	This policy will be delivered in such a way as to enable students of religious faith to isolate in an environment that could more readily support relevant customs and practices, for example such as special dietary requirements.
	Disability	It is likely that access for people with a disability will be the similar to access in quarantine hotels.
	Sexual Orientation	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Marriage and Civil Partnership	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Pregnancy and Maternity	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Gender Reassignment	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
Socio-economic disadvantage	We are aware that international students have a range of circumstances and this policy will benefit those who would not be able to afford a managed isolation package.	

Mitigating actions: We will keep this policy under review and consider impact with relevant stakeholders in the sector.

Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time
Promoting good relations among and between different age groups			X	No evidence of a differential impact identified at this time

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations among and between disabled and non-disabled people			X	No evidence of a differential impact identified at this time.

Do you think that the policy impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.

Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations between men and women			X	No evidence of a differential impact identified at this time.

Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations			X	No evidence of a differential impact identified at this time.

Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term 'transsexual people' but 'trans people' is more commonly used, although it may include a wide range of people not covered by the Act).

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations			X	No evidence of a differential impact identified at this time.

Do you think that the policy impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision
---------------------------	-----------------	-----------------	-------------	----------------------------------

Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations			X	No evidence of a differential impact identified at this time.

Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good race relations			X	No evidence of a differential impact identified at this time.

Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	There will be no differential impact as the policy will cater for those with, for example, different dietary requirements.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations			X	No evidence of a differential impact identified at this time.

Do you think the policy impacts on people because of their marriage or civil partnership?¹

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination,			X	No evidence of a differential impact identified at this time.

¹ The PSED does not apply to the protected characteristic of marriage and civil partnership
<https://www.gov.uk/guidance/equality-act-2010-guidance>

harassment and victimisation				
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.

Conclusion

The designation of the above Universities as accommodation for managed isolation purposes is intended to balance the restrictions necessary to protect people from the direct harms to health from importation of new variants of Covid19, with the unintended potential harms the restrictions may have on isolation, wellbeing and the economy.

Whilst the view of the Scottish Government is that these measures are justified and a proportionate means of reducing the public health risks posed by coronavirus, there is also a need to not only mitigate any negative effects identified but to eliminate discrimination, advance equality of opportunity and foster good relations between people, and the measures we have put in place are designed to help do this. However, no potential negative impacts on one or more of the protected characteristics have been identified in this impact assessment.

The Scottish Government will continue to keep the regulations under review.