

EQUALITY IMPACT ASSESSMENT

The Health Protection (Coronavirus) (Restrictions and Requirements)(Local Levels) (Scotland) Regulations 2020

Introduction

1. The COVID-19 pandemic has led to unprecedented calls on the health system as well as policy and financial decisions that have made fundamental changes to everyday life for people in Scotland. While 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, the unequal impact of the pandemic and the requirement to have due regard to 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.
2. The Coronavirus (COVID-19): Framework for Decision-Making and *Scotland's route map through and out of the crisis* ("the Route Map") published earlier this year 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 for Decision-Making* 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.
3. On Friday 23 October, we published *COVID-19: Scotland's Strategic Framework*. This new framework sets out how we intend to respond to the crisis over the coming period, across the four key harms of the virus. It details how we will work to suppress the virus and sets out our proposal to move to a strategic approach to outbreak management based on five levels of protection, across many aspects of our lives.
4. Some harms will be felt over different time horizons: short, medium and long-term. Some may not be fully understood for many months or even years, such as the long term impacts on mental health and school attainment. However, even in these initial stages, it is clear that impacts have not been felt equally across the population. Consideration of the continued, but differential, impacts at the different levels is therefore critical to the decision making process.

Legislative background

5. The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. The Scottish Government immediately used powers conferred by that Act to bring forward the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 ("the first regulations"), to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. They came into force on Thursday 26 March 2020.
6. The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 came into force on 14 September 2020 and revoked and replaced the first regulations. They make provision which is substantially similar to the first regulations, as amended at the date on which they were revoked.
7. On 9 October 2020, the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Restrictions) (Scotland) Regulations 2020 ("the additional

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temporary restrictions”) set out additional restrictions, both nationally and specific to the central belt. These regulations suspended the effect of the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 while the additional temporary restriction regulations were in force. The additional temporary restriction regulations were due to expire on 26 October but were extended by amendment until 0600 on 2 November to allow for consultation on the levels-based approach.

8. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 implemented the new strategic framework and were published on 30 October on www.legislation.gov.uk and came into effect at 0600 hours on 2 November 2020. These regulations revoke the additional temporary restrictions regulations and the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020.
9. Decision-making under the new Strategic Framework system will be more straightforward. It will build on existing structures and processes and will include engagement with local leadership as decisions to move up and down levels are taken. However, decisions will be made by Ministers, with input from relevant advisers, because implementing levels decisions is the exercise of a statutory power for the protection of public health, for which Ministers are responsible and accountable.
10. Regular reviews of the levels system will take place and as soon as the Scottish Ministers consider that any restriction or requirement is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Scotland with coronavirus, they must revoke that restriction or requirement. Under the new levels approach, Scottish Government will work closely with local authority leaders when making these decisions.
11. As soon as the Scottish Ministers consider that it is no longer necessary for the Level 1 Restrictions, Level 2 Restrictions, Level 3 or Level 4 Restrictions to apply to a specified area, the Scottish Ministers will amend the Regulations so that those restrictions no longer apply to that area.
12. The *Framework for Decision Making* makes clear that the reviews of the levels system within the Strategic Framework will be informed by assessments of options for relaxation or restriction under their impact on the four harms, their viability, and broader considerations including equality impacts, the impact on individual rights and consideration of measures, for example, for specific geographies and sectors.
13. The Scottish Government considered from the outset whether the lockdown provisions were consistent with the Equality Act 2010 and also considered whether the provisions could constitute indirect discrimination. In many cases, the provisions have applied to all persons irrespective of protected characteristic, although we acknowledge that the same provision may not have equal impacts. Equality Impact Assessments (EQIAs) have been carried out to consider the likely or anticipated impact of the measures contained in the Coronavirus (Scotland) Act 2020 and for the respective legislation thereafter, as mentioned in paragraphs five, six and seven above. Where some possible negative impacts have been identified, the Scottish Government has considered these to be justified as both a necessary and proportionate means of achieving the legitimate aim of protecting the general public from the threats posed by the outbreak of the Coronavirus pandemic and, therefore, the threat to human life in Scotland; and has sought to mitigate disadvantage wherever possible, e.g. developing exemption cards for people whose health or disability makes the wearing of face coverings unsuitable. However, from the beginning, measures were put in place to support people with protected characteristics

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as they complied with lockdown guidance, such as the £350 million of community funding announced on the 18 March 2020.

14. The impact assessment has identified some potential positive impacts on one or more of the protected characteristics. Reductions in the spread of coronavirus are designed to positively affect the whole population, but will particularly affect the health of those people who are more severely affected by the disease.
15. This includes older people (age), those with underlying health conditions (some disabled people are more likely to experience severe ill-health from contracting COVID-19 than the general population), ethnicity and sex. [Early data](#) showed that the COVID-19 virus was more deadly for people with underlying health conditions. Prevalence of some of these health conditions is known to be higher in certain ethnic groups¹, for example Type 2 diabetes is 6 times more likely in people of South Asian descent and over 2 times more likely in African and Afro-Caribbean people².
16. As we follow the levels approach, some changes will be delivered through regulations, such as amending regulations to allow for local areas to move in or out of a level. Other measures will be delivered through changes to guidance. However, all measures are given thorough consideration on the basis of their impact, including on equality and human rights³.

Policy Objectives

17. We published our Strategic Framework and levels table in response to the rising number of COVID-19 cases seen recently in Scotland, and increase in hospital and intensive care unit (ICU) admissions. A paper published on 7 October 2020 sums up the evidence on infection trends, confirmed cases, hospital use and deaths, and how these vary across Scotland and is available at <https://www.gov.scot/publications/coronavirus-covid-19-evidence-paper-october-2020/>.
18. The framework moves Scotland from the Route Map, which applies countrywide, into something that allows us to flex, on a much more transparent basis, depending on rates of transmission across different areas of the country. However, we recognise that many of the restrictions and requirements in place have a negative impact on some aspects of people's lives, such as increasing loneliness and social isolation, and have potential to deepen inequalities and damage our economy.
19. The hospitality industry is an important employer in Scotland – we estimate that 13,855 business units in the Food and Beverages Services sector in Scotland, employ 155,000 people directly with many more employed in its supply chains⁴. Alongside the UK Government Job Support Schemes, Scottish Government has provided closure grants and hardship payments to help ease the difficulties caused by the necessary restrictions on the hospitality industry. However, we know that what many want is to return to work.

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SAGE:https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/895841/S0483_Ethnicity_and_Covid-19.pdf

² <https://www.diabetes.co.uk/south-asian/>
<https://www.diabetes.co.uk/news/2013/jan/those-of-african-caribbean-descent-more-likely-to-have-diabetes-92672091.html>

³ A summary of equality and Fairer Scotland evidence was published for Phase 1 and 2 of the RouteMap. An update for Phase 3 is forthcoming. <https://www.gov.scot/publications/equality-fairer-scotland-impact-assessment-evidence-gathered-scotlands-route-map-through-out-crisis/>

⁴ Business Register and Employment Survey 2018

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20. Reopening the sector would be positive for the economy and for many people's wellbeing but we must do it in a way that does not increase the health risk for the vulnerable, many of whom are employed in this sector. The Strategic Framework aims to strike a balance between the two, allowing most hospitality venues to open at almost all levels and for the public to enjoy them, while ensuring this happens in a way that is safe and gives the virus limited opportunity to spread.
21. Since the start of the pandemic, we have engaged directly with the hospitality sector on an ongoing basis, as well as trade unions and other relevant bodies, on our response to the virus.
22. Among others, we have worked in partnership with the Scottish Licensed Trade Association, the Scottish Beer and Pub Association, UK Hospitality, the Scottish Hospitality Group, their industry legal advisers and the Scottish Trades Union Congress (STUC), Unite the Union and Prospect. We also established the Scottish Tourism Emergency Response Group (STERG) and have ensured that all guidance has taken account of EHRC protocols.
23. Our engagement with the industry has covered a variety of issues, and has contributed to a number of positive outcomes, including: the easing of restrictions affecting hospitality following the initial lockdown; exemption from two-metre distancing rule for the industry; implementation of additional mitigating measures; detailed sectoral guidance; and a comprehensive support package.
24. The Scottish Government has continued to engage proactively and meaningfully with the hospitality industry throughout the development of the new Strategic Framework, and as we move towards its implementation.
25. Throughout our extensive engagement we have listened to all of the concerns raised by industry representatives, and have worked in partnership with them to mitigate these concerns as far as the public health emergency has made that possible. We are aware that it has not been possible to fully address all of the issues raised, but we have always sought to balance our continued support for the sector with our primary objective of suppressing the virus and saving lives.
26. We invited feedback when we published the Strategic Framework and proposed levels on 23 October and have received written submissions from the Scottish Beer and Pub Association, the Scottish Licensed Trade Association, UK Hospitality, and the Scottish Hospitality Group. These representations acknowledge our efforts to simplify the measures currently in place for the sector, while also highlighting issues of continued concern for their members – in particular the hospitality restrictions proposed for Level 3.
27. The key current asks from the sector include: allowing the consumption of alcohol outdoors and indoors with a main meal; introducing different time restrictions for different levels and changing the 10 pm curfew to a cut off for last entry; allowing business meetings in hospitality settings; enabling flexibility around the definition of outdoor space; and recommencing night-time events in Levels 0 and 1.
28. We welcome the industry's engagement on all the key issues they have raised, as we have throughout the pandemic. We listened to the sector's calls for exemption from the two-metre distancing rule, the implementation of additional mitigating measures, and a significant financial support package, and we acted. We continue to listen to their legitimate concerns and have made amendments to the new levels system to reflect as many of these as it is safe to do so at this time, including enabling pubs and restaurants

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who have the ability to serve substantial meals to remain open in level 3 (though alcohol must not be sold), allowing alcohol to be served with meals in level 2, and extending opening hours in level 2.

29. We are continuing our constructive engagement with the sector, and are analysing the clinical evidence to determine whether it is possible to allow alcohol to be sold with meals in level 3, as well as continuing our discussions with the sector – in addition to planning, licensing and environmental health colleagues – on options for the definition of ‘outdoor space’. We are examining how best to implement different time restrictions across the respective levels.
30. We are continuing to work constructively to address all their requests for further clarity and certainty as we move into the new levels system.
31. The framework was implemented following a debate and agreement on the strategic approach and the necessary regulations (The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020) in the Scottish Parliament on 27 October. The Regulations came into effect from 2 November.
32. The Scottish Government’s Coronavirus (COVID-19) guidance has been updated to reflect these changes and to make other changes for the purpose of implementing proposals in the Strategic Framework. The revised guidance is available at www.gov.scot/collections/coronavirus-covid-19-guidance.

Retail

33. At Level 0 – 3 all retail is open, but with safety measures in place which may impact groups such as the disabled.
34. At Level 4 non-essential retail is closed although click and collect and outdoor retail are permitted.

Close contact services (e.g. hairdressers, barbers, tailors and beauticians)

35. At Level 0 – 2 close contact services remain open, but with safety measures in place which may impact groups such as the disabled.
36. At Level 3 they still remain open but may be subject to additional protective measures.
37. At Level 4 close contact services are not permitted.

Sports and exercise

38. At Level 0 all sports and exercise are permitted.
39. At Level 1 all permitted except age **18+** indoor contact sports (professional permitted).
40. At Level 2 all permitted except age **18+** indoor contact sports (professional permitted)
41. At Level 3, indoor: individual exercise only (exemption for under 18s) and outdoor – all except adult (**18+**) contact sports (professional permitted).

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42. At Level 4, indoor gyms are closed and outdoor non-contact sports only (professional permitted).

Stadia and events

43. At Level 0 Outdoor events permitted (restricted numbers). Indoor events, seated and ambulatory permitted (restricted numbers) and indoor grouped standing not permitted. Stadia – open with restricted numbers

44. At Level 1, outdoor events seated and open space permitted (restricted numbers) and outdoor grouped standing not permitted. Small seated indoor events permitted. Stadia – open with restricted numbers.

45. At Level 2, events are generally not permitted, drive-in events are permitted and stadia are closed to spectators.

46. At Level 3 and 4, events not permitted and stadia are closed to spectators.

Indoor bowling, snooker and pool halls

47. At Level 0 and 1 indoor bowling, snooker and pool halls remain open.

48. At Level 2 – 4 they are closed.

Soft play

49. At Level 0 and 1 soft plays are open.

50. At Level 2 – 4 they are closed.

Amusement arcades

51. At Level 0 – 2 amusement arcades can remain open.

52. At Level 3 – 4 they must close.

Offices and call centres

53. At Level 0 working from home is advised.

54. At Level 1 – 4 working from home is still advised, and advice is for only essential (please see guidance for definition of essential) workplaces to remain open.

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Title of Proposal	RETAIL
<p data-bbox="113 421 1479 454">Introduction</p> <p data-bbox="113 488 1479 790">The COVID-19 pandemic has led to unprecedented calls on the health system as well as policy and financial decisions that have made fundamental changes to everyday life for people in Scotland. While 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, the unequal impact of the pandemic and the requirement to have due regard to the need to advance equality, eliminate discrimination and foster good relations (as per our Public Sector Equality Duty under section 149 of the Equality Act 2010), 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.</p> <p data-bbox="113 824 1479 1059">The Coronavirus (COVID-19): Framework for Decision-Making and <i>Scotland's route map through and out of the crisis</i> ("the Route Map") published earlier this year 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 <i>Framework for Decision-Making</i> 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.</p> <p data-bbox="113 1093 1479 1261">On Friday 23 October 2020 we published <i>COVID-19: Scotland's Strategic Framework</i>. This new framework sets out how we intend to respond to the crisis over the coming period, across the four key harms of the virus. It details how we will work to suppress the virus and sets out our proposal to move to a strategic approach to outbreak management based on five levels of protection, across many aspects of our lives.</p> <p data-bbox="113 1294 1479 1361">The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 implement the measures set out in the Strategic Framework.</p> <p data-bbox="113 1395 1479 1563">Some harms will be felt over different time horizons: short, medium and long-term. Some may not be fully understood for many months or even years, such as the long term impacts on mental health and school attainment. However, even in these initial stages, it is clear that impacts have not been felt equally across the population. Consideration of the continued, but differential, impacts at the different levels is therefore critical to the decision making process.</p> <p data-bbox="113 1597 373 1630">Policy Objectives</p> <p data-bbox="113 1664 1479 1798">The introduction of a strategic approach to moving to a predetermined set of levels which contains the measures that should be in place at each of those levels, will provide retailers and customers with information necessary to help them understand and comply with the mitigating measures in place within each level.</p> <p data-bbox="113 1832 625 1865">Impact of COVID-19 on retail sector</p> <p data-bbox="113 1899 1479 2067">All but non-essential retail was instructed to close on 26 March 2020. The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020, which came into force on that day, imposed a two metre rule on all businesses and service providers that remained open to ensure they took reasonable steps to ensure employees and customers were able to maintain that distance from each other.</p> <p data-bbox="113 2067 1479 2168">Businesses and service providers were also instructed to take all reasonable measures to ensure that that customers were admitted to their premises in sufficiently small numbers to maintain a two metre distance.</p> <p data-bbox="113 2168 1479 2199">Of those retailers that remained open, the 2m physical distance restrictions resulted in changes to</p>	

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operational procedures which included restricted shopping hours, introduction of one-way systems of travel through stores, hygiene and cleaning stations for customers and limiting the number of customers able to enter at any one time in order to preserve the 2m limit.

A third (35%) of businesses in the Wholesale, Retail and Repair of vehicles sector reported a decline in footfall due to the COVID-19 pandemic, whilst 10% reporting an increase⁵. A Scottish Retail Consortium analysis indicated that Scotland had lost £1.9bn of retail sales in the first 4 months of the pandemic March – June.⁶

Non-essential retailers were allowed to reopen on 15 July 2020. Nearly all (99%) businesses in the Wholesale, Retail and Repair of vehicles sector are trading, an increase from 92% during the period 1st June – 28th June.⁷

Reopening of non-essential retail and shopping centres will have benefited retailers and shopping centres directly, and those employed within it. It will also have had positive impacts for citizens seeking a return to normal life, but as these spaces have become busier, it may have raised anxiety for people who are less sure about leaving their homes.

The risk of COVID-19 infection and transmission in the community increased as additional retailers reopened. This potential for increased exposure may have had a negative impact on people more susceptible to severe illness from COVID-19. Workers responsible for hygiene and sanitation, and customer facing staff, may have anxieties about their exposure to the virus through work and the risk of transmission within their households.

Re-opening the sector has also been important to the recovery of Scotland's economy. This new approach is intended to provide more certainty for businesses and maintain customer confidence in the overall shopping experience.

The retail sector has some particular features summarised below:

- Women are more likely than men to work in the retail sector. Women made up 60.5% of the workforce in 2019.
(Source: Annual Population Survey 2019)
- A comparatively high proportion of the workforce are young people: 26.0% of the retail sector workforce is aged 16-24 compared to 12.3% of the workforce as a whole.
(Source: Annual Population Survey 2019)
 - 6.4% of the retail workforce in Scotland are minority ethnic.
(Source: Annual Population Survey 2019)
- 40.8% people working within wholesale, retail, repair of vehicles work part time compared to 26.4% of the population.
(Source: Annual Population Survey 2019)
- The industry sector with the highest proportion of non-UK nationals in the workforce is distribution, hotels and restaurants – 12.7 per cent of its workforce are non-UK nationals.
(Source: Annual Population Survey 2019)
- In addition to the direct jobs in retail, the sector also supports 22,000 jobs across its diverse supply chains.

⁵ <https://www.gov.scot/publications/bics-weighted-scotland-estimates-data-to-wave-13/>

⁶ <https://www.scottishfinancialnews.com/article/scottish-retail-lost-1-9bn-sales-during-lockdown>

⁷ <https://www.gov.scot/publications/bics-weighted-scotland-estimates-data-to-wave-13/>

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(Source: OCEA)

Impact

The Scottish Government is mindful of the requirement to have due regard to the three needs of the Public Sector Equality Duty (PSED) - eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between people who share a protected characteristic and those who do not, and foster good relations between people who share a protected characteristic and those who do not. It recognises while the measures may positively impact on one or more of the protected characteristics, the introduction of the measures may also have a disproportionate negative impact on one or more of the protected characteristics. Where any negative impacts have been identified, we have sought to mitigate/eliminate these. We are also mindful that the equality duty is not just about negating or mitigating negative impacts, as we also have a positive duty to promote equality. We have sought to do this through provisions contained in the measures or by support and guidance available.

[Guidance for the retail sector](#) includes advice to employers on assessing risks to their employees due to the virus, noting that a full risk assessment should be undertaken in consultation with employees. Employers should ensure that the actions taken as the result of the assessment do not disproportionately impact those with vulnerabilities such as people with disabilities, single parents, younger or older people and consider how to support those with additional needs to comply with physical distancing.

While it is the view of the Scottish Government that any remaining impacts discussed in this EQIA are currently justified and a proportionate means of helping to achieve the legitimate aim of reducing the public health risks posed by coronavirus, the Scottish Government also recognises that these measures are only required to respond to the current set of circumstances, and are only necessary as long as the potential public health benefits can justify any negative impacts caused.

Strategic Framework and the retail sector

The Strategic Framework includes measures across a wide number of settings and provides a comprehensive approach to reducing infection rates and suppressing the spread of the virus. Each of the levels is designed to reflect the relative severity of the area it is being applied to, with progressively heightened restrictions implemented as necessary.

The key measures relating to the retail sector are set out in the table below:

	Level 0 (Baseline)	Level 1	Level 2	Level 3	Level 4
Retail sector	Open	Open	Open	Open	Non-essential retail closed (click & collect and outdoor retail permitted)

The safety of people – customers, employees and business owners – is the number one priority and we are working with retailers to ensure that people can still shop safely. Guided by the need to ensure shopping is safe, we want people to use their local high streets, towns and city centres, to ensure that crowding is avoided, that good hygiene measures are in place and that physical distancing is maintained at all times.

At Levels 0-3 retailers are required by law to take reasonably practicable measures to ensure physical distancing, and to take other reasonably practicable measures to reduce the risk of transmission. No changes are proposed within the Strategic Framework. Retailers are expected to operate in line with published [guidance for the retail sector](#).

At Level 4 of the Strategic Framework closure of all but essential retail is intended to mitigate the

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opportunity for transmission of COVID-19 between customers and customers and retail staff. Retention of essential retail activity should ensure that there is sufficient opportunity for citizens to be able to purchase essential goods within stores and to be able to continue to shop on-line, or by phone with stores able to operate delivery and click and collect services.

Level 4 will only be applied to areas where there is evidence of significant community transmission of the virus and potential pressure on local NHS services. The purpose of restrictions on retail is to help reduce footfall in our towns and cities and to limit opportunities for the virus to be transmitted.

Differential impacts	Age: Children and Younger People	Levels 0 - 3	There is no evidence of a differential impact identified at this time.
		Level 4	<p>A comparatively high proportion of the workforce are young people: 26.0% of the retail sector workforce is aged 16-24 compared to 12.3% of the workforce as a whole.</p> <p><i>(Source: Annual Population Survey 2019)</i></p> <p>Closure of non-essential retail may result in loss of income or financial stress and negatively impact mental health.</p>
	Age: Older People	Levels 0-3	There is no evidence of a differential impact identified at this time.
		Level 4	<p>Older people are more likely to be digitally excluded and therefore may not be able to easily access online shopping or click and collect services. Some retailers will be able to offer ordering by phone or post.</p> <p>Older people may have a greater reliance on home deliveries or assistance from family/friends/carers.</p>
	Sex: Women	Levels 0 - 3	There is no evidence of a differential impact identified at this time.
		Level 4	<p>Women are more likely than men to work in the retail industry. In Scotland in Jan-Dec 2019, there are 147,500 women employed in SIC 47 Retail Trade except vehicles, representing 60.5% of the sector and 11.3% of all women in employment in Scotland.⁸</p> <p>Women are therefore more likely to suffer a potential loss of earnings due to closure of non-essential retail.</p>
		Level 4	There is no evidence of a differential impact identified at this time.

⁸ [Annual Population Survey Jan-Dec 2019](#)

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Race	Levels 0-3	There is no evidence of a differential impact identified at this time.
	Level 4	There is no evidence of a differential impact identified at this time.
Religion or belief	Levels 0-3	There is no evidence of a differential impact identified at this time.
	Level 4	There is no evidence of a differential impact identified at this time.
Disability	Levels 0-3	There is no evidence of a differential impact identified at this time.
	Level 4	Some disabled people may have issues in navigating shifting restrictions on essential and non-essential shopping. Disabled people may have a greater reliance on home deliveries or assistance from family/friends/carers.
Sexual Orientation	Levels 0-3	There is no evidence of a differential impact identified at this time.
	Level 4	There is no evidence of a differential impact identified at this time.
Pregnancy and Maternity	Levels 0-3	There is no evidence of a differential impact identified at this time.
	Level 4	There is no evidence of a differential impact identified at this time.
Gender Reassignment	Levels 0-3	There is no evidence of a differential impact identified at this time.
	Level 4	There is no evidence of a differential impact identified at this time.
Socio-economic disadvantage	Levels 0-1	There is no evidence of a differential impact identified at this time.
	Level 4	Households that have no access to internet or on-line retail may be disadvantaged if looking to purchase non-essential items, although

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<p>Mitigating actions:</p>	<p>Levels 0-3</p>	<p>Retail Sector Guidance has been published and is reviewed regularly.⁹ The guidance advises retailers to undertake a risk assessment to determine necessary actions and adjustments.</p> <p>The retail guidance states employers should take into account individual health circumstances and protected characteristics, which aims to promote good relations and understanding. It also includes guidance for retailers and customers on catering for disabled people, to raise awareness of difficulties experienced by disabled people and promote understanding.</p> <p>A retail checklist for shops, branches and shopping centres has been included in the Retail Guidance that instructs retailers of the need to address the requirements of accessibility including with regard to signage, store capacity and customer and staff support.</p> <p>There are exemptions to the mandatory requirement to wear face coverings, including where a person cannot put on, wear, or remove a face covering because of a physical or mental illness or impairment, or without severe distress. A person is also not required to wear a face covering where they cannot put on, wear, or remove a face covering in order to be able to communicate with a person who relies on being able to see the lips and/or facial expressions in order to communicate.</p>
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	Level 4	<p>Shops that are able to remain open under level 4 restrictions may also be able to supply a wide range of goods and services.</p> <p>All stores are also able to operate delivery and click and collect services for order placed online, by phone or by post maintaining access to goods and services.</p>
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Assessing the impacts and identifying opportunities to promote equality

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	X		<p>Closure of non-essential retail at level 4 does not constitute unlawful discrimination, harassment and victimisation.</p> <p>Older people are more likely to be digitally excluded and therefore may not be able to easily access online shopping or click and collect services, however retailers will be able to offer delivery or collection for orders placed phone or post.</p>
Advancing equality of opportunity		X		Young people are more likely to work in the retail sector and are therefore more likely to suffer a potential loss of earnings due to closure of non-essential retail.
Promoting good relations among and between different age groups			X	No evidence of a differential impact identified at this time.

⁹ <https://www.gov.scot/publications/coronavirus-covid-19-retail-sector-guidance/pages/related-information/>

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Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	Closure of non-essential retail at Level 4 does not constitute unlawful discrimination, harassment and victimisation.
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	The measure does not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity		X		Women are more likely than men to work in the retail industry. In Scotland in Jan-Dec 2019, there are 147,500 women employed in SIC 47 Retail Trade except vehicles, representing 60.5% of the sector and 11.3% of all women in employment in Scotland. ¹⁰ Closure of non-essential retail could have a greater negative impact on women than on men both financially and from a mental health perspective.
Promoting good relations between men and women			X	No evidence of a differential impact identified at this time.

¹⁰ [Annual Population Survey Jan-Dec 2019](#)

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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	Closure of non-essential retail at Level 4 does not constitute unlawful discrimination, harassment and victimisation.
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	Closure of non-essential retail does not constitute unlawful discrimination, harassment and victimisation.
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	Closure of non-essential retail at level 4 does not constitute unlawful discrimination, harassment and victimisation.
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?

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Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	Closure of non-essential retail at level 4 does not constitute unlawful discrimination, harassment and victimisation.
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	Closure of non-essential retail at Level 4 does not constitute unlawful discrimination, harassment and victimisation.
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?

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	Closure of non-essential retail at Level 4 does not constitute unlawful discrimination, harassment and victimisation.

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Title of Proposal:		CLOSE CONTACT SERVICES (e.g. beauticians, massage therapists, hairdressers/barbers, tattooists), services or procedures which require physical contact or close physical proximity between a provider and a customer and are not ancillary to medical, health, or social care services as defined in The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 .		
IMPACT OF STRATEGIC FRAMEWORK LEVELS	Levels 0 and 1	All close contact services including those delivered by a mobile therapist or practitioner are permitted subject to additional protective measures that are intended to minimise the risk of exposure to COVID-19 including mandatory wearing of face coverings by practitioners and clients. This may limit the treatments that can be offered if they require working in the high risk area of the face and head. See https://www.gov.scot/publications/coronavirus-covid-19-retail-sector-guidance/pages/close-contact-services/#mobileclosecontact		
	Levels 2 and 3	Open in fixed premises but may be subject to additional protective measures in level 3 which are set out in the close contact services guidance . These include operating appointment-only systems, maintaining physical distancing between customers and wearing mandatory face coverings in retail settings which limits the types of treatments that can be offered. These measures may result in a loss of revenue for some practitioners due to the numbers of clients able to attend the spa or salon at any one time and treatments that cannot be performed with mandatory face covering requirements in place. Mobile close contact services not permitted at these levels, except mobile hairdressing and barbering.		
	Level 4	Closed.		
Differential impacts	Age: Children and Younger People	Levels 0 and 1	19.1% of those working in close contact services are aged 16-24 compared to 12.3% of the workforce as a whole. ¹¹ Whilst close contact services are able to be delivered in Levels 0 and 1, as the proportion of young people who work in close contact services is higher than the total workforce average, young people working in this sector may be more likely to be economically disadvantaged through limitations on numbers of clients and treatments on offer.	
		Levels 2 and 3	There is no evidence of a differential impact identified at this time, other than those stated above.	
		Level 4	There is no evidence of a differential impact identified at this time, other than those stated above.	
	Age: Older People	Levels 0 and 1	There is no evidence of a differential impact identified at this time.	
		Levels 2 and 3	Mobile services closed, except mobile hairdressing/barbering. Although no verifiable data is available, it is expected that mobile close contact services are used by people of all age ranges and if those	

¹¹ (Source: Annual Population Survey 2019)

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		services are not permitted they will be inaccessible to older people, particularly those who may have limited mobility.
	Level 4	The data available does not distinguish between all age ranges (other than those in the 16-24 category). Closure of all close contact services will impact on people of all characteristics - both those that deliver and those that use these services.
Sex: Women	Levels 0 and 1	Women are significantly more likely than men to work in the 'other personal service activities' sector (hereafter referred to throughout this document as "Close Contact Services"). Women made up 80.7% of the total close contact services workforce in 2019. ¹² Since close contact services are permitted in these levels, this will disproportionately benefit women's income and employment. It may also disproportionately expose women to greater chance of COVID-19 transmission, although there is no verifiable data available on this.
	Levels 2 and 3	Mobile services closed, except mobile hairdressing/barbering. While there is no verifiable gender employment data for close contact services, it is reasonable to assume that most services are provided by women. Closure of certain mobile close contact services is therefore likely to negatively impact disproportionately on female employment and income.
	Level 4	The Scottish Government's Monthly GDP statistics for August 2020 shows the Close contact services sector as 34.2% lower in August compared to the same period last year (August 2019) and 10.0% lower for the economy overall. Closure of close contact services at Level 4 will have an Impact on women given the proportion of women delivering such services. There is no reliable data on how many women use these services, although the high proportion of women working in the sector may correlate to a similarly high number of women users of the services.
Sex: Men	Levels 0 and 1	Men make up less than 20% of the mobile close contact services workforce and a third (33.8%) of the workforce of close contact services more generally is self-employed, higher than the Scottish average of 12.4% ¹³
	Levels 2 and 3	Mobile services closed, except mobile hairdressing and barbering. As there are fewer men working in the mobile close contact services, whilst the proportion of men impacted by closure of mobile services will be less than that of women the economic impact in terms of loss of income is likely to be similar to women.
	Level 4	The National Hair and Beauty Federation Industry Data booklet 2019 reports a 64% increase in the numbers of barber shops across the UK over a 5 year period (2014-2019). Barbering business will be amongst those captured in the Scottish Government's Monthly GDP statistics for

²(Source: Annual Population Survey 2019).

¹³ (Source: Annual Population Survey 2019).

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		<p>August 2020¹⁴ which shows the close contact services sector as 34.2% lower in August compared to the same period last year (August 2019) and 10.0% lower for the economy overall.</p> <p>As barbering services are almost exclusively used by men and so they would be impacted by their closure, but no more or less so than other groups with protected characteristics.</p>
Race	Levels 0 and 1	There are an estimated 30,000 people employed in the close contact services workforce of which 6.7% are from an ethnic minority. 90.9% of the close contact services workforce is a UK National, 4.7% an EU National, and 4.4% is an Other Non-EU National. ¹⁵
	Levels 2 and 3	Mobile Services, except hairdressing/barbering closed. There is no evidence to show that there is a differential impact on customers if mobile close contact services were not available. As 9% of those delivering these services are non-UK nationals the impact of closure of such services would be greatest among those who class themselves as UK nationals.
	Level 4	There is no additional data available on how closure of close contact services at this level would have a differential impact on people with this protected characteristic, other than as stated above.
Religion or Belief	Levels 0 and 1	There is no evidence of a differential impact identified at this time.
	Levels 2 and 3	Mobile services, except hairdressing/barbering, closed. There is no evidence of a differential impact identified at this time.
	Level 4	There is no evidence of a differential impact identified at this time.
Disability	Levels 0 and 1	Workers with a disability may find it more challenging to attend work, depending on their disability. Both practitioners and clients of close contact services that have a disability will be more likely to have a higher prevalence of serious illness from COVID-19 due to underlying health issues than those without a disability.
	Levels 2 and 3	<p>Mobile Services, except hairdressing/barbering, closed. There is no data available to establish the number of disabled people that either work in personal close contact services or are users of such services. Workers with a disability may find it more challenging to attend work but this will be dependent on their disability. Both practitioners and clients of close contact services that have a disability will be more likely to have a higher prevalence of serious illness from COVID-19 due to underlying health issues than those without a disability.</p> <p>However an increase in the prevalence of COVID-19 transmission may cause heightened concern for disabled people about seeking those services elsewhere (salon, spa etc) if they cannot be delivered within their own home. Where mental health is the disability, ceasing mobile</p>

¹⁴ <https://www.gov.scot/publications/monthly-gdp-august-2020/>

¹⁵ (Source: Annual Population Survey 2019).

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		close contact services may exacerbate any underlying mental health issue.
	Level 4	Services closed. No data is available on participation in this sector by people with this characteristic. For disabled people who receive either physical, or therapeutic relief from such services, their closure may have a detrimental impact on physical wellbeing. Where mental health is the disability, ceasing mobile close contact services may exacerbate any underlying mental health issue.
Sexual Orientation	Levels 0 and 1	There is no evidence of a differential impact identified at this time.
	Levels 2 and 3	There is no evidence of a differential impact identified at this time.
	Level 4	There is no evidence of a differential impact identified at this time.
Marriage and Civil Partnership¹⁶	Levels 0 and 1	There is no evidence of a differential impact identified at this time.
	Level 2 - 3	There is no evidence of a differential impact identified at this time.
	Level 4	There is no evidence of a differential impact identified at this time.
Pregnancy and Maternity	Levels 0 and 1	There is no evidence of a differential impact identified at this time.
	Level 2 - 3	Mobile services closed, except for hairdressing and barbering. Other than those impacts identified for women, there are no additional differential impacts for those with this characteristic.
	Level 4	Close contact services closed. As with mobile services, other than those impacts identified for women, there are no additional differential impacts for those with this characteristic.
Gender Reassignment	Levels 0 and 1	There is no evidence of a differential impact identified at this time.
	Level 2 - 3	There is no evidence of a differential impact identified at this time.
	Level 4	There is no evidence of a differential impact identified at this time.

¹⁶ Section 149(7) of the Equality Act 2010 notes that the Public Sector Equality Duty does not apply to the protected characteristic of marriage and civil partnership.

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Socio-economic disadvantage	Levels 0 and 1	<p>The socio-economic impacts will be experienced by those who work in this sector. The National Hair and Beauty Federation Industry Data booklet 2019 reports the average annual salary of Hairdressers and barbers was £17,609 and the average annual salary of beauticians of £17,178. Whilst not representative of all services provided under the broader close contact services categorisation, these salaries fare significantly lower than the Weekly rate of £428.80 which is the Median Gross Weekly Public Sector Earnings for Scotland in 2018¹⁷.</p> <p>As there are mitigations in place which allow the sector to operate at these levels, they are not able to deliver the full range of services that were on offer prior to the March 2020 lockdown. The limitations on numbers of clients in salons, mandatory face coverings restricting certain treatments and additional costs of implementing strict cleaning and hygiene measures will have a cumulative impact on revenue. The Scottish Government's Monthly GDP statistics for August 2020¹⁸ shows the close contact services sector as 34.2% lower in August compared to the same period last year (August 2019) and 10.0% lower for the economy overall.</p>
	Levels 2 and 3	<p>Mobile Services closed, except hairdressing and barbering. A third (33.8%) of the workforce of the close contact services sector are self-employed, higher than the Scottish average of 12.4%¹⁹. Closure of mobile close contact services will have a higher than average impact on those that are self-employed, who may already be economically disadvantaged through low levels of pay. The take-up rate of the UK Government's Self-Employment Income Support Scheme (SEISS) for the other service activities sector in Scotland was 78% as at 30th September 2020.</p>
	Level 4	<p>Close contact services closed</p> <p>As previously stated, the Scottish Government's Monthly GDP statistics for August 2020 shows a year on year contraction of the close contact services sector between 2019 and 2020 (34.2% lower in August compared to August 2019) and 10.0% lower for the economy overall. Closure of close contact services at Level 4 will have an impact across a sector which is predominantly used by and employing women.</p>
Mitigating actions:	Levels 0 and 1	<p>Guidance is for available for the safe operation of close contact services which includes guidance for those providing mobile services. This guidance sets out a number of actions that should be taken by both clients and practitioners to mitigate against COVID-19 transmission and includes mandatory wearing of face coverings, physical distancing between clients in salons and other premises, enhanced hygiene and cleaning regimes and Test and Protect measures, all of which have a consequential cost for the businesses. https://www.gov.scot/publications/coronavirus-covid-19-retail-sector-guidance/pages/close-contact-services/#mobileclosecontact</p>
	Levels 2	<p>Although mobile close contact services, will not operate at this level,</p>

¹⁷ Scottish Government: Annual survey of hours and earnings: 2018

¹⁸ <https://www.gov.scot/publications/monthly-gdp-august-2020/>

¹⁹ Source: Annual Population Survey 2019.

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	and 3	<p>other than mobile hairdressing/barbering, these treatments can be delivered by those operating from a fixed premises up to and including Level 3, although customers will not be able to travel beyond their local authority area to receive them.</p> <p>There are however no effective mitigations available for those with a protective characteristic that are either prevented or inhibited from seeking those static services. In addition there are restrictions in place when travelling to or from some levels, although they may travel to seek static services delivered in their own area.</p>
	Level 4	<p>Sector closed. There is financial support for those who are required to cease working and who satisfy relevant eligibility criteria including through the Self-Employed Income Support Scheme, the Job Retention Scheme or through Universal Credit. For clients of some services, there may be the option of considering treatments delivered by a Regulated Healthcare professional. The take-up rate of the UK Government's Self-Employment Income Support Scheme (SEISS) for the "other service activities" sector in Scotland was 78% as at 30th September 2020.</p>

Assessing the impacts and identifying opportunities to promote equality

The Scottish Government is mindful of the requirement to have due regard to three needs of the Public Sector Equality Duty (PSED) - eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between people who share a protected characteristic and those who do not, and foster good relations between people who share a protected characteristic and those who do not - and recognises while the measures may positively impact on one or more of the protected characteristics, also recognises that the introduction of the measures may have a disproportionate negative impact on one or more of the protected characteristics.

Where any negative impacts have been identified, we have sought to mitigate/eliminate these. We are also mindful that the equality duty is not just about negating or mitigating negative impacts, as we also have a positive duty to promote equality. We have sought to do this through provisions contained in the measures or by support and guidance available.

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	X		The measures set out in the regulations for levels 0 and 1 will apply to all employees and clients who deliver or receive the range of close contact services. Where such services are offered, restricting access in levels 2, 3 and 4 may reduce quality of life of older people who use these services - particularly those who may also have mobility problems
Advancing equality of opportunity			X	The measures set out in the regulations will apply to all employees and clients who deliver or receive the range of close contact services. There is no measurable differential impact on those with this protective characteristic.
Promoting good			X	The measures set out in the regulations will

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relations among and between different age groups				apply to all employees and clients who deliver or receive the range of close contact services. There is no measurable differential impact on those with this protective characteristic.
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Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	X	X		Disabled people may rely on close-contact services to help maintain quality of life, and on mobile services if they are unable to easily leave the home. Restricted access to such services at levels 2, 3 and 4 may reduce quality of life.
Advancing equality of opportunity	X	X		Some data ²⁰ suggests that certain therapies like massage can provide relief from chronic pain, allowing clients to more fully participate in society and thereby advancing equality of opportunity, although it did not indicate whether this includes chronic pain caused by disability.
Promoting good relations among and between disabled and non-disabled people			X	No data available on engagement with this sector by people with this characteristic.

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		The measures set out in the Regulations will apply to all employees and clients who deliver or receive the range of close contact services. However, as these services are predominantly delivered by women, and delivered to women, restricting the delivery of these services will impact more on women.
Advancing equality of opportunity	X	X		As these services are predominantly provided by women this leads to greater economic opportunities and participation for women. However, the services are mostly utilised by women so they will also be negatively impacted by any closure of such services
Promoting good relations between			X	Unlikely- No data to credibly assess.

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men and women				
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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	The measures set out in the regulations will apply to all employees and clients who deliver or receive the range of close contact services.
Advancing equality of opportunity			X	Unlikely- No data to credibly assess.
Promoting good relations			X	Unlikely- No data to credibly assess.

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	The measures set out in the regulations will apply to all employees and clients who deliver or receive the range of close contact services.
Advancing equality of opportunity			X	Unlikely- No data to credibly assess.
Promoting good relations			X	Unlikely- No data to credibly assess.

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	The measures set out in the regulations will apply to all employees and clients who deliver or receive the range of close contact services.
Advancing equality of opportunity			X	Unlikely- No data to credibly assess.
Promoting good relations			X	Unlikely- No data to credibly assess.

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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	The measures set out in the regulations will apply to all employees and clients who deliver or receive the range of close contact services.
Advancing equality of opportunity			X	Unlikely- No data to credibly assess.
Promoting good race relations			X	Unlikely- No data to credibly assess.

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	The measures set out in the regulations will apply to all employees and clients who deliver or receive the range of close contact services.
Advancing equality of opportunity			X	Unlikely- No data to credibly assess.
Promoting good relations			X	Unlikely- No data to credibly assess.

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

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measures set out in the regulations will apply to all employees and clients who deliver or receive the range of close contact services ²¹

While it is the view of the Scottish Government that any remaining impacts are currently justified and a proportionate means of helping to achieve the legitimate aim of reducing the public health risks posed by coronavirus, the Scottish Government also recognises that these measures are only required to respond to the current set of circumstances, and are only necessary as long as the potential public health benefits can justify any negative impacts caused.

²¹ "Section 149(7) of the Equalities Act 2010 Act does not apply to marriage and civil partnership as assessed here.

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Title of Proposal		SPORT AND PHYSICAL ACTIVITY	
Impact			
<p>Restrictions on sport and physical activity must balance the risk of transmission against consequences for the physical and mental health of people being unable to participate. Restrictions for each level as set out in Scotland's Strategic Framework are as follows:</p> <ul style="list-style-type: none"> • Level 0: All permitted • Level 1: All permitted except age 18+ indoor contact sports (professional permitted) • Level 2: All permitted except age 18+ indoor contact sports (professional permitted) • Level 3: Indoor: individual exercise only (exemption for under 18s); Outdoor – all except adult (18+) contact sports (professional permitted) • Level 4: (Indoor) Gyms closed; Outdoor non-contact sports only (professional permitted) 			
Differential impacts	Age: Children and Younger People	Level 1 and Level 2	No restrictions.
		Level 3	No restrictions.
		Level 4	Gyms closed and outdoor contact sport not permitted. Gyms and swimming pools tend to be used substantially more by younger age groups and thus any changes are likely to impact younger age groups to a greater degree ²² . Restrictions on outdoor contact sport for children and younger people will affect participation.
	Age: Older People	Level 1 and Level 2	Level 1 and Level 2 restrictions on 18+ indoor contact sport will affect those older adults who participate. Some of the contact sports for older adults described in the Level 3 restrictions are played indoors and restrictions would therefore affect this group.
		Level 3	Level 3 restrictions on outdoor contact sport. In 2019, 66% of Scotland's adults (aged 16+) met the Chief Medical Officer's (CMO) guidelines of 150 minutes of moderate to vigorous physical activity a week. Physical activity decreases with age with 55% of adults aged 65-74 years and 35% of adults over 75 meeting the CMO guidelines, compared to 77% of 25-34 year olds. There has been a recent growth of limited contact 'walking' versions of some contact sports including football, rugby and netball. This encouraging trend in 'walking' contact sports is likely being driven by increased participation by older age groups. These will be affected by the restriction on contact sports and may be detrimental to future participation rates.
			We recognise that these restrictions on contact sport may pose an additional barrier to older people meeting the CMO's

²² <https://scotland.shinyapps.io/sg-scottish-household-survey-data-explorer/> (Table 8.3: Participation in physical activity and sport by gender, age and type of activity (Scotland, 2019))

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			<p>activity guidelines, however, participation by older people in contact sports is significantly less than by younger age groups and other forms of exercise are still available.²³</p> <p>While these restrictions will negatively impact on older people's ability to take part in some physical activity, these restrictions will have a positive impact overall for older people through the reduction in COVID-19 infections. Current scientific evidence demonstrates that risk of serious disease from COVID-19 correlates with increasing age, and nine in ten (90%) of deaths involving COVID-19 in Scotland have been among those aged 65+. Contact sports can pose an opportunity for the virus to spread between participants. Restrictions on adults taking part in contact sports to protect their health and the health of others from COVID-19²⁴ will not prevent adults continuing other exercise</p> <p>Level 3 restriction on indoor classes. Group classes play a significant role in providing opportunities for older adults to participate in physical activity. Group classes in swimming pools are particularly important for those with long term health conditions or frailty for whom the weightless environment of a swimming pool provides a unique opportunity to be active. Group classes also help to address loneliness and social isolation amongst older people. However, the restrictions necessary to reduce the transmission of the virus will be particularly beneficial to older people who are more likely to be seriously affected by it.</p>
		Level 4	<p>Closure of gyms and only outdoor non-contact sport permitted. The proportion of adults who meet the Chief Medical Officer's Physical Activity Guidelines declines with age. For those older adults who use gyms and swimming pools, restrictions are likely to have a disproportionate effect.</p> <p>According to a survey by Community Leisure UK, 60% of those over 75 who use gyms and sports facilities have been less active or significantly less active during the period in which restrictions have been in place.²⁵ This compares with 52% of those in younger age groups.</p> <p>Older people are more likely to live alone, which has potentially significant implications for their wellbeing. Reduced opportunities to meet other people may therefore have a negative impact for older people as they may experience increased isolation.</p> <p>Older people are more likely to have underlying health conditions, making them more susceptible to the severe negative health effects of COVID-19. The tightening of restrictions should decrease the chance of older people</p>

²³ <http://www.equalityevidence.scot/>

²⁵ <https://communityleisureuk.org/>

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			catching the virus. Figures show that older people are more likely to be adversely affected by the virus. ²⁶
Sex: Women	Level 1 and Level 2		Level 1 and Level 2 restrictions on 18+ indoor contact sport will affect those women who participate. Some of the contact sports for women described in the Level 3 restrictions are played indoors and restrictions would therefore affect this group
	Level 3		<p>Level 3 restrictions on group exercise. Women and girls are less active than men and boys. In 2019, the Scottish Health Survey²⁷ reported that only 61% of Scottish women met the Chief Medical Officer guidelines for moderate to vigorous physical activity compared to 71% of men. For boys, 71% met guidelines compared to 68% of girls.²⁸</p> <p>Compared to other forms of physical activity, gyms provide an important role in providing women and girls with opportunities to be active. Sport England have reported that 80% of fitness classes offered at leisure centres are used by women.²⁹ According to the 2019 Scottish Household Survey, a total of 31% of women reported participating in either keep fit or multi-gym/weight training compared to 28% of men.³⁰</p> <p>Given the importance of group exercise classes for women in gyms, sports courts and pools, it is likely that this measure will have a differential impact.</p> <p>However, women are more likely than men to have longstanding illnesses.³¹ These new restrictions should reduce the risk of COVID-19 infection.</p> <p>Level 3 restrictions on outdoor contact sport. Outdoor contact sport is predominantly undertaken by young men although participation by women is rising.³² Men are more active than women. Restrictions on opportunities to participate in contact sports may be an additional barrier to women's participation in exercise and affect the growth in women's participation in contact sports, although it is not clear whether this will have a long term effect.</p>
	Level 4		<p>Closure of gyms. As noted above for Level 3, compared to other forms of physical activity, gyms provide an important role in providing women and girls with opportunities to be active. Closure will therefore have a differential impact.</p> <p>Restrictions on outdoor contact sport. As noted above for</p>

²⁶ See [Deaths involving COVID-19](#) and [COVID-19 statistical report](#)

²⁷ <https://scotland.shinyapps.io/sg-scottish-health-survey/>

²⁸ <https://www.gov.scot/publications/scottish-health-survey-2019-supplementary-tables/>

²⁹ <https://indd.adobe.com/view/793b48d5-bbcd-4de3-a50f-11d241a506b3>

³⁰ <https://scotland.shinyapps.io/sg-scottish-household-survey-data-explorer/>

³¹ Women are more likely than men to have longstanding illnesses ([Scottish Health Survey 2018](#))

³² <https://www.scottishfa.co.uk/media/4961/sfa-uefa-grow-pp-screens-mar19-web.pdf>

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		Level 3, Restrictions on opportunities to participate in contact sports may be an additional barrier to women's participation in exercise and affect the growth in women's participation in contact sports, although it is not clear whether this will have a long term effect.
Sex: Men	Level 1 and Level 2	Level 1 and level 2 restrictions on 18+ indoor contact sport. Contact sport is predominantly undertaken by young men although participation by women is rising. Restrictions will affect those who participate.
	Level 3	Level 3 restrictions on group exercise. No evidence of a differential impact identified at this time.
	Level 4	Closure of gyms. As noted above, men are less likely than women to be affected by restrictions on group exercise classes. Restrictions on outdoor contact sport. Contact sport is predominantly undertaken by young men although participation by women is rising. Restrictions will affect those who participate.
Race	Level 1 and Level 2	Level 1 restriction on 18+ indoor contact sport. No evidence of a differential impact identified at this time.
	Level 3	Level 3 restrictions on group exercise. No evidence of a differential impact identified at this time.
	Level 4	Closure of gyms Feelings of loneliness are highest in single-occupier households ³³ and people of 'Black, Black Scottish or Black British' ethnicity were most likely to be living alone at the time of the last census in 2011. ³⁴ They may be negatively impacted from not being able to meet up as easily to take part in sporting activity with other people due to the tightening of the measures. UK Active report that 74% of gym members in the UK in 2019 were white. ³⁵ We are not aware of any published evidence that closure of gyms has disproportionately affected groups based on race. Recent studies have shown that mortality rates from COVID-19 are higher amongst the minority ethnic population. The evidence base is building but this is likely due to a range of

³³ [Scottish Household Survey 2018](#)

³⁴ [Census 2011: Detailed Characteristics on Population and Households in Scotland](#)

³⁵ https://www.ukactive.com/wp-content/uploads/2019/06/Moving_Communities_Active_Leisure_Trends_2019.pdf

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		<p>clinical, social and economic factors.³⁶</p> <p>Without accessible formats of information or through a lack of access to an interpreter / support worker some people may find the changes to this measure more difficult to understand in relation to local and national changes.</p> <p>Restrictions on outdoor contact sport.</p> <p>Recent studies have shown that mortality rates from COVID-19 are higher amongst the minority ethnic population.³⁷ The evidence base is building but this is likely due to a range of clinical, social and economic factors.</p> <p>Limited data is available for participation in physical activity disaggregated by race. From 2008 to 2011, adults of Pakistani background (27%) were the least likely to achieve the recommended physical activity guidelines compared to the national average of 37%. As in previous sections, we recognise that these restrictions may pose an additional barrier to some physical activity, however, they are necessary to reduce the COVID-19 infections. We are not aware of any published evidence which suggests that minority ethnic groups have been disproportionately affected by the restrictions on outdoor contact sport.</p> <p>Without accessible formats of information or through a lack of access to an interpreter / support worker some people may find the changes to this measure more difficult to understand in relation to local and national changes.</p>
Religion or belief	Level 1 and Level 2	<p>Evidence from the Active Scotland Outcomes: Indicator Equality Analysis show that between 2008 and 2011, those who said they belonged to 'no religion' were most likely to meet the physical activity recommendations. 40% did so, which was significantly higher than the national average of 38%. Muslims (29%) and members of the Church of Scotland (37%) had significantly lower proportions meeting the recommendations than the average.</p> <p>In terms of sport participation, Muslims were also the least likely to participate in sport (39% did so in the previous four weeks). Roman Catholics also had significantly lower sport participation than the average (46% compared to 49%). Respondents from Other Christian groups had significantly higher sport participation than average (52%).³⁸</p> <p>However, we have no evidence of a differential impact at this time.</p>
	Level 3	No evidence of a differential impact identified at this time.

³⁶ <https://www.gov.scot/publications/inequalities-by-ethnicity-in-the-context-of-covid-19-slide-pack/>

³⁷ Ibid.

³⁸ <http://www.equalityevidence.scot/>

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	Level 4	No evidence of a differential impact identified at this time.
Disability	Level 1 and Level 2	<p>Level 1 restriction on 18+ indoor contact sport.</p> <p>There is clear evidence³⁹ that disabled people are significantly less likely to participate in sport than other groups. This includes contact sport, for example in 2019 1% of those with a limiting illness participated in football compared to 8% of those with no illness (Scottish Health Survey 2019), although there have been a number of successful recent initiatives to support participation. Participation in contact sport can have positive impacts on health and wellbeing through exercise and socialising and as a result these restrictions are likely to have had a significant effect on those in this group who participate in contact sport. Evidence from the Scottish Health Survey 2019 shows that on average disabled people have poorer mental health than non-disabled people and that only 50% of disabled people meet physical activity recommendations compared with 75% of non-disabled people.</p> <p>Loneliness was more prevalent among disabled people prior to the pandemic and for many disabled people this has been exacerbated during the lockdown. People with mental health issues may be at greater risk of the impacts of social isolation. These measures could therefore negatively impact on some disabled people.</p> <p>We do not have data for levels of participation by disabled people in indoor compared to outdoor contact sport.</p>
	Level 3	<p>Level 3 restrictions on group exercise.</p> <p>Loneliness was more prevalent among disabled people prior to the pandemic and for many disabled people this has been exacerbated during the lockdown. In 2018, a higher percentage of disabled adults in Scotland (39%) said that they felt lonely some, most or all of the time in the preceding week compared with all adults (21%) and non-disabled adults (16%). People with mental health issues may be at greater risk of the impacts of social isolation. These measures could therefore negatively impact on disabled people.</p> <p>Group classes play a particularly important role in providing opportunities for those with disabilities to participate in physical activity. Group classes in swimming pools are particularly important for those with long term conditions for whom the weightless environment of a swimming pool provides an essential opportunity to be active. Group classes also help to address loneliness and social isolation amongst disabled people.</p> <p>Without accessible formats of information or through a lack of access to a support worker some people may find the changes to this measure more difficult to understand in</p>

³⁹ <https://www.gov.scot/publications/scottish-health-survey-2019-summary-report/>

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		relation to local and national changes.
	Level 4	<p>Closure of gyms</p> <p>According to a survey by Community Leisure UK, 64% of disabled people who use gyms and sports facilities have been less active or significantly less active during the period in which restrictions have been in place. This compares with 52% of those without a disability. These measures could therefore negatively impact on disabled people.</p> <p>Restrictions on outdoor contact sport.</p> <p>As noted above, participation in contact sport can have positive impacts on health and wellbeing through exercise and socialising and as a result these restrictions are likely to have a significant effect on those in this group who participate in contact sport.</p>
Sexual Orientation	Level 1 and Level 2	No evidence of a differential impact identified at this time.
	Level 3	No evidence of a differential impact identified at this time.
	Level 4	No evidence of a differential impact identified at this time.
Marriage and Civil Partnership⁴⁰	Level 1 and Level 2	No evidence of a differential impact identified at this time.
	Level 3	No evidence of a differential impact identified at this time.
	Level 4	No evidence of a differential impact identified at this time.
Pregnancy and Maternity	Level 1 and Level 2	<p>Level 1 restriction on 18+ indoor contact sport.</p> <p>Contact sport is not advised for pregnant women.</p>
	Level 3	<p>Level 3 restrictions on group exercise.</p> <p>There is strong evidence that combined aerobic and resistance exercise interventions during pregnancy can maintain, or improve, cardiovascular fitness without adverse effects leading to improved maternal health after delivery, decreased complications during labour & delivery, and quicker maternal recovery.⁴¹ Ready, Steady, Baby guidance on NHS inform⁴² advises pregnant women to take part in low-impact fitness classes for pregnant women, including yoga. The guidance notes that classes are a great way to meet other mums-to-be and build up a support network. Restrictions on group exercise could therefore negatively impact on pregnant women.</p>
	Level 4	Closure of gyms

⁴⁰ Section 149(7) of the 2010 Act - the PSED does not apply to the protected characteristic of marriage and civil partnership – could footnote this point?

⁴¹ <https://movingmedicine.ac.uk/evidence/improves-fitness/>

⁴² <https://www.nhsinform.scot/ready-steady-baby/pregnancy/looking-after-yourself-and-your-baby/keeping-active-in-pregnancy>

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		As noted above, low-impact fitness classes are important for pregnant women and closure of gyms could therefore have a negative impact.
Gender Reassignment	Level 1 and Level 2	No evidence of a differential impact identified at this time.
	Level 3	No evidence of a differential impact identified at this time.
	Level 4	No evidence of a differential impact identified at this time.
Socio-economic disadvantage	Level 1 and Level 2	<p>Level 1 restriction on 18+ indoor contact sport</p> <p>There is clear evidence that people living in the most deprived areas of Scotland are less likely to participate in sport compared with those living in the least deprived areas.</p> <p>In 2019, sports participation (general, excluding walking and not specific to contact sports) in the previous four weeks was lowest (42%) among those in the 20 per cent most deprived areas of Scotland, compared with 67% of those in the 20 per cent least deprived areas. Football is the only contact sport to have a degree of reach into the most deprived areas with participation rates similar between areas of both high and low deprivation (6% in most deprived compared to 7% in least deprived (SHS 2019) including highly successful initiatives such as Street Soccer Scotland. Restrictions on opportunities to participate in football may therefore have a disproportionate effect on these areas – particularly for young men.</p>
	Level 3	<p>Level 3 restrictions on group exercise.</p> <p>UK Active data suggests that 8% of gym members reside in the most deprived 10% of areas. In comparison, 14% of members are from the least deprived 10% of areas⁴³ We are not aware of any published evidence that people in more deprived areas were more or less reliant on gyms for active health. As the majority of gym members come from less deprived areas and participation in likely gym-linked activities is greater also in this group, the impact on this group is greater than for those in the most deprived group.</p> <p>In 2019, a greater proportion of those regarded as least deprived (40%) participated in either keep fit or multigym/weights, compared to 20% of those in the most deprived quintile.⁴⁴</p>
	Level 4	<p>Closure of gyms</p> <p>We are not aware of any published evidence that people in more deprived areas were more or less reliant on gyms for active health.</p>

⁴³ https://www.ukactive.com/wp-content/uploads/2019/06/Moving_Communities_Active_Leisure_Trends_2019.pdf

⁴⁴ <https://scotland.shinyapps.io/sg-scottish-household-survey-data-explorer/>

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			<p>Restrictions on outdoor contact sport.</p> <p>As noted above, restrictions on opportunities to participate in football may have a disproportionate effect on those living in areas of socio-economic disadvantage</p>
Mitigating actions:	Level 1 and Level 2		<p>National guidance had been developed to provide support to the sport and leisure sector to help them plan and prepare for the resumption of activity, supported by additional more specific guidance for particular parts of the sector.</p> <p>Sportscotland are working closely with the sector to help them develop inclusive guidance for people who need extra support to be active ⁴⁵</p>
	Level 3		As above.
	Level 4		As above.

Assessing the impacts and identifying opportunities to promote equality

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	The restrictions at different levels do not constitute unlawful discrimination, harassment and victimisation
Advancing equality of opportunity	X	X		<p>The set of restrictions across levels allow those under the age of 18 to continue some activities which are restricted for those aged 18 and above.</p> <p>There is a positive aspect to such restrictions in that older people who are more at risk of the worst effects of COVID-19 are likely to be less exposed to the virus.</p> <p>There is a negative aspect for people living alone who may use these group opportunities to meet other people to alleviate loneliness.</p>
Promoting good relations among and between different age groups		X		There are fewer opportunities for different age groups to meet. This is weighed against the primary objective to reduce the rate of transmission of COVID-19.

⁴⁵ <https://sportscotland.org.uk/media/6138/phase-3-return-to-sport-and-physical-activity-guidance-011020-final.pdf>

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Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation
Advancing equality of opportunity	X	X		<p>There is a positive aspect to this measure in that people who are more at risk of the worst effects of COVID-19 are likely to be less exposed to the virus.</p> <p>There is a negative aspect for people living alone who may use these leisure opportunities to meet other people to alleviate loneliness.</p>
Promoting good relations among and between disabled and non-disabled people		X		There are fewer opportunities for disabled and non-disabled people to meet. This is weighed against the primary objective to reduce the rate of transmission of COVID-19.

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	The measure does not constitute unlawful discrimination, harassment and victimisation
Advancing equality of opportunity		X		The measure may adversely affect engagement of women in contact sport who are just starting to develop an interest. There is growing interest from women in contact sports like football and rugby with participation levels rising significantly over the past few years. The risk is that a prolonged period of restriction might restrict that positive growth. At the same time, given the greater participation of men in contact sports at present, more men will be affected by the restriction.
Promoting good relations between men and women		X		There are fewer opportunities for the different sexes to meet. This is weighed against the primary objective to reduce the rate of transmission of COVID-19.

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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	The measure does not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity		X		The measure is likely to have a significant differential impact on women with the protected characteristic of pregnancy and maternity, restricting opportunities to be active in a group setting.
Promoting good relations		X		There are fewer opportunities for people of all groups to meet. This is weighed against the primary objective to reduce the rate of transmission of COVID-19.

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	The measure does not constitute unlawful discrimination, harassment and victimisation
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time
Promoting good relations		X		There are fewer opportunities for people of all groups to meet. This is weighed against the primary objective to reduce the rate of transmission of COVID-19.

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	The measure does not constitute unlawful discrimination, harassment and victimisation

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Advancing equality of opportunity			X	No evidence of a differential impact identified at this time
Promoting good relations		X		There are fewer opportunities for people of all groups to meet. This is weighed against the primary objective to reduce the rate of transmission of COVID-19.

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	The measure does not constitute unlawful discrimination, harassment and victimisation
Advancing equality of opportunity	X	X		There is a positive aspect to this measure in that people from some minority ethnic groups who are more at risk of the worst effects of COVID-19, are likely to be less exposed to the virus. There is a negative aspect for people living alone who may use these group leisure opportunities to meet other people to alleviate loneliness, or for people in overcrowded homes who value time outside the home.
Promoting good race relations		X		There are fewer opportunities for all groups, including differently recognised racial groups, to meet. This is weighed against the primary objective to reduce the rate of transmission of COVID-19.

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	The measure does not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations		X		There are fewer opportunities for people of all groups, including those from

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				different religion and belief groups, to meet. This is weighed against the primary objective to reduce the rate of transmission of COVID-19.
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Do you think the policy impacts on people because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation.

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Title of Proposal	STADIA AND EVENTS
<p data-bbox="65 383 1528 427">Impact:</p> <p data-bbox="65 450 1528 495">Overview</p> <p data-bbox="65 517 1528 651">This EQIA is focused on the set of Stadia and Events measures included within Scotland's Strategic Framework⁴⁶. These measures include both the measures requiring that events do not take place and that stadia must close, and also the measures that permit them to operate in some Levels, including mitigating actions that businesses must take to be able to operate in some Levels.</p> <p data-bbox="65 685 1528 786">The Coronavirus (Covid-19) - Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 implement the levels-based approach to tackling coronavirus. The Regulations came into force on Monday 2 November 2020.</p> <p data-bbox="65 819 1528 920">These measures are intended to reduce the spread of COVID-19 while acknowledging that Scotland's events sector has been particularly hard-hit by the pandemic because it brings together groups of people, often in large numbers, for business, cultural and sporting purposes..</p> <p data-bbox="65 954 1528 1088">Events make a key contribution to Scotland's economy, boost Scotland's profile internationally and can enhance community engagement, empowerment and inclusion. Major events can act as a catalyst for investment in infrastructure and built environment. They can increase tourism in the long term due to strengthened brand and improved infrastructure.</p> <p data-bbox="65 1122 1528 1424">The Scottish Government recognises the massive impact that COVID-19 restrictions are having on the stadia and events sector in Scotland. Significant international events have been postponed, such as EURO 2020 which was due to be co-hosted in Glasgow in summer 2020. As lockdown extended into May and June, the bulk of the remainder of Scotland's 2020 events programme was cancelled or rescheduled. While some of this activity is expected to be rescheduled into 2021, annual events will have lost their revenue for 2020. Some activity has moved to broadcast only or online, however, thus far online activity has proved difficult to monetise. While top-flight football and rugby has generally been able to continue behind closed doors, spectators have not been admitted in any significant numbers apart from three pilot events and limited numbers from 2 November for areas with level 0 and level 1 restrictions.</p> <p data-bbox="65 1458 1528 1659">There is a long lead in time to plan and prepare for most events. As such, fluctuating levels of restrictions are particularly difficult for events as organisers have little certainty about whether their event will actually be able to take place, resulting in them carrying significant risk. Parts of the sector have indicated that even if they are permitted to resume, as would be possible for some at levels 1 and 0, they will not be commercially viable while physical distancing and low attendance caps are in place. For sporting events – and football in particular – it is important to note that restricted attendances mean season ticket holders only are likely to be admitted.</p> <p data-bbox="65 1693 1528 1861">Re-opening the sector will be important to the recovery of Scotland's economy. It will be of benefit to the event businesses directly, and those employed within them, but also allows for the potential of wider benefits from customer expenditure to begin to be restored. Furthermore, it has had a wider positive impact on socialisation and general wellbeing. Restrictive measures, particularly at the higher levels, could have a negative impact on this.</p> <p data-bbox="65 1995 1528 2051">The key measures relating to Stadia and Events are set out in the table below: https://www.gov.scot/publications/covid-19-scotlands-strategic-framework/</p>	

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Level 0	Level 1	Level 2	Level 3	Level 4
Outdoor events permitted (restricted numbers)	Outdoor events: <ul style="list-style-type: none"> o seated and open space permitted (restricted numbers) o outdoor grouped standing not permitted 	Drive-in events permitted	Events not permitted	Events not permitted
Indoor events: <ul style="list-style-type: none"> o seated and ambulatory permitted (restricted numbers) o indoor grouped standing not permitted 	Small seated indoor events permitted	Events generally not permitted	Events not permitted	Events not permitted
Stadia – open with restricted numbers	Stadia – open with restricted numbers	Stadia closed to spectators	Stadia closed to spectators	Stadia closed to spectators

[Guidance on travel](#) also has a significant impact on events, which often rely on people travelling locally, nationally or internationally.

The ONS Standardised Industrial Classifications (SIC) does not provide a category or division for the events sector. A list of SICs has been compiled by the Scottish Government which may plausibly be judged to constitute the sector, based on a description of these activities. Note that a number of the SIC codes selected for analysis as part of the events sector overlap with existing Growth Sectors including Tourism; Finance and Business Services; and Creative Industries. The activities identified as part of the core events sector are those in which it is assumed that a large proportion of their output can be attributed to the staging of events. However, the supply chains for events as well as businesses providing services directly to event audiences and participants extend beyond those identified by SIC code. This wider range of activities include not only food, accommodation and transportation services but also a diverse range of businesses in supply chains.

The Events Industry in Scotland as defined above comprised 3,775 businesses (IDBR, 2019⁴⁷) and 4,515 individual units (SABS, 2017⁴⁸). It contributed approximately £953 million GVA to the Scottish economy in 2017 (SABS, 2017⁴⁹). In 2019 it employed approximately 57,000 part-time and full time employees as well as approximately 6,300 self-employed workers (APS, 2019⁵⁰). The Business Register and Employment Survey indicates that overall, more than 50% of employees in the sector worked part-time.

Public Sector Equality Duty

⁴⁷ <https://www.ons.gov.uk/aboutus/whatwedo/paidservices/interdepartmentalbusinessregisteridbr>

⁴⁸ <https://www.gov.scot/publications/scottish-annual-business-statistics/pages/data-sources-and-suitability/>

⁴⁹ <https://www.gov.scot/publications/scottish-annual-business-statistics/pages/data-sources-and-suitability/>

⁵⁰ <https://www.gov.scot/publications/annual-population-survey-results-for-year-to-31-december-2019/>

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Overall, the Scottish Government is having due regard to the three needs of the Public Sector Equality Duty (PSED) to:

eliminate unlawful discrimination, harassment and victimisation,

advance equality of opportunity between people who share a protected characteristic and those who do not, and

foster good relations between people who share a protected characteristic and those who do not.

The Scottish Government recognises that while the measures may positively impact on one or more of the protected characteristics, it also recognises that the introduction of the measures may have a disproportionate negative impact on one or more of the protected characteristics. Where any negative impacts have been identified below, we have sought to mitigate/eliminate these. We are also mindful that the equality duty is not just about negating or mitigating negative impacts, as we also have a positive duty to promote equality. We have sought to do this through provisions contained in the measures or by support and guidance available. We have published an EQIA for the Scottish Government's Events Sector Guidance⁵¹ which sets out further details about measures to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity, and foster good relation for events that are permitted with COVID-19 safe measures in place.

While it is the view of the Scottish Government that the impacts discussed in this EQIA are currently justified and a proportionate means of helping to achieve the legitimate aim of reducing the public health risks posed by coronavirus, the Scottish Government also recognises that these measures are only required to respond to the current set of circumstances, and are only necessary as long as the potential public health benefits can justify any negative impacts caused.

Differential impacts	Age: Children and Younger People	Level 0 and Level 1	<p>The events sector has a disproportionately young workforce compared to other sectors. The Annual Population Survey 2019⁵² found that approximately 51% of the events workforce is under the age of 35 compared to around 35% for Scotland's workforce as a whole. A disproportionately young workforce could result in a heightened risk and impact (in terms of lost lifetime earnings) of unemployment in the industry. Research indicates a reduction in wages of between 12 and 15% at the age of 42 for those who experience youth unemployment⁵³. In addition to the economic impacts, there is also some evidence that those experiencing youth unemployment are more likely to experience worse health outcomes, unhappiness and lower job satisfaction later in life⁵⁴.</p> <p>Re-opening indoor events are likely to allow more young people to return to work. For young people returning to work, reopening will therefore positively increase their income and mental wellbeing, but could also negatively increase their health risks, potentially raising anxieties about returning to work and infection transmission within households. However, while not as heightened as Level 2 – 3, events are still subject to significant restrictions on numbers and many will continue to struggle to operate. This means that the risk of youth unemployment still remains high due to stadia and certain types of indoor events operating with restricted numbers (indoor seated and ambulatory events) or not being permitted at all (Indoor group standing events).</p>
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⁵¹ <https://www.gov.scot/publications/events-sectoral-guidance-equality-fairer-scotland-impact-assessment/>

⁵² <https://www.gov.scot/publications/annual-population-survey-results-for-year-to-31-december-2019/>

⁵³ Gregg, Paul and Tominey, Emma (2004) 'The Wage Scar from Youth Unemployment', CMPO Working Paper Series No 04/097

⁵⁴ Bell, David N.F. and Blanchflower, David, G. (2011) 'Young People and the Great Recession' IZA Discussion Paper, No. 5674

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			The 2019/20 Scottish Football Supporters' Survey says one per cent of attendees at Scottish football are under 18. ⁵⁵ NB - we are not aware of any equivalent survey for rugby.
		Level 2	<p>Only drive-in events are permitted in level 2. The closure of events in Level 2-3 is likely to have a disproportionate impact on younger people both who work in the sector and/or attend events.</p> <p>The Scottish Household Survey⁵⁶ figures shows levels of cultural attendance, in 2018, were generally higher among the younger age groups, although there were differences in the cultural activities attended by younger and older age groups.</p> <p>Ninety one per cent of 16 to 24 year olds attended a cultural event compared to 56 per cent of those aged 75 and over. Sixteen to 24 year olds also had higher cultural attendance than those aged 75 and over after excluding trips to the cinema (78 per cent and 54 per cent).</p> <p>Almost half of 16 to 24 year olds (44 per cent) attended a live music event, compared with 10 per cent of those aged 75 or over.</p>
		Levels 3 and 4	As above. Increased impact as no events permitted.
	Age: Older People	Level 0 and Level 1	<p>IPSOS – Tracking the Coronavirus Report⁵⁷, Scotland has found that older people (over 55) are more anxious about returning to events than younger people (under 35). Therefore, in areas that outdoor events, certain types of indoor events (with restricted numbers) and stadia events (with restricted numbers) are permitted, this could potentially have a negative impact on older people due to the risk in community transmission from events taking place.</p> <p>The 2019/20 Scottish Football Supporters' Survey says 12 per cent of attendees at Scottish football are over 65.⁵⁸ NB - we are not aware of any equivalent survey for rugby.</p>
		Level 2	See IPSOS reference above. However, in areas where stadia remain closed to spectators and events are not permitted, this could have a positive impact on older people due to a reduction in community transmission from events not being held.
		Levels 3- 4	As above.
	Sex: Women	Level 0 and Level 1	The proportion of women working in the events industry is similar to the proportion in the overall workforce - 47% and 49% respectively. However, for Events Catering Activities, women make up 56% of the workforce and for Other Reservation Service and Related Activities they make up 73% of the workforce.

⁵⁵ http://www.scottishsupporters.net/wp-content/uploads/2020/01/Survey-2019_20-web-ready.pdf

⁵⁶ <https://www.gov.scot/publications/scotlands-people-annual-report-results-2018-scottish-household-survey/>

⁵⁷ <https://www.ipsos.com/ipsos-mori/en-uk/public-opinion-covid-19-coronavirus-pandemic>

⁵⁸ http://www.scottishsupporters.net/wp-content/uploads/2020/01/Survey-2019_20-web-ready.pdf

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		<p>Therefore, certain types of indoor events operating with restricted numbers - or not being permitted (Indoor group standing) - is likely to have a slightly higher impact on women in parts of the events sector who are unable to work. While we are not aware of any data specifically for sporting events, the proportion of women is likely to be similar to the events industry.</p> <p>The 2019/20 Scottish Football Supporters' Survey says 88.8 per cent of attendees at Scottish football are men 10.5 per cent are women and 0.6 per cent other.⁵⁹</p>
	Level 2	As above, however, in areas where events are not permitted, the risk of women in parts of the events sector not being able to work is heightened.
	Levels 3-4	As above .
Sex: Men	Level 0 and Level 1	As above - See "Women"
	Level 2	As above - See "Women"
	Levels 3-4	As above - See "Women"
Race	Level 0 and Level 1	<p>Given the acknowledged increased risks of COVID-19 to minority ethnic groups⁶⁰, there could, potentially, be a negative impact due to a possible increase in community transmission in areas where outdoor events, stadia events (with restricted numbers) and certain types of indoor events (with restricted numbers) are permitted.</p> <p>Early data showed that the COVID-19 virus was more deadly for people with underlying health conditions. Prevalence of some of these health conditions is known to be higher in certain minority ethnic groups, for example, Type 2 diabetes is 6 times more likely in people of South Asian descent and 3 times more likely in African and Afro-Caribbean people.</p> <p>Deaths among people from the South Asian ethnic group were almost twice as likely to involve COVID-19 than deaths in the Scottish / British White ethnic group, (largest number of numerical deaths in minority ethnic was white Irish), after accounting for age group, sex, area deprivation and urban/rural classification⁶¹.</p> <p>According to Close The Gap's recent report⁶², Black and Minority Ethnic women are more likely to work in a sector that has been shut down; more likely to be in insecure work which puts them at increased risk of loss of hours and earnings; and are concentrated in low-paid service sectors which are more susceptible to redundancies over the course of the crisis.</p>

⁵⁹ http://www.scottishsupporters.net/wp-content/uploads/2020/01/Survey-2019_20-web-ready.pdf

⁶⁰

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908434/Disparities_in_the_risk_and_outcomes_of_COVID_August_2020_update.pdf

⁶¹ <https://www.nrscotland.gov.uk/news/2020/deaths-involving-covid-19-week-27-29th-june-to-5th-july>

⁶² <https://www.closesthegap.org.uk/content/resources/Disproportionate-Disruption---The-impact-of-COVID-19-on-womens-labour-market-equality.pdf>

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		<p>This has the potential to further entrench labour market inequality for Black and Minority Ethnic women who already face multiple barriers to good quality employment.</p> <p>In Scotland's 2011 Census, people describing their ethnicity as one of the 'Asian' categories (columns J to N in the table) were more likely to live in a household with two or more families. Of those living in households, around 1 in 7 (15%) of people describing their ethnicity as Pakistani lived in a household with two or more families. This compared to only 1 in 50 (2%) of the population as a whole. These differences are pertinent in regard to the spread of COVID-19 and highlight particular risks for people from minority ethnic groups who are elderly or have pre-existing health conditions. If household members work in customer-facing roles in the events sector they may face higher risk of being exposed to the virus and subsequently bringing it back to their home setting.</p>
	Level 2	<p>Given the acknowledged increased risks of COVID-19 to minority ethnic groups, there could be a positive impact due to a reduction in community transmission in areas where stadia remain closed and events are not permitted.</p> <p>However, feelings of loneliness are highest in single-occupier households⁶³ and people of 'Black, Black Scottish or Black British' ethnicity were most likely to be living alone at the time of the last census in 2011⁶⁴. They may be negatively impacted from not being able to meet up as easily with other people due to the tightening of the other socialising measures. The reduced opportunity to meet households outside of the home and visit external settings will have a negative impact for those living in overcrowded households which may be detrimental to their mental and physical health. Those identifying as 'White: Polish', 'Bangladeshi' or 'African' were the most likely to live in overcrowded households in 2011.</p>
	Levels 3-4	As above. Negative economic and social impacts will inevitably increase as the restrictions heighten in the higher levels.
Religion or belief	Level 0 and Level 1	Outdoor events (seated) guidance allows seated worship events to take place for up to 200 people Recognising the need for standing in some acts of worship, standing is permitted only where it forms part of an act of worship. This has a positive impact for faith groups in allowing them to gather in larger groups outdoors for acts of worship than is permitted indoors in these levels.
	Level 2	None permitted as live events but may continue to take place in line with places of worship guidance ⁶⁵ .
	Levels 3-4	None permitted as live events but may continue to take place in line with places of worship guidance.
Disability	Level	The resumption of certain types of events may result in certain barriers to

⁶³ [Scottish Household Survey 2018](#)

⁶⁴ [Census 2011: Detailed Characteristics on Population and Households in Scotland](#)

⁶⁵ <https://www.gov.scot/publications/coronavirus-covid-19-phase-3-guidance-for-the-safe-use-of-places-of-worship/pages/purpose-of-guidance/>

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	0 and Level 1	<p>disabled people working at or attending event due to measures being implemented to mitigate the spread of the virus.</p> <p>For example, during the course of previously permitted events, disabled people may have faced:</p> <p>General guidance not to use lifts (impact of people who use wheelchairs or others who find it difficult to use the stairs).</p> <p>Use of face covering by event staff and / or those attending events (impact on people who lip read or those who are exempt from wearing facemasks due to health conditions).</p> <p>Provision of additional handwashing or hand sanitiser in particular locations that are not accessible / not at correct height (impact on those in wheelchairs).</p> <p>Provision of information before and on the day of the event about the measures to reduce the spread of coronavirus not available in a range of formats (may exclude those who are reliant on a particular format – e.g. people who are blind or deaf).</p> <p>Facilities being removed or reduced – for example disabled parking spaces removed to allow for queuing or disabled toilets changed to general use to increase capacity.</p> <p>While all reasonable steps should be taken to ensure that measures do not disadvantage disabled people, we recognise some of the mitigating measures may have an impact, particularly in reducing capacity available for wheelchairs etc. We have emphasised strongly to the relevant bodies that people with disabilities should be equality of access – and this is particularly important when spectators are restricted. This is reflected in guidance.</p> <p>The 2019/20 Scottish Football Supporters' Survey says two per cent of supporters have experienced discrimination related to disability.⁶⁶</p> <p>Without accessible formats of information or through a lack of access to a support worker some people may find the changes to this measure more difficult to understand. Information on both the Scottish Government and Health and Safety Executive websites have a range of accessibility options.</p>
	Level 2	<p>Continued restrictions on events could have a positive impact on some disabled people due to a reduction in community transmission from events not being held.</p> <p>Of those who died with COVID-19 in March - July, 92% had at least one pre-existing health condition. The most common main pre-existing condition among those who died with COVID-19 was dementia and Alzheimer's disease (31%), followed by ischaemic heart disease (13%). This may restrict some disabled people from working in or attending events.</p>
	Levels 3-4	As above.
Sexual	Level	No evidence of a differential impact identified at this time

⁶⁶ http://www.scottishsupporters.net/wp-content/uploads/2020/01/Survey-2019_20-web-ready.pdf

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	Orientation	0 and Level 1	
		Level 2	No evidence of a differential impact identified at this time
		Levels 3-4	No evidence of a differential impact identified at this time
	Marriage and Civil Partnership ⁶⁷	Level 0 and Level 1	No evidence of a differential impact identified at this time
		Level 2	No evidence of a differential impact identified at this time
		Levels 3-4	No evidence of a differential impact identified at this time
	Pregnancy and Maternity	Level 0 and Level 1	No evidence of a differential impact identified at this time
		Level 2	No evidence of a differential impact identified at this time
		Levels 3-4	No evidence of a differential impact identified at this time
Gender Reassignment	Level 0 and Level 1	No evidence of a differential impact identified at this time	
	Level 2	No evidence of a differential impact identified at this time	
	Levels 3-4	No evidence of a differential impact identified at this time	
Socio-economic disadvantage	Level 0 and Level 1	<p>There are particular issues for staff working in insecure contracts for events. Employees in the events sector are less likely to be paid wages at the level of the Living Wage or above than Scotland's employees as a whole. Only around 78% of workers in the events sector earn at or above the Living Wage compared with 83% of all Scottish employees⁶⁸</p> <p>Median pay for employees in the events sector is lower than that for median pay of all Scottish employees. Median pay for employees in the events sector was approximately £23,911 compared with approximately £30,000 for all Scottish employees⁶⁹</p> <p>People who are socio-economically disadvantaged, including those who may have lost jobs or have seen their incomes reduced during lockdown, are less likely to be able to afford to attend or participate in events due to the financial impacts of COVID-19 on households. Moving to card payments only to prevent transmission may impact adversely on lower socio-economic groups.</p>	

⁶⁷ Section 149(7) of the Equality 2010 Act - the Public Sector Equality Duty does not apply to the protected characteristic of marriage and civil partnership

⁶⁸ <https://www.gov.scot/publications/annual-survey-of-hours-and-earnings-2019/>

⁶⁹ <https://www.gov.scot/publications/annual-survey-of-hours-and-earnings-2019/>

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		<p>Consideration should be given to those unable to access a smartphone or unable to pay using contactless technology.</p> <p>Even where there are minimal restrictions the sector is likely to suffer from lower demand, negatively impacting low skilled and low paid workers.</p>
	Level 2	<p>The above impacts will be exacerbated in areas where events are not permitted as there has been the rolling back of the limited outdoors events and drive in events which were previously able to take place from 24 July 2020, in addition to prolonging the period for which the rest of the sector are unable to operate. Therefore, the impact wages and job security will be significant for this sector.</p> <p>Any increase in risk of contracting COVID-19 due to meeting up with others would disproportionately affect people in the most deprived areas. Those living in more deprived areas are more likely to have longstanding illnesses. These new restricted measures should reduce the risk of infection and be of particular benefit to them.</p>
	Levels 3-4	As above.
Mitigating actions:	Level 0 and Level 1	<p>The Strategic Framework allows for a proportionate approach to the resumption of certain types of events across the country. Rather than Scotland-wide measures, which would close or restrict businesses irrespective of the prevalence of the virus, the tiered approach helps ensure live events can resume in certain areas.</p> <p>Where live events are able to take place, the events sector guidance⁷⁰ sets out a number of measures to ensure that mitigations put in place to reduce transmission do not have a disproportionate impact on people with protected characteristics, in particular disabled people.</p> <p>The Strategic Framework included plans for new financial support for business. For certain venues at level 0 and 1 this will include hardship grant of £1,400 or £2100 (depending on rateable value) for businesses listed in the regulations that may open but are specifically required to modify their operations by protective measures, payable every four weeks for the duration measures are in place. This will provide support to theatres, sports stadia, conference and exhibition centres, comedy clubs, concert halls and music venues as these are subject to a specific cap on the number of people who can attend an event.</p>
	Level 2	<p>We recognise the massive impact that COVID 19 restrictions are having on the events sector in Scotland, and around the world. We are doing what we can to provide support and protect the valuable contribution that events makes to Scotland's economy and to society.</p> <p>Due to the variety of organisations operating in the sector, some events businesses will have been eligible for general Scottish Government business support, such as business rates relief.</p>

⁷⁰ <https://www.gov.scot/publications/coronavirus-covid-19-events-sector-guidance/pages/operational-guide-and-checklist/>

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	<p>The Strategic Framework includes new financial support for business. For certain events venues closed at levels 2 and above there is a grant of £2,000 or £3,000 (depending on rateable value) for business required to close by law, payable every four weeks for the duration protective measures are in place. This will provide support to theatres, sports stadia, conference and exhibition centres, comedy clubs, concert halls and music venues.</p> <p>In addition, £97 million in consequentials was allocated to Scotland in support for the culture and creative industries. Following this, the Scottish Government together with Creative Scotland and stakeholders from across the culture and creative sectors have been working hard to ensure that the funding is distributed to those who need it most. To date, the total culture, creative and heritage announcements arising from the UK Government consequentials total £81.47m. Much of this funding has supported venues and other businesses that are key to delivering events and the music industry, these funds include: the £15 million Culture Organisations and Venues Recovery Fund; £5m Creative Freelancer Hardship Fund; £12.5m Performing Arts Venue Relief Fund; £2.2m Grassroots Music Venues Stabilisation Fund.</p> <p>Specific support for the sector of £10 million was announced on 26 July 2020 from the £97 million in consequentials. Of this, a £6 million hardship fund has now closed and a £2.75 million Recovery Fund for individual events opened on 2 November. Feedback from the events sector has been that this is insufficient to meet financial needs.</p> <p>Many events businesses and freelancers should be able to access support through the UK Government's Coronavirus Job Retention Scheme and Self-Employment Income Support Scheme (both now extended until March 2021).</p> <p>Preserving jobs through financial support, while much of the events sector has been closed, has helped prevent many businesses laying off staff – which is particularly helpful for young people who make up a disproportionate percentage of events workforce.</p> <p>Discussions are also ongoing with the UK Government regarding a financial recovery package for sport. This is likely to bring consequentials that can be utilised to mitigate the financial impact for those sports that are reliant on spectator income for their business model.</p> <p>While we are aware that it has not been possible to fully address all of the issues raised by the sector, we have always sought to balance our continued support for the sector with our primary objective of suppressing the virus and saving lives. Business support continues to be a central issue during the period of disruption.</p>
Levels 3-4	As above.

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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 impact in this regard.
Advancing equality of opportunity	X	X		<p>As set out in evidence in differential impacts section.</p> <p>For positive impacts: - <u>young people</u> are disproportionality represented in live events workforce and therefore may be at less risk of catching virus if they are not working at live events. - No outdoor live events at levels 2, 3 and 4 may reduce transmission of virus and therefore <u>older people</u> (who are at more risk) may be less likely to catch virus through community transmission.</p> <p>For negative impacts: - Significant negative economic impact for <u>young people</u> who will be disproportionality impacted by not working at live events.</p> <p>There are also likely to be greater social impacts for young people - The Scottish Household Survey⁷¹ figures shows levels of cultural attendance, in 2018, were generally higher among the younger age groups, although there were differences in the cultural activities attended by younger and older age groups. 91% of 16 to 24 year olds attended a cultural event compared to 56% of those aged 75 and over. 16 to 24 year olds also had higher cultural attendance than those aged 75 and over after excluding trips to the cinema (78% and 54%).</p>
Promoting good relations among and between different age groups			X	No evidence of impact in this regard.

Do you think that the policy impacts disabled people?

⁷¹ <https://www.gov.scot/publications/scotlands-people-annual-report-results-2018-scottish-household-survey/>

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Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of impact in this regard.
Advancing equality of opportunity	X	X		As set out in evidence in differential impacts section. For positive impacts: - Possible reduction of risk to health for disabled people, both directly from events and through reduced community transmission. - Could lead to removal of some measures in place to mitigate the spread of the virus, which could in turn remove barriers for disabled people. For negative impact: Impact on disabled people who would have worked at or attended outdoor live events in this period.
Promoting good relations among and between disabled and non-disabled people	X			As set out in evidence in differential impacts section. If barriers are removed as a result of stopping events this could mean fewer differences in approach for disabled and non-disabled people, thus promoting equality and good relations.

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 impact in this regard.
Advancing equality of opportunity		X		As set out in evidence in differential impacts section. Women could be disproportionately negatively impacted in some aspects of event-related employment, most notably event catering and reservation services. And men – given the higher percentage who attend stadia events – will also be more affected if no spectators or restricted numbers are permitted.
Promoting good relations between men and women			X	No evidence to suggest any impact in this regard.

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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.

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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 impact in this regard.
Advancing equality of opportunity	X			As set out in evidence in differential impacts section. Could have a positive impact due to a reduction in community transmission from events not being held, given the acknowledged increased risks of COVID-19 to minority ethnic groups.
Promoting good race relations			X	No evidence of impact in this regard.

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	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 because of their marriage or civil partnership?

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

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Title of Proposal		SNOOKER/POOL HALLS AND INDOOR BOWLING ALLEYS	
<p>Impact: Snooker, billiards and pool are more popular amongst the most deprived 20% of communities in Scotland than in other areas. These facilities are open at Level 0 and 1 and closed at Levels 2-4. While open, facilities must follow Scottish Government guidance on the operation of sports and leisure facilities https://www.gov.scot/publications/coronavirus-covid-19-guidance-on-sport-and-leisure-facilities/</p>			
Differential impacts	Age: Children and Younger People	Level 0 and Level 1	Facilities are open but must adhere to the guidelines above. We have no evidence of a differential impact on this group as a result of the additional measures which must be put in place in order to adhere to the guidelines on the operation of sports and leisure facilities.
		Levels 2 - 4	Facilities are closed. We do not have a breakdown of the age of those who attend snooker/pool halls or indoor bowling alleys. It is not therefore possible to identify whether children and younger people will be disadvantaged as a result of closure.
	Age: Older People	Level 0 and Level 1	Facilities are open but must adhere to the guidelines above. We have no evidence of a differential impact on this group as a result of the additional measures which must be put in place in order to adhere to the guidelines on the operation of sports and leisure facilities.
		Levels 2 - 4	Facilities are closed. We do not have a breakdown of the age of those who attend snooker/pool halls or indoor bowling alleys. It is not therefore possible to identify whether older people will be disadvantaged as a result of closure. Closure will help to reduce the risk of transmission to older people who are more at risk from the virus by contributing to the general suppression of the virus in the community.
	Sex: Women	Level 0 and Level 1	Facilities are open but must adhere to the guidelines above. We have no evidence of a differential impact on women as a result of the additional measures which must be put in place in order to adhere to the guidelines on the operation of sports and leisure facilities.
		Levels 2 - 4	Facilities are closed. We do not have a breakdown of the sex of those who attend snooker/pool halls or indoor bowling alleys. It is not therefore possible to identify whether women will be disadvantaged as a result of closure.
	Sex: Men	Level 0 and Level 1	Facilities are open but must adhere to the guidelines above. We have no evidence of a differential impact on men as a result of the additional measures which must be put in place in order to adhere to the guidelines on the operation of sports and leisure facilities.
		Levels 2 - 4	Facilities are closed. We do not have a breakdown of the sex of those who attend snooker/pool halls or indoor bowling alleys. It is not therefore possible to identify whether men will be disadvantaged as a result of closure.
	Race	Level 0 and Level 1	Facilities are open but must adhere to the guidelines above. We have no evidence of a differential impact on this group as a result of the additional measures which must be put in place in order to adhere to the guidelines on the operation of sports and leisure facilities.

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	Levels 2 - 4	Facilities are closed. We do not have a breakdown of the race of those who attend snooker/pool halls or indoor bowling alleys. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure. Closure will help to reduce the risk of transmission to those from ethnic minority backgrounds who are more at risk from the virus by contributing to the general suppression of the virus in the community.
Religion or belief	Level 0 and Level 1	Facilities are open but must adhere to the guidelines above. We have no evidence of a differential impact on this group as a result of the additional measures which must be put in place in order to adhere to the guidelines on the operation of sports and leisure facilities.
	Levels 2 - 4	Facilities are closed. We do not have a breakdown of the religion or belief of those who attend snooker/pool halls or indoor bowling alleys. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure.
Disability	Level 0 and Level 1	<p>Facilities are open but must adhere to the guidelines above. It is possible that certain measures implemented to mitigate spread of virus may create barriers to disabled people who wish to attend snooker/pool halls or indoor bowling alleys: For example:</p> <ul style="list-style-type: none"> • General guidance not to use lifts (impact of people who use wheelchairs or others who find it difficult to use the stairs). • Use of face coverings by staff and/or those attending participating may have an impact on people who lip read or those who cannot wear face masks due to health conditions. • Provision of additional handwashing or hand sanitiser in particular locations that are not accessible / not at correct height may have an impact on those in wheelchairs. • Provision of information about the measures to reduce spread of coronavirus at the venue are not available in a range of formats which may exclude those who are reliant on a particular format – e.g. people who are blind or deaf). • Facilities being removed or reduced – for example disabled parking spaces removed to allow for queuing or disabled toilets changed to general use to increase capacity
	Levels 2 - 4	Facilities are closed. We do not have a breakdown of the numbers of disabled people who attend snooker/pool halls or indoor bowling alleys. It is not therefore possible to identify whether disabled people will be disadvantaged as a result of closure. Closure will help to reduce the risk of transmission to disabled people who are more at risk from the virus by contributing to the general suppression of the virus in the community.
Sexual Orientation	Level 0 and Level 1	Facilities are open but must adhere to the guidelines above. We have no evidence of a differential impact on this group as a result of the additional measures which must be put in place in order to adhere to the guidelines on the operation of sports and leisure facilities.
	Levels 2 - 4	Facilities are closed. We do not have a breakdown of the sexual orientation of those who attend snooker/pool halls or indoor bowling

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			alleys. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure.
Marriage and Civil Partnership	Level 0 and Level 1		Facilities are open but must adhere to the guidelines above. We have no evidence of a differential impact on this group as a result of the additional measures which must be put in place in order to adhere to the guidelines on the operation of sports and leisure facilities.
	Levels 2 - 4		Facilities are closed. We do not have a breakdown of the marital or civil partnership status of those who attend snooker/pool halls or indoor bowling alleys. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure.
Pregnancy and Maternity	Level 0 and Level 1		Facilities are open but must adhere to the guidelines above. We have no evidence of a differential impact on this group as a result of the additional measures which must be put in place in order to adhere to the guidelines on the operation of sports and leisure facilities.
	Levels 2 - 4		Facilities are closed. We do not have a breakdown of the numbers of women within this group who attend snooker/pool halls or indoor bowling alleys. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure.
Gender Reassignment	Level 0 and Level 1		Facilities are open but must adhere to the guidelines above. We have no evidence of a differential impact on this group as a result of the additional measures which must be put in place in order to adhere to the guidelines on the operation of sports and leisure facilities.
	Levels 2 - 4		Facilities are closed. We do not have a breakdown of the numbers of those who have undergone gender reassignment who attend snooker/pool halls or indoor bowling alleys. It is not therefore possible to identify whether this group will be disadvantaged as a result of closure.
Socio-economic disadvantage	Level 0 and Level 1		Facilities are open but must adhere to the guidelines above. We have no evidence of a differential impact on this group as a result of the additional measures which must be put in place in order to adhere to the guidelines on the operation of sports and leisure facilities.
	Levels 2 - 4		Facilities are closed. Snooker, billiards and pool are more popular amongst the most deprived 20% of communities in Scotland than in other areas ⁷² This group are more affected by closure than other groups
Mitigating actions:	Baseline and Level 1		Facilities are open but must adhere to the guidelines above.
	Levels 2 - 4		National guidance has been developed to provide support to the sport and leisure sector to help them plan and prepare. This is supported by additional more specific guidance for particular parts of the sector. https://www.gov.scot/publications/coronavirus-covid-19-

⁷² <https://www.gov.scot/publications/scotlands-people-annual-report-results-2018-scottish-household-survey/>

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		guidance-on-sport-and-leisure-facilities/ <p>In addition sportscotland is supporting Scottish governing bodies of sport and local partners to plan for the return of sport and to develop specific guidance for their sports. This has included facilitating scenario planning based on the Scottish Government decision making framework and route map and a template with prompts to facilitate planning, including inclusivity and communicating with participants.</p>
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Assessing the impacts and identifying opportunities to promote equality

Do you think that the measure on closure or opening of snooker/pool halls and indoor bowling alleys impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for the different age groups when the snooker/pool halls and indoor bowling alleys are closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity	X	X		<p>Closure of facilities has a positive aspect in that older people who are most at risk of the worst effects of Covid-19 are likely to be less exposed to the virus.</p> <p>The opening of facilities may have a negative aspect for older people, who are most at risk of the worst effects of Covid-19, due to the increased exposure to the virus. This is one of the reasons why facilities are open at levels 0 and 1 subject to adherence to guidance when the prevalence of the virus is low</p>
Promoting good relations among and between different age groups			X	There is no evidence of a differential impact on people due to their age in promoting good relations between the age groups.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and			X	The measure does not constitute unlawful discrimination, harassment and victimisation for disabled people when the snooker/pool halls and indoor bowling alleys are closed as

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victimisation				the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity	X	X		<p>Closure of facilities has a positive aspect in that disabled people, who are most at risk of the worst effects of Covid-19, are likely to be less exposed to the virus.</p> <p>The opening of facilities may have a negative aspect for disabled people who are most at risk of the worst effects of Covid-19, due to the increased exposure to the virus. This is one of the reasons why facilities are open at levels 0 and 1 subject to adherence to guidance when the prevalence of the virus is low</p>
Promoting good relations among and between disabled and non-disabled people			X	There is no evidence of a differential impact on disabled people in promoting good relations between disabled people and non-disabled people.

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	The measure does not constitute unlawful discrimination, harassment and victimisation for the men and women when the snooker/pool halls and indoor bowling alleys are closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity			X	We have no evidence that this measure has a differential impact on women or men in advancing equality of opportunity.
Promoting good relations between men and women			X	There is no evidence of a differential impact on men or women in promoting good relations between them.

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,			X	The measure does not constitute unlawful discrimination, harassment and victimisation for women because of pregnancy and

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harassment and victimisation				maternity when the snooker/pool halls and indoor bowling alleys are closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity			X	We have no evidence that this measure has a differential impact on women because of pregnancy or maternity.
Promoting good relations			X	There is no evidence of a differential impact on women because of pregnancy or maternity in promoting good relations with people who are not pregnant or in the maternity stage.

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	The measure does not constitute unlawful discrimination, harassment and victimisation for people going through gender reassignment when the snooker/pool halls and indoor bowling alleys are closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity			X	No evidence of a differential impact identified for people going through gender reassignment.
Promoting good relations			X	There is no evidence of a differential impact on people going through gender reassignment in promoting good relations with people who are not going through gender reassignment.

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,			X	The measure does not constitute unlawful discrimination, harassment and victimisation for people because of their sexual orientation

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harassment and victimisation				when the snooker/pool halls and indoor bowling alleys are closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity			X	No evidence of a differential impact identified for people because of their sexual orientation.
Promoting good relations			X	There is no evidence of a differential impact on people because of their sexual orientation in promoting good relations with people who have a different sexual orientation.

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	The measure does not constitute unlawful discrimination, harassment and victimisation for the different racial groups when the snooker/pool halls and indoor bowling alleys are closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity	X	X		Closure of facilities has a positive aspect in that people who are most at risk of the worst effects of Covid-19, because of their race, are likely to be less exposed to the virus. The opening of facilities has a negative aspect for people who are most at risk of the worst effects of Covid-19, because of their race, due to the increased exposure to the virus. This is one of the reasons why facilities are open at levels 0 and 1 subject to adherence to guidance when the prevalence of the virus is low
Promoting good race relations			X	There is no evidence of a differential impact on people because of their race in promoting good relations with people from different racial groups.

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			X	The measure does not constitute unlawful discrimination, harassment and victimisation

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discrimination, harassment and victimisation				for the different religious or belief groups when the snooker/pool halls and indoor bowling alleys are closed as the impacts of any restrictions are balanced against the need to suppress the spread of the virus.
Advancing equality of opportunity			X	No evidence of a differential impact identified because of a person's religion or belief.
Promoting good relations			X	There is no evidence of a differential impact on people because of their religion or belief in promoting good relations with people from different religion or belief groups.

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

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation for people due to their marriage or civil partnership status when the snooker/pool halls and indoor bowling alleys are closed as the impacts of any restrictions apply to people of all relationship statuses equally.

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Title of Proposal		SOFT PLAY	
<p>The strategic framework sets out that soft plays would be allowed to open at Level 0 and Level 1, with safety measures in place. They should remain closed at all levels above that.</p> <p>Officials worked with clinical advisers and soft play sector to develop guidance to prepare businesses to re-open. This provisional guidance was published on 30 October 2020. Input from soft play sector alongside advice from clinicians has informed our thinking. We also looked at the guidance available to soft plays in other parts of the UK. This input was considered in the context of the four harms, taking into account the size of the soft play sector in Scotland and the impact to children and families across the country.</p> <p>Impact:</p> <p>Soft play facilities, and particularly soft play centres, provide a setting for children to play either by themselves or with other children. They are popular with younger children, mainly used by pre-school and early primary ages. Pre-school children would use them all year round while those in school would frequent them at weekends and holidays. They are more popular during bad weather and winter months. Children must be accompanied by an adult, which tends to be a parent, carer or other family member.</p> <p>There are a large number of indoor soft play centres around the country, usually in more built up areas. Soft play centres are businesses purpose built for providing soft play space, and sometimes refreshments like teas/coffees/food. Soft play facilities can also be found within a business that primarily offers a different service. For example, IKEA, shopping centre and some pubs can have soft play facilities.</p> <p>A briefing document prepared by the Scottish indoor Play Centres Owner & Management Group, represented 145 small to medium family businesses in Scotland. It detailed that there are 4,500 people employed by these businesses and that if they remain closed without additional support, many of them will not survive past Spring 2021.</p> <p>It is possible that by following the strategic framework published in October 2020 areas of the country will be operating at different levels and varying restrictions. Those in level 0 or 1 will be able to re-open soft plays. This will create a disparity between local authority areas, with access to soft play facilities for some children and families but not all.</p>			
Differential impacts	Age: Children and Younger People	Level 0 and Level 1	Children will be able to visit soft plays, where the soft play centres have followed the guidance on appropriate measures.
		Levels 2, 3 and 4	<p>Soft plays are required to close at Levels 2, 3 and 4.</p> <p>Soft plays provide a safe and interactive indoor space for children to play. Soft plays are very popular with families of children up to roughly the age of 10, particularly in bad weather. They can provide respite to parents and carers with young children, therefore this group can be adversely affected by the closure at these levels.</p> <p>A Co-SPYCE Oxford university study, which is based upon UK-wide data gathered between 17 April and 20 May reported that 47% of children spent no time playing with another child in their household and 51% are reported as not communicating at all via phone, video call or message with friends outside their home.</p> <p>A survey by Mary Immaculate College in Ireland conducted from 21 May to 3 July during Ireland's phase 1 of easing restrictions reported that despite the easing of lockdown, less than a third</p>

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		(27%) of children have played with children from another household outdoors with social distancing at least once a week. Almost all children (90%) missed their friends and playing with other children (87%).
Age: Older People	Level 0 and Level 1	Children will be able to visit soft plays, where the soft play centres have followed the guidance on appropriate measures, and could be taken by grandparents or older carers.
	Levels 2, 3 and 4	Where older people are caring for children, they will not be able to use soft play centres which they may have relied on for providing play equipment for the children.
Sex: Women	Level 0 and Level 1	Children will be able to visit soft plays, where the soft play centres have followed the guidance on appropriate measures.
	Levels 2, 3 and 4	<p>We have no data to suggest there is a difference between boys and girls using the soft play.</p> <p>Published data shows that women are predominantly carers for young children⁷³ and more likely to use soft plays so there is a differential impact as women would be more adversely affected than men.</p> <p>The anecdotal information we have received from soft play centres is that they employ a proportionally higher number of women than men, and they would be affected financially by their place of work remaining closed. Therefore there is a differential impact on women.</p>
Sex: Men	Level 0 and Level 1	Children will be able to visit soft plays, where the soft play centres have followed the guidance on appropriate measures.
	Levels 2, 3 and 4	<p>We have no data to suggest there is a difference between boys and girls using the soft play. Published data shows that women are predominantly carers for young children, so there is a differential impact and men would be less adversely affected than women.</p> <p>The anecdotal information we have received from soft play centres is that they employ a proportionally higher number of women than men, and they would be affected financially by their place of work remaining closed, while men would be less affected.</p>
Race	Level 0 and Level 1	Children will be able to visit soft plays, where the soft play centres have followed the guidance on appropriate measures.
	Levels 2, 3 and 4	We are not aware of any disproportional impact based on race as no data is available on the use of soft plays.
Religion or belief	Level 0 and Level 1	Children will be able to visit soft plays, where the soft play centres have followed the guidance on appropriate measures.

⁷³ <https://www.gov.scot/publications/inequalities-by-gender-in-the-context-of-covid-19-slide-pack/>

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	Levels 2, 3 and 4	We are not aware of any differential impact based on religion or belief.
Disability	Level 0 and Level 1	Children will be able to visit soft plays, where the soft play centres have followed the guidance on appropriate measures. Soft plays can provide safe, controlled places for disabled children to play. Some soft play can be particularly beneficial for some children with additional support needs, providing a safe environment and sensory stimulation they might not be able to get at home or elsewhere.
	Levels 2, 3 and 4	Children with disabilities could be more vulnerable to Covid-19, and if contracting the virus could be susceptible to worse symptoms. Disabled children from more disadvantaged areas may lose their only safe space for playing.
Sexual Orientation	Level 0 and Level 1	Children will be able to visit soft plays, where the soft play centres have followed the guidance on appropriate measures.
	Levels 2, 3 and 4	We are not aware of any differential impact based on sexual orientation.
Marriage and Civil Partnership⁷⁴	Level 0 and Level 1	Children will be able to visit soft plays, where the soft play centres have followed the guidance on appropriate measures.
	Levels 2, 3 and 4	We are not aware of any differential impact based on marriage and civil partnership
Pregnancy and Maternity	Level 0 and Level 1	Children will be able to visit soft plays, where the soft play centres have followed the guidance on appropriate measures.
	Levels 2, 3 and 4	Potential impact on new mothers, although it is likely that babies would not use soft play centres at least until they are crawling, usually over the age of 6 months. Women who already have children and are pregnant or have new babies may favour soft play centres as places their older children can play by themselves in a secure setting, so would be disadvantaged while soft plays are closed. But any pregnant mother would benefit from the reduced risk of transmission as they may be more at risk from the virus.
Gender Reassignment	Level 0 and Level 1	Children will be able to visit soft plays, where the soft play centres have followed the guidance on appropriate measures.
	Levels 2, 3 and 4	We are not aware of any differential impact based on gender reassignment.
Socio-economic disadvantage	Level 0 and Level 1	Children will be able to visit soft plays, where the soft play centres have followed the guidance on appropriate measures.

⁷⁴ Section 149(7) of the 2010 Act - the PSED does not apply to the protected characteristic of marriage and civil partnership

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			As below, while some families may be priced out of soft plays there are some non-profit organisations that run play centres for disadvantaged families that have been classified as soft plays. These being open will support those families.
		Levels 2, 3 and 4	<p>Most soft play businesses charge customers to enter. They can often be situated remotely without public transport access. People experiencing poverty may already be excluded from using them for those reasons. However, some soft plays centres are run as non-profit organisations, for example at centres for children with complex disabilities and some of the families who would use these centres may be experiencing poverty and therefore may not have access to other activities for their children.</p> <p>The Children's Commissioner for Wales survey⁷⁵, which was completed by 23,700 children and young people aged between 3-18, reported children living in deprived areas had fewer places to play (57% compared to 72% in non-deprived).</p>
Mitigating actions:		Level 0 and Level 1	Children will be able to visit soft plays, where the soft play centres have followed the guidance on appropriate measures.
		Levels 2, 3 and 4	<p>Guidance is being developed with the involvement of the soft play industry and relevant stakeholders, ensuring that there are no disproportionate impacts on any group with a specific protected characteristic or socio-economically disadvantaged groups</p> <p>Play has been central to the Scottish Government messaging for children and families throughout lockdown. We have worked with the play sector in producing inclusive resources that will help all families to play together in any setting. We continue to promote the benefits of play for children's health and wellbeing and encourage and support parents/carers to engage with their children through play.</p>

Assessing the impacts and identifying opportunities to promote equality

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. When soft play areas are closed young children and their parents are being denied a play opportunity and space to socialise while older children might still be able to attend organised groups or club.
Advancing equality of			X	No evidence of a differential impact identified at this time. While it removes one play setting

⁷⁵ <https://www.childcomwales.org.uk/coronavirus-and-me-results/>

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opportunity				for children, soft plays don't represent equal opportunity as they require a fee to enter and are not universally available across the country.
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	X		Some disabled children find soft plays a safe place to play and interact with other children. They might not have this opportunity outside of soft play centres. On the other hand, disabled children at lower risk of catching the virus, which may have a disproportionately high impact on them.
Promoting good relations among and between disabled and non-disabled people	X	X		As above

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		We have no reliable data available on whether soft play centres are attended more by men or women though there is published data which shows that women are predominantly carers for young children, so would be more adversely impacted when soft play areas are closed We have some anecdotal evidence from soft

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				<p>play providers suggesting that they employ a proportionally higher number of women.</p> <p>Therefore women may be affected more by the ongoing closure of soft plays in levels 2-4.</p>
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			Positive in levels 0 and 1. Women who already have children and are pregnant or have new babies may favour soft play centres as places their older children can play by themselves in a secure setting
Promoting good relations		X		<p>Negative in level 2 and above, as women who already have children and are pregnant or have new babies may favour soft play centres as places their older children can play by themselves in a secure setting. Closing soft play centres may adversely affect this group .</p> <p>Positives in level 2 and above, as pregnant women may be more at risk of the virus, so closing soft plays may protect them from transmission.</p>

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.

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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	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.

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

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

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Title of Proposal	AMUSEMENT ARCADES
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Impact

The amusement arcades sector which includes adult gaming centres (AGCs) and family entertainment centres (FECs) is an important part of Scotland’s economy and society. Adult Gaming Centres, of which there are about 50 in Scotland, are much like any other High Street shop in terms of size, customer base and staff profile. Adult Gaming Centres are generally equivalent in size to other High Street retail units in the order of 1000 to 2000 square feet, with some smaller or larger. They contain fruit machines of different types. Family entertainment centres, of which there are about 25 in Scotland, are part of the visitor economy dependent upon families visiting as part of a day trip or during a holiday. Seaside arcades offer a wide range of facilities for various age groups. They are located usually on sea fronts with open frontages and often utilise the space outside on the pavement (subject to planning) to site coin-operated children’s rides and vending machines. The key measures relating to **Amusements Arcades** are set out in the table below:

Amusement Arcades Measures (socialising rules apply)	Level 0	Level 1	Level 2	Level 3	Level 4
Family Entertainment Centres (FECs) and Adult Gaming Centres (AGCs)	Licensing times apply	Licensing times apply	Licensing times apply	Closed	Closed

Differential impacts	Age: Children and Younger People	Levels 0 - 2	The amusement arcades sector has generally 2 types of outlets, Adult gaming centres (AGCs) & Family entertainment centres (FECs); they have a mixed age workforce. The FECs staff tend to be younger and are seasonal, which often suits students especially over the summer ⁷⁶ . Re-opening of arcades is likely to allow more young people to return to work. For young people returning to work, amusement arcades being open could therefore positively increase their income and mental wellbeing, but could also negatively increase their physical health risks, potentially raising anxieties about returning to work and infection transmission within households.
		Levels 3 - 4	Complete closures of the arcades industry could have a disproportionate effect on young people as both workers and customers. We know that before the pandemic, younger people were more likely than those in older age groups to meet socially with friends, relatives, neighbours or work colleagues at least once a week. These new restrictions will reduce the social engagement for some young people. These measures could have a negative impact for some young people, both in terms of employment and socialising.
	Age: Older People	Levels 0 - 2	People over 70 have a higher risk of infection or developing severe symptoms while interacting with others while attending or working at arcade businesses. However, businesses’ compliance with legislative requirements to take reasonable measures to ensure physical

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			distancing, to take other reasonable measures to reduce the risk of transmission, and adherence to BACTA guidance (approved by Scottish Ministers) should help mitigate this risk.
		Levels 3 - 4	Complete closures of the arcades will help protect older people who are more vulnerable to the virus.
Sex: Women		Levels 0 - 2	<p>Before the pandemic, women met socially with friends, relatives, neighbours and their families more than men and so might be more likely to miss doing so . The increased opportunities for women to meet with others may therefore have helped in decreasing loneliness and may also help to increase access to support networks.</p> <p>If arcades are open, but experiencing reduced custom and revenue, then employees and businesses may not be able to access the full support scheme causing increased financial hardship for those on low-incomes/already at an economic disadvantage. Women make up a high proportion of this workforce/are more likely to work part-time and more likely to be earner in single-parent households.</p>
		Levels 3 - 4	<p>Complete closures of arcades may negatively impact on women being able to meet socially with friends. Whilst it is recognised that this may have a negative effect, it is considered a proportionate means of fulfilling the legitimate aim of protecting the general public from the threats posed by the outbreak of the Coronavirus pandemic and, therefore, the threat to human life in Scotland.</p> <p>Women are more likely than men to have longstanding illnesses.⁷⁷ Closure should reduce the risk of COVID-19 infection.</p>
Sex: Men		Levels 0 - 2	Men, including single men who live alone may have felt less isolated with the relaxing of restrictions through the Route Map, improving mental wellbeing, but further restrictions may now reduce that with fewer opportunities to meet with other people.
		Levels 3 - 4	Negative social impacts will increase with closures of arcades.
Race		Levels 0 - 2	<p>Given the acknowledged increased risks of COVID-19 to Minority Ethnic populations, employers will need to ensure safety and guidance is fully adhered to in order to protect these and all other employees.</p> <p>This has the potential to further entrench labour market inequality for Black and Minority Ethnic women who already face multiple barriers to good quality employment.</p> <p>In Scotland's 2011 Census, people describing their ethnicity as one of the 'Asian' categories (columns J to N in the table) were more likely to live in a household with two or more families. Of those living in households, around 1 in 7 (15%) of people describing their ethnicity as Pakistani lived in a household with two or more families. This compared to only 1 in 50 (2%) of the population as a whole.</p>

⁷⁷ Women are more likely than men to have longstanding illnesses ([Scottish Health Survey 2018](#))

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		<p>These differences are pertinent in regard to the spread of COVID-19 and highlight particular risks for people from Minority Ethnic groups who are elderly or have pre-existing health conditions. If household members work in customer-facing roles in the arcades sector they may face higher risk of being exposed to the virus and subsequently bringing it back to their home setting.</p> <p>If arcades are open, but experiencing reduced custom and revenue, then employees and businesses may not be able to access the full support scheme causing increased financial hardship for those on low-incomes/already at an economic disadvantage.</p> <p>Without accessible formats of information or through a lack of access to an interpreter / support worker both customers and workers may find the changes to restrictions more difficult to understand if their first language is not English.</p>
	Levels 3-4	<p>According to Close The Gap's recent report⁷⁸, Black and Minority Ethnic women are more likely to work in a sector that has been shut down; more likely to be in insecure work which puts them at increased risk of loss of hours and earnings; and are concentrated in low-paid service sectors which are more susceptible to redundancies over the course of the crisis.</p> <p>Negative social impacts will increase with closures of arcades.</p>
Religion or Belief	Levels 0 - 2	No evidence of a differential impact identified at this time.
	Levels 3 - 4	No evidence of a differential impact identified at this time.
Disability	Levels 0 - 2	<p>The re-opening of the arcades sector will have allowed greater choice for disabled people to socialise. This may have a positive impact in terms of accessibility and reducing social isolation and loneliness.</p> <p>Relaxation of restrictions around meeting up with others could lead to an increased risk of contracting COVID-19. This could disproportionately affect some disabled people. Around 170,000 adults in Scotland have been defined on medical grounds as clinically extremely vulnerable due to having an existing health condition that puts them at very high risk of severe illness from COVID-19.</p> <p>Disabled workers may find it more challenging, or not be able to attend work and undertake physical distancing, but the severity of impacts will be dependent on individuals and specific job circumstances.</p> <p>If arcades are open, but experiencing reduced custom and revenue, then employees and businesses may not be able to access the full support scheme causing increased financial hardship for those on low-incomes/already at an economic disadvantage.</p> <p>Some may not be able to gauge properly the required physical distance between themselves and other members of the public in arcade settings. This is likely to be a cause of anxiety for many visually</p>

⁷⁸ <https://www.closesthegap.org.uk/content/resources/Disproportionate-Disruption---The-impact-of-COVID-19-on-womens-labour-market-equality.pdf>

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		<p>impaired people and learning disabled adults and children. A full risk assessment process should be undertaken by individual businesses to mitigate such risks.</p> <p>Without accessible formats of information or through a lack of access to a support worker some people may find the changes to this measure more difficult to understand. Information on both the Scottish Government and Health and Safety Executive websites have a range of accessibility options.</p> <p>Loneliness was more prevalent among disabled people prior to the pandemic and for many disabled people this has been exacerbated during the lockdown.</p> <p>In 2018, a higher percentage of disabled adults in Scotland (39%) said that they felt lonely some, most, or all of the time in the preceding week compared with all adults (21%) and non-disabled adults (16%). People with mental health issues may be at greater risk of the impacts of social isolation.</p>
	Levels 3 - 4	<p>Closure measures designed to protect people who are at greater risk from COVID-19 will have a positive effect for disabled people.</p> <p>With closures of the sector both the negative social and wellbeing impacts and the positive impact on the potential to be infected with the virus will increase.</p>
Sexual Orientation	Levels 0 - 2	<p>Inviting LGBTI people into the home may not be an option for people who live in a homophobic environment, so the opportunity for some to meet outside of their household in arcades settings may be positive.</p> <p>The opportunity to attend informal social meetings in arcades settings with a wider range of friends who could offer support, will have been beneficial for an LGBTI person's mental health. Reduced opportunities to meet other people may have a negative impact.</p> <p>The Scottish Government has provided a package of support to organisations who support LGBTI people across Scotland to help mitigate negative effects.⁷⁹</p>
	Levels 3 & 4	<p>Closure of the arcades sector will reduce opportunities for LGBTI people to socialise and subsequently may increase the negative impact on their wellbeing.</p>
Marriage and Civil Partnership ⁸⁰	Levels 0 - 2	No evidence of a differential impact identified at this time.
	Levels 3 - 4	No evidence of a differential impact identified at this time.
Pregnancy and Maternity	Levels 0 to 2	Being able to meet people outside the home in arcades settings may provide some help to those who are the main carers, especially lone mothers (who account for the majority of lone parents).

⁷⁹ <https://www.equality-network.org/emergency-funding-for-lgbtq-organisations-and-groups/>

⁸⁰ section 149(7) of the 2010 Act - the PSED does not apply to the protected characteristic of marriage and civil partnership

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		<p>Allowing households with younger children to meet in arcades settings will enable mutual support and bonding, improving the mental health of the parents and the children.</p> <p>The opportunity to attend informal social meetings in arcades settings (for example new Mums meeting) with a wider range of friends in the earlier part of Phase 3, who could offer support, may have been beneficial for a pregnant woman's mental health. Reduced opportunities to meet other people may have a negative impact especially for lone mothers (who account for the majority of lone parents).</p> <p>The particular risks for employees who are pregnant should be considered, pregnant women have been included in the list of vulnerable people at risk from COVID-19 as pregnant women can sometimes be more at risk from viruses.</p>
	Levels 3 - 4	<p>Closure of the sector will reduce opportunities to meet in arcades settings, potentially negatively impacting pregnant women and new mothers for the reasons outlined in baseline.</p> <p>There could be a positive physical health impact for pregnant women (including employees) who could otherwise be exposed to risk of infection.</p>
Gender Reassignment	Levels 0 - 2	<p>The opportunity to attend informal social meetings in arcade settings with a wider range of friends in the earlier part of Phase 3, who could offer support, may have been beneficial for a trans or transgender person's mental health. Reduced opportunities to meet other people may have a negative impact. The Scottish Government has provided a package of support to organisations who support LGBTI people across Scotland to help mitigate negative effects.⁸¹</p>
	Levels 3-4	<p>Closure of the sector will reduce opportunities to meet in arcades settings, potentially causing an increased negative impact.</p>
Socio-economic disadvantage	Levels 0 - 2	<p>People who are socio-economically disadvantaged, including those who may have lost jobs or have seen their incomes reduced during lockdown, may be less able to afford to visit arcades businesses. The opening of these may only have had limited beneficial impact to socio-economically disadvantaged people.</p> <p>Any increase in risk of contracting COVID-19 due to meeting up with others would disproportionately affect people in the most deprived areas. Those living in more deprived areas are more likely to have longstanding illnesses. Throughout the sector there are incidences of low pay with workers earning less than the living wage (an hourly rate set at £8.75 in 2018). It is therefore likely that a higher proportion of low income households will be impacted by measures in the arcades sectors, losing hours, jobs and income. The proportion earning below the living wage is highest for young workers (82%), but remains high across all age ranges (39%-50%), it's also higher for women (63%)</p>

⁸¹ <https://www.equality-network.org/emergency-funding-for-lgbtq-organisations-and-groups/>

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		<p>than for men (52.5%) and more prevalent across part-time workers (73.2%), than full-time workers (40.4%).⁸²</p> <p>If arcades are open, but experiencing reduced custom and revenue, then employees and businesses may not be able to access the full support scheme causing increased financial hardship for those on low-incomes/already at an economic disadvantage.</p> <p>Even where there are minimal restrictions the sector is likely to suffer from lower demand, negatively impacting low skilled and low paid workers.</p>
	Levels 3 - 4	<p>Closures of arcades will have a negative economic impact on the sector, and the socio-economically disadvantaged people who depend upon it, are likely to be more severely impacted.</p> <p>Those living in more deprived areas are more likely to have longstanding illnesses therefore there could be a positive physical health impact for people who could otherwise be exposed to risk of infection.</p>
Mitigating actions:	Levels 0 - 2	<p>Businesses are under legislative requirements to take reasonable measures to ensure physical distancing, to take other reasonable measures to reduce the risk of transmission.</p> <p>A range of mitigations have been considered and implemented through comprehensive guidance (including risk assessments for businesses) to minimise the risk to all employees and customers, with specific consideration to those with protected characteristics.</p> <p>This guidance was developed by BACTA (British Amusement Catering Trade Association) and Scottish Government has endorsed this guidance</p> <p>Measures set out in the guidance designed to facilitate the necessary reduction in physical distancing include:</p> <ol style="list-style-type: none"> 1. Provide clear signage to customers and staff to promote physical distancing. 2. Hand sanitiser to be provided by a member of staff to all customers entering the premises and for hand sanitisation stations to be available around the venue. Promote good hand hygiene for all staff/visitors/service users. Ensure there are sufficient hand washing facilities and provision of alcohol based hand rub at key areas such as entry and exit points. 3. Arrange premises in configurations to provide natural physical distancing where possible. 4. Provide where alternative configurations are not possible, and signage is not practical, plexi-glass or similar dividers to maintain physical distancing. 5. Utilise signage or screens on multi-player machines so that there is only one player permitted to play at any one time or if two players wish to play that there is physical distancing

⁸² [Annual Population Survey 2019](#), and the [Annual Survey of Hours and Earnings 2018](#)

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between them.

6. Limit and monitor the customers in the premises to a level that allows for appropriate physical distancing.
7. Staff to request contact details for Test and Protect.
8. In the event that the number of customers exceeds the number that can safely enter the premises according to the venue's risk assessment, provide indicative physical distancing signage to customers waiting outside of the premises.
9. Staff to be fully trained and prepared in these Covid-19 safety protocols.
10. Staff to regularly clean, with a suitable product, all machines especially after they have been vacated by a player. Ensure regular detergent cleaning schedules and procedures are in place using a product which is active against bacteria and viruses. Ensure regular (at least twice daily) cleaning of commonly touched objects and surfaces (telephones, keyboards, door handles, desks, counter tops etc).
11. Staff to wear PPE where identified as appropriate in the venue risk assessment (gloves always to be used when handling cash), in line with relevant guidelines.
12. Customer use of toilets should be restricted to one person at a time; unless children are being accompanied by an adult
13. Face coverings to be worn by everyone within the premises.

We have implemented a comprehensive financial support package for both businesses and employees in the arcades sector negatively impacted by the ongoing restrictions.

The new financial support will provide:

- A grant of £2,000 or £3,000 (depending on rateable value) for businesses required to close by law, payable every four weeks for the duration protective measures are in place
- A hardship grant of £1,400 or £2100 (depending on rateable value) for businesses that remain open but are specifically required to modify their operations by protective measures, payable every four weeks for the duration measures are in place

These grants will be provided regardless of level, to eligible businesses, and paid in fortnightly instalments (subject to discussions with local authorities).

The CJRS (also known as the furlough scheme) will remain open until 31 March 2021. For claim periods running to January 2021, employees will receive 80% of their usual salary for hours not worked, up to a maximum of £2,500 per month. The £2,500 cap is proportional to the hours not worked.

The UK government will review the policy in January 2021 to decide whether economic circumstances are improving enough to ask employers to contribute more. Claims can be made by employers across the UK that meet the eligibility criteria.

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		<p>We have also provided bespoke support packages to a number of organisations, such as LGBTI groups, to help mitigate some of the specific potential harms they face around loneliness and wellbeing.</p> <p>We are committed to ensuring that all of our decisions are made on the basis of the best available evidence, and will therefore continue to work with the sector on proposed additional mitigations, and keep the current measures within each of the levels under review.</p> <p>For example, we will explore proposals for innovations to raise compliance amongst operators and customers, such as industry standards, staff training and sharing of best practice.</p> <p>While we are aware that it has not been possible to fully address all of the issues raised by the sector, we have always sought to balance our continued support for the sector with our primary objective of suppressing the virus and saving lives. Business support continues to be a central issue during the period of disruption.</p>
	Levels 3 - 4	Due to the arcades closures in Level 3 and 4, it is envisaged that at this stage the majority of businesses and employees would be able to access the highest levels of the financial support package we have set out in order to mitigate the negative financial impacts as far as possible.

Assessing the impacts and identifying opportunities to promote equality

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	The measures do not constitute unlawful discrimination, harassment and victimisation. The measures may restrict choices for the age groups at higher levels of restriction, but this is necessary to suppress the spread of the virus and protect the right to life.
Advancing equality of opportunity	X	X		<p>Different restrictions at different levels recognise the different risks and needs of the age groups and balance them according to understanding of how the virus is transmitted.</p> <p>At level 0-2 for people returning to work, amusement arcades being open could positively increase their income and mental wellbeing, but could also negatively increase their physical health risks, potentially raising anxieties about returning to work and infection transmission within households.</p> <p>At level 3-4 complete closures of the arcades industry could have a disproportionate effect on young people as both workers and customers.</p>

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				Complete closures of the arcades will help protect all ages and particularly people over 70 who are more vulnerable to the virus.
Promoting good relations among and between different age groups	X	X		Where possible good relations are promoted between age groups but the opportunities to meet are limited due to the need to close premises to reduce the transmission of the virus, at level 3 and 4.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measures do not constitute unlawful discrimination, harassment and victimisation. The measures may restrict choices for disabled people at higher levels of restriction, but this is necessary to suppress the spread of the virus and protect the right to life.
Advancing equality of opportunity	X	X		Different restrictions at different levels recognise the different risks and needs of disabled people and balance them according to understanding of how the virus is transmitted. At level 0-2 disabled workers may find it more challenging, or not be able to attend work and undertake physical distancing, but the severity of impacts will be dependent on individuals and specific job circumstances. Closure measures designed to protect people who are at greater risk from COVID-19 will have a positive effect for disabled people.
Promoting good relations among and between disabled and non-disabled people	X	X		Where possible good relations are promoted between disabled people and non-disabled people but the opportunities to meet are limited due to the need to close premises to reduce the transmission of the virus at levels 3 and 4.

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,			X	The measures do not constitute unlawful discrimination, harassment and victimisation. The measures may restrict choices for men

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harassment and victimisation				and women at higher levels of restriction, but this is necessary to suppress the spread of the virus and protect the right to life.
Advancing equality of opportunity	X	X		<p>Different restrictions at different levels recognise the different risks and needs of women and men, and balance them according to understanding of how the virus is transmitted.</p> <p>At level 0-2 both men & women had the ability to meet and interact socially which may benefit mental health and feelings of loneliness.</p> <p>Opportunities for socialising for both men & women will be curtailed by closures.</p>
Promoting good relations between men and women	X	X		Where possible good relations are promoted between the sexes but the opportunities to meet are limited due to the need to close premises to reduce the transmission of the virus at levels 3 and 4.

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	The measures do not constitute unlawful discrimination, harassment and victimisation. The measures may restrict choices for women during pregnancy and maternity at higher levels of restriction, but this is necessary to suppress the spread of the virus and protect the right to life.
Advancing equality of opportunity	X	X		<p>Different restrictions at different levels recognise the different risks and needs of women during pregnancy and maternity, and balance them according to understanding of how the virus is transmitted.</p> <p>At level 0-2 pregnant women (who have been included in the list of vulnerable people at risk from COVID-19) could be more at risk from virus.</p> <p>Closures could see a positive physical health impact for pregnant women (including employees) who could otherwise be exposed to risk of infection.</p>

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Promoting good relations	X	X		Where possible good relations are promoted between pregnant women, or women protected by the pregnancy and maternity characteristic, and the wider community but the opportunities to meet are limited due to the need to close premises to reduce the transmission of the virus at levels 3 and 4..
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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	The measures do not constitute unlawful discrimination, harassment and victimisation. The measures may restrict choices for trans people at higher levels of restriction, but this is necessary to suppress the spread of the virus and protect the right to life.
Advancing equality of opportunity	X	X		Different restrictions at different levels recognise the different risks and needs of trans people and balance them according to understanding of how the virus is transmitted. At level 0-2 the opportunity to attend informal social meetings in arcades settings with a wider range of friends who could offer support, could be beneficial for their mental health. With closures and reduced opportunities to meet other people, it may have a negative impact on mental health.
Promoting good relations	X	X		Where possible good relations are promoted between trans people and non-trans people, but the opportunities to meet are limited due to the need to close premises to reduce the transmission of the virus at levels 3 and 4..

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

Sexual orientation	Positive	Negative	None	Reasons for your decision
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Eliminating unlawful discrimination, harassment and victimisation			X	The measures do not constitute unlawful discrimination, harassment and victimisation. The measures may restrict choices for LGB people at higher levels of restriction, but this is necessary to suppress the spread of the virus and protect the right to life.
Advancing equality of opportunity	X	X		<p>Different restrictions at different levels recognise the different risks and needs of LGB people and balance them according to understanding of how the virus is transmitted.</p> <p>At level 0-2 the opportunity to attend informal social meetings in arcades settings with a wider range of friends who could offer support, could be beneficial for their mental health.</p> <p>With closures and reduced opportunities to meet other people, it may have a negative impact on mental health.</p>
Promoting good relations	X	X		Where possible good relations are promoted between LGB people and non-LGB people, but the opportunities to meet are limited due to the need to close premises to reduce the transmission of the virus at levels 3 and 4.

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	The measures do not constitute unlawful discrimination, harassment and victimisation. The measures may restrict choices for people of different races at higher levels of restriction, but this is necessary to suppress the spread of the virus and protect the right to life.
Advancing equality of opportunity	X	X		<p>Different restrictions at different levels recognise the different risks and needs of people from different racial backgrounds and balance them according to understanding of how the virus is transmitted.</p> <p>At level 0-2 the opportunity to attend informal social meetings in arcades settings with a wider range of friends who could offer support, could be beneficial</p>

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				for their mental health. With closures and reduced opportunities to meet other people, it may have a negative impact on mental health.
Promoting good race relations	X	X		Where possible good relations are promoted between people of different races, but the opportunities to meet are limited due to the need to close premises to reduce the transmission of the virus at levels 3 and 4.

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	The measures do not constitute unlawful discrimination, harassment and victimisation. The measures may restrict choices for people of different religions and beliefs at higher levels of restriction, but this is necessary to suppress the spread of the virus and protect the right to life.
Advancing equality of opportunity			X	The measures do not constitute unlawful discrimination, harassment and victimisation.
Promoting good relations			X	The measures do not constitute unlawful discrimination, harassment and victimisation.

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

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measures do not constitute unlawful discrimination, harassment and victimisation. The measures may restrict choices for people of different relationship status at higher levels of restriction, but this is necessary to suppress the spread of the virus and protect the right to life.

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Title of Proposal		OFFICES AND CALL CENTRES	
Impact			
At Level 0, Working from Home (WFH) is still advised.			
At Level 1 – 4, Working from home is advised, essential (please see guidance for definition of essential) workplaces can remain open. WFH is still advised where possible for essential offices.			
Home working guidance.			
Differential impacts	Age: Children and Younger People	All Levels	<p>22% of the workforce in the contact centre sector are aged 16-24.⁸³</p> <p>Younger people may face unequal access as they are clustered in roles less likely to be suitable for homeworking.</p> <p>There may be challenges for parents and carers in finding suitable childcare opportunities for younger children when returning to work, which could impact on child wellbeing.</p> <p>Indirect impact on young people who work in services and hospitality that rely on town and city centre office workers for trade.</p>
	Age: Older People	All Levels	<p>Increased working in offices and call centres could increase community transmission of COVID-19, which disproportionately impacts older people.</p> <p>Physical distancing may be more difficult to observe in smaller workplaces, which could be a particular challenge for older people with limited mobility.</p> <p>Older workers who are more at risk from COVID-19 may be placed at higher risk traveling to and staying in locations beyond their home area.</p> <p>Older workers may be less able to travel and stay in accommodation due to health concerns / risks and miss out on work opportunities.</p> <p>Older people may be at greater risk of social isolation (an objective lack of social relationships or meeting socially) since they are more likely to be shielding and less likely to use online communication.⁸⁴</p>

⁸³ [Annual Population Survey Apr-Mar 2020](#)

⁸⁴ <https://www.gov.scot/publications/the-impacts-of-covid-19-on-equality-in-scotland/>

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Sex: Women	All Levels	<p>42.8% of the workforce in offices and contact centres occupations are women.⁸⁵</p> <p>Women spend far more time on childcare than men. 1 in 4 women across all age groups took part in childcare on a given day in 2014-15 (24%), compared to 15% of men. This will affect the ability to work from home, particularly where children are not at school (e.g. after school, holidays or isolation)</p> <p>Women also account for the vast majority of lone parents (87% in 2011).</p> <p>A quarter (24%) of Scotland's dependent children lived in a lone-parent household headed by a woman in 2011, and 2% in a lone-parent household headed by a man.⁸⁶</p> <p>There have been more confirmed cases of COVID-19 among women, and women's overrepresentation as unpaid carers even while working at home is likely to put them at higher risk of contracting COVID-19.</p> <p>However, death rates are similar for men and women – and much higher for men after age standardisation.</p> <p>The vast majority of part-time workers are women: in 2019, women aged 16 and over accounted for three-quarters of part-time employment in Scotland and staggered start times and flexible working may impact their ability to return to work.⁸⁷</p> <p>Evidence from Equally Safe has also shown there is a risk that homeworking may further trap women who are experiencing domestic abuse in unsafe situations. For women working from home, perpetrators may also prevent women from doing their job. They may insist that they are responsible for childcare or prevent them from accessing the equipment they need to work from home, such as a laptop or phone. As a result, victim-survivors may be unable to do their job, or aspects of their work, and in some cases, they may be pressured into leaving their job. For employees going into a workplace, this may be their only safe space and their only way to access the support they need.</p>
Sex: Men	All Levels	<p>Men are less likely to be participating in childcare or other care responsibilities while working from home, so may experience less impact on their work/ professional standing than women</p>

⁸⁵ [Annual Population Survey Jan-Dec 2019](#)

⁸⁶ [Household composition for specific groups of people in Scotland & Time Use Survey 2014-15](#)

⁸⁷ [Annual Population Survey](#)

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Race	All Levels	<p>There is emerging evidence in Scotland and England⁸⁸ and the US that COVID-19 impacts disproportionately on minority ethnic groups. Without appropriate mitigation, minority ethnic groups could be exposed to increased risk. Therefore considerations to travel to and from work, and physical distancing are particularly relevant to this group returning to a shared workplace.</p> <p>The data on deaths occurring on or after 12th March 2020 and registered by 14th June 2020, show that deaths amongst people in the South Asian ethnic group were almost twice as likely to have involved COVID-19 as deaths in the white ethnic group, after accounting for age group, sex, area-level deprivation and urban rural classification.⁸⁹</p> <p>We do not have sufficient evidence to say that deaths among people in the Chinese ethnic group were more likely to have involved COVID-19.</p> <p>There is some evidence that some ME communities are more likely to live in multi-generational households and may lack private segregated space to work in. As well as this, ME people (and particularly ME women) are more likely to be caring for shielding people.</p>
Religion or belief	All Levels	No evidence of a differential impact identified at this time.
Disability	All Levels	<p>Workers who are disabled and work indoors may find it more challenging to attend work and undertake physical distancing, particularly where changes to the workplace have been made to meet requirements. This will be dependent on their disability. Working from home will limit some of these risks.</p> <p>The requirement to make reasonable adjustments applies to staff working from home as well as in the office. Therefore workplaces will should ensure that there are provisions put in place to meet the needs of disabled workers, through Equality Impact Assessment and Health and Safety considerations, including travel to and from work from home.</p>
Sexual Orientation	All Levels	No evidence of a differential impact identified at this time.
Marriage and Civil Partnership	All Levels	No evidence of a differential impact identified at this time.

⁸⁸[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892376/COVID stakeholder engagement synthesis beyond the data.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892376/COVID_stakeholder_engagement_synthesis_beyond_the_data.pdf)

⁸⁹<https://www.nrscotland.gov.uk/files//statistics/covid19/ethnicity-deceased-covid-19-june20.pdf>

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Pregnancy and Maternity	All Levels	<p>Increased working in non-essential offices and contact centres could increase community transmission of COVID-19 that could affect this group.</p> <p>Pregnant women might be unable to travel / stay away for work.</p> <p>A high number of pregnant women surveyed by STUC reported that health and safety rights are being routinely disregarded, leaving them feeling unsafe at work or without pay when they are unable to attend their workplaces. https://www.tuc.org.uk/sites/default/files/2020-06/PregMatCovid-19.pdf</p>
Gender Reassignment	All Levels	No evidence of a differential impact identified at this time.
Socio-economic disadvantage	All Levels	<p>Gross Value Added (GVA) per head for workers who work in call centres is £26,032 (below the Scottish non-financial business economy average of £52,549).⁹⁰</p> <p>Total labour costs per head: £22,460 (below the Scottish non-financial business economy average of £25,883).⁹¹</p> <p>Workers on low incomes or those with manual and lower level skills are less likely to be able to work from home. Those on less secure contracts may find it challenging to secure flexible working arrangements.</p> <p>People and businesses in remote and rural areas may not have the sufficient IT systems, hardware and broadband speeds to enable them to work from home. This is particularly problematic for people paid per shift.</p> <p>Socio-economically disadvantaged people are more likely to experience poorer mental and physical wellbeing, lower life satisfaction, and feelings of loneliness, all of which either have already been impacted by COVID or are likely to be impacted by an economic downturn and increased poverty. https://www.gov.scot/publications/the-impacts-of-covid-19-on-equality-in-scotland/</p>
Mitigating actions:	All Levels	<p>WFH guidance has been published to support employees/ employers in implementation</p> <p>https://www.gov.scot/publications/coronavirus-covid-19-guidance-for-homeworking/pages/overview/</p>

Assessing the impacts and identifying opportunities to promote equality

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

⁹⁰ Scottish Annual Business Statistics 2018 for Activities of call centres (SIC 82.2)

⁹¹ Scottish Annual Business Statistics 2018 for Activities of call centres (SIC 82.2)

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Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	X	X		<p>The guidance to facilitate working from home does not constitute unlawful discrimination, harassment and victimisation.</p> <p>Encouraging working from home for all staff ensures that workers in offices are protected from transmission of the virus and supports flexible working around caring responsibilities, and staff who may need additional protection. Both caring responsibilities and additional protection requirements can impact on the older age groups.</p> <p>New/ younger employees may have living situations that are not as supportive of working from home. A higher percentage live in shared accommodation, where adequate space may be a problem. Similarly, they may also be more likely to live alone and face isolation issues.</p> <p>Younger employees new to their careers may also be the most adversely affected by the lack of access to support/ colleagues.</p>
Advancing equality of opportunity			X	No evidence of a differential impact at this time However flexible working is proven to support women returners and those with health issues and disabilities or caring responsibilities to continue to work.
Promoting good relations among and between different age groups			X	No evidence of a differential impact 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	X		<p>The guidance to implement home working does not constitute unlawful discrimination, harassment and victimisation.</p> <p>Encouraging working from home for all staff ensures that those who would face most additional risk in (or traveling to) the workplace, including those with disabilities, are not impacted by the restrictions which would be required to ensure risks were managed if the office was in use, therefore allowing the person to continue to work and work safely.</p>

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				There may be some negative impacts or costs to employers where additional equipment or adjustments need to be made to support working from home. Guidance signposts employers and employees to support available.
Advancing equality of opportunity			X	No evidence of a differential impact at this time. It could be argued that ensuring staff with health conditions or disabilities can continue their roles by WFH, supports equality of opportunity for those who are at greater risk from the virus.
Promoting good relations among and between disabled and non-disabled people			X	No evidence of a differential impact 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	X		The guidance to implement home working does not constitute unlawful discrimination, harassment and victimisation. Working from home may decrease the need for additional childcare arrangements, at a time where the availability may be limited by other restrictions. Women make up the greater proportion of single parent households where this will be particularly relevant. Women spend more time providing childcare at home currently, and so while two parents are expected to work from home, there may be a disproportionate impact on the ability of women to work. This may decrease where children are attending school/ dedicated childcare
Advancing equality of opportunity			X	No evidence of a differential impact at this time
Promoting good relations between men and women			X	No evidence of a differential impact at this time

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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			The guidance to implement home working does not constitute unlawful discrimination, harassment and victimisation. Encouraging working from home for all staff ensures that those who would face most additional risk in (or traveling to) the workplace, such as those who are pregnant, are not impacted by the restrictions which would be required to ensure risks were managed if working in an office.
Advancing equality of opportunity			X	No evidence of a differential impact at this time.
Promoting good relations			X	No evidence of a differential impact 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	The guidance to implement home working does not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	No evidence of a differential impact at this time
Promoting good relations			X	No evidence of a differential impact 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	The guidance to implement home working does not constitute unlawful discrimination, harassment and victimisation.

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Advancing equality of opportunity			X	No evidence of a differential impact at this time
Promoting good relations			X	No evidence of a differential impact 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	X	X	<p>The guidance to implement home working does not constitute unlawful discrimination, harassment and victimisation.</p> <p>Encouraging working from home for all staff ensures that workers in offices are protected from transmission of the virus. This will benefit those who are most at risk of the virus.</p> <p>There may be negative impacts where there are barriers to effectively working from home, for example in larger households.</p>
Advancing equality of opportunity			X	No evidence of a differential impact at this time.
Promoting good race relations			X	No evidence of a differential impact 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	The guidance to implement home working does not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	No evidence of a differential impact at this time
Promoting good relations			X	No evidence of a differential impact at this time

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

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
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Eliminating unlawful discrimination, harassment and victimisation			X	The guidance to implement home working does not constitute unlawful discrimination, harassment and victimisation.
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Conclusion

55. The Strategic Framework and the levels approach are intended to balance the restrictions necessary to protect people from the direct harms to health from catching the virus, with the unintended potential harms the restrictions may have on isolation, wellbeing and the economy.
56. The challenges presented by restrictions that increase in severity as the levels go on, are significant for both organisations and individuals, and are often more severe for those with protected characteristics.
57. These include, but are not limited to, increased risk of isolation, economic uncertainty, and undermining of wider wellbeing. We have considered the wide range of impacts, both intended and unintended, of the restrictions across all the levels and have sought to mitigate them wherever possible, while simultaneously protecting the health of the public, and focussing on our primary objective of reducing the spread of the virus.
58. We will continue to keep the levels and restrictions under review, and take all decisions based on the best available evidence. Our approach will continue to be informed by assessments under the impact of the four harms, while also taking into account other important considerations, including equality impacts.
59. We will continue to work with representatives of the industries discussed in this Impact Assessment and other stakeholders to ensure we are doing everything possible to support them and their customers, users and employees – including those with protected characteristics – as we take the measures necessary to suppress the virus and save lives.