

### **The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 12) Regulations 2021**

#### **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 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) Regulations 2020 ("the additional temporary restrictions") set out additional restrictions, both nationally and specific to the central belt. These regulations suspended the effect of the Health Protection (Coronavirus)

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(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 6.00 am 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 implement the new strategic framework 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 is more straightforward and transparent. 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. It is necessary now urgently to go beyond the requirements and restrictions set out in the 2020 Regulations. This is because of a changed assessment of the risks of transmission of the virus in light of the emergence of a new strain (VUI 202012/01) of COVID-19 in November 2020. The latest evidence from Imperial College, published on 31 December presents a consensus that this new variant has a substantial transmission advantage, with an estimated increased rate of transmission between 0.4 and 0.7.<sup>1</sup> The percentage of cases composed of this new variant is increasing rapidly in Scotland, from 49.7% on 4th January to 61.9% by the 11th January. It is very likely that this strain will further increase in dominance in Scotland in a similar way to that already seen in London and SE England. Additional strengthening of Level 4 restrictions is needed immediately in order to try to curb exponential growth. Further changes may be required in the coming weeks.
11. 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.
12. The *Framework for Decision Making* makes clear that the reviews 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

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<sup>1</sup> [Report 42 - Transmission of SARS-CoV-2 Lineage B.1.1.7 in England: insights from linking epidemiological and genetic data | Faculty of Medicine | Imperial College London](#)

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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 as they complied with lockdown guidance, such as the £350 million of community funding announced on the 18 March 2020. More recently, the £100m Winter Plan for Social Protection, announced on 30<sup>th</sup> November 2020, has been developed to mitigate social harms posed by the concurrent risks of COVID-19, winter cost of living increases and EU exit, as well as to promote equality and human rights.

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 groups<sup>2</sup>, 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 people<sup>3</sup>.
16. All measures are given thorough consideration on the basis of their impact, including on equality and human rights<sup>4</sup>.

### Policy Objectives

17. The Regulations made a number of policy changes, as set out below.

#### *Evictions*

18. The emergence of a new variant of the virus has significantly altered the public health landscape and led to the First Minister's announcement that from Tuesday 5 January, mainland Scotland would move to a temporary Lockdown, with new guidance to stay at home except for essential purposes.
19. The continued rise in cases caused by the new variant of the virus means that we must continue to take unprecedented action to ensure everyone, including renters, are protected from the health, social and economic harms of the virus by being able to remain in their homes during this time.

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<sup>2</sup>

SAGE:[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/895841/S0483\\_Ethnicity\\_and\\_Covid-19.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/895841/S0483_Ethnicity_and_Covid-19.pdf)

<sup>3</sup> <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>

<sup>4</sup> A summary of equality and Fairer Scotland evidence was published for Phase 1 and 2 of the Route Map. 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/>

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20. Therefore, this change will ensure no eviction orders can be served or executed within an area under level 3 or 4 restrictions. These provisions will come into force from 22 January, when the existing ban on service and enforcement of eviction orders expires. Evictions on certain grounds are excepted from these provisions (meaning that those evictions may still proceed). Those grounds, which we consider are the most serious circumstances, are nuisance or annoyance, antisocial behaviour, and criminal behaviour including domestic abuse. The key purpose in stopping evictions at this time is to prevent households becoming at risk of homelessness and being forced to enter (possibly multiple) other households at a time when that is prohibited.

### *Child contact centres*

21. These Regulations prohibit child contact centres from opening in Level 4 areas. At present, child contact centres have been advised to suspend face-to-face services but could decide to remain open in limited cases on the basis of the exception for public gatherings indoors, to facilitate shared parenting agreements. Given the new strain of coronavirus, we believe that child contact centres should be closed in law in Level 4 for supported and supervised contact. An exception is provided within the regulations, however, to allow child contact centres provided by local authorities to remain open. Child contact centres provided by local authorities facilitate contact for looked after children, as well as children with multi-agency Child's Plans, children who are in receipt of Social Work support and who have a court order mandating contact with a looked after child. These are to be allowed to remain open to protect the wellbeing of these children. All child contact centres will also be allowed to remain open for the purpose of handovers of children to a person with whom they do not or will not live, as well as their return from a handover to a person with whom they do or will live. Handovers are encouraged to take place outdoors but may take place indoors if it would not be safe for this to happen outdoors.
22. Whilst contact centres have had additional hygiene and physical distancing measures in place during the pandemic, for example, to ensure that toys etc. are cleaned after each session and that families remain in separate areas, there may be an increased risk of households mixing. Requiring child contact centres to close by law also allows for certainty amongst providers and parents who use the centres. It will address concerns that some contact services have expressed around their safety of staff and volunteers at Level 4. Closing child contact centres may mean that some parents and children are unable to maintain in person contact. However, where in person contact is suspended child contact centres are encouraged to facilitate virtual or phone contact between the parent and the child or letter box contact where this is safe for the child and both parents.

### *Hosting vaccination services*

23. These Regulations allow premises, which are usually required to remain closed to the public, to open for the purpose of hosting a vaccination service, where requested by the Scottish Ministers, a local authority or a health board. This change ensures any premises, such as sport stadiums, which may be required for coronavirus vaccinations are able to open in order for the vaccination service to take place. The premises must still remain closed for their usual purpose.

### *Adjustments to click and collect restrictions*

24. These Regulations adjust the current restrictions with regard to the provision of click and collect retail. The Regulations continue to allow essential retailers to provide click and collect services as well as remaining open to the public. The Regulations also allow a

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new list of retailers to provide a permitted collection service, but do not allow them to open to the public. This category includes -

- Clothing and footwear stores
- Homeware stores
- Garden centres/plant nurseries
- Baby equipment shops
- Electrical goods (including repairs)
- Key cutting and shoe repair shops
- Bookstores and libraries
- Outdoor motor vehicle lots

25. The Regulations restrict all other retailers from providing click and collect services during the current restrictions. They must also remain closed to the public as per the existing restrictions. These changes are required to ensure members of the public are only leaving their homes for the essential shopping. Allowing all retailers to provide click and collect services provides a temptation for members of the public to leave home to collect non-essential items despite the stay at home requirement. Creating a category of retailer which can provide a permitted collection service has been done in order to provide click and collect options for people who may need certain items urgently in specific circumstances. Allowing clothing retailers to operate click and collect means that parents are able to access new clothing for growing children or students to obtain educational literature while studying from home, for example. If obtaining goods from these retailers is not essential in an individual's circumstances then it is not permissible to leave the home to collect the items under the existing stay at home requirement.

### *Public access to food takeaway outlets*

26. These Regulations prohibit food takeaway outlets from allowing customers to enter premises for collection of food or drink in Level 4 areas. This change is being introduced to allow these outlets to operate in a safer way for staff and customers, while recognising the importance of allowing them to remain open to provide an essential service for those who are unable to cook a hot meal. This is particularly important for essential workers, for example lorry drivers. Customers cannot enter the premises but food or drink can be provided to the customer via a hatch or through an opened door.

### *Public alcohol consumption*

27. Takeaway alcohol from bars and pubs has been highlighted as a transmission risk as it encourages people to congregate in the area around the venue and consume any purchases. To address this, the Regulations introduce a ban on consumption of alcohol in outdoor public places in Level 4 areas of Scotland, as is already the case in some local authority areas. This approach has been considered more appropriate than restricting some businesses from selling takeaway alcohol as it also removes the ability for individuals to purchase alcohol from other vendors, such as supermarkets, and gather with friends or family in public places to consume the products. Goods can still be purchased for consumption at home from all vendors but consuming alcohol outside in any public place is now prohibited. For the purposes of enforcement of the restriction, there is a presumption that any liquid in a container conforms, or where the container is empty, the liquid did conform, to the description of the liquid on the container. Notice must be given if a person charged with an offence of breaching the restriction intends to rebut the presumption at trial.

### *Adjustment to stay at home requirement*

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28. These Regulations adjust the existing stay at home requirement in order to ensure that no 'incidental' activity otherwise not permitted, shopping for things that are not essential for example, is undertaken on a trip outside the home for essential purposes. This change tightens the existing rules to ensure any opportunities for non-essential social contact are limited even further.

### *Work on the home*

29. The current Level 4 guidance is that only essential work should take place, these Regulations put that guidance into law. There is an increased risk of transmission associated with work carried out on the home, as it introduces additional person(s) into the home and takes place in an enclosed environment where less stringent measures may be in place. It is acknowledged, however, that restricting all work carried out on the home is not practical, since essential work will still need to be done, e.g. essential boiler maintenance/repair, emergency plumbing etc. Vulnerable people will also need carers and cleaners to have access. The regulations already permit leaving the home to provide supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person. To address the issue of households mixing for the purpose of non-essential home improvements, we are tightening the restrictions on gathering for the purpose of carrying out work on a private dwelling to allow this only where it is necessary for the essential upkeep, maintenance or functioning of the dwelling.

<b>Title of Proposal: Evictions</b>		
<b>Differential impacts</b>	<b>Age: Children and Younger People</b>	<p>There is a growing number of families living within the private rented sector, therefore the regulations are likely to have a positive impact.</p> <p>There is an estimated 230,000 children living in the social rented sector<sup>5</sup>, and 120,000 children living in the private rented sector<sup>6</sup>.</p> <p>An estimated 25% of households in the private rented sector are households with children (households either as a single parent, small family or larger family).<sup>7</sup></p> <p>Young people are more likely to face adverse labour market outcomes relative to the rest of the population as a consequence of the Coronavirus pandemic. Research by the IFS following the first lockdown estimated that employees across the UK aged under 25 were about two and a half times as likely to work in a sector that was shut down as other employees. Furthermore, the latest ONS labour market statistics for the UK show that in the period from August to October 2020, the unemployment rate for people aged 18 – 24 increased by an annual 3.1 percentage points, to 14.2%. This is larger than the increase in the unemployment rate for all those aged 16 and over (which increased by an annual 1.2 percentage points, to 5.2%). This suggests that younger people may be more susceptible to income reductions and could face relatively greater difficulty paying rent.<sup>8</sup></p>
	<b>Age: Older People</b>	There is no evidence of a differential impact identified at this time.
	<b>Sex: Women</b>	<p>Women are more likely to live in the social rented sector. They are also more likely to have caring responsibilities and therefore be impacted more significantly – socially and financially - by the consequences of the outbreak and therefore the regulations are likely to have a positive impact.</p> <p>An estimated 54% of householders in the social rented sector are women, with the equivalent percentage for private renting households being 43%.<sup>9</sup></p>
	<b>Sex: Men</b>	There is no evidence of a differential impact identified at this time.
	<b>Race</b>	People from non-white backgrounds are more likely to live in the private rented sector and therefore the regulations are likely to have a positive impact.

<sup>5</sup> Social tenants in Scotland 2017 - <https://www.gov.scot/publications/social-tenants-scotland-2017/pages/1/>

<sup>6</sup> Scottish household survey 2018: annual report - <https://www.gov.scot/publications/scotlands-people-annual-report-results-2018-scottish-household-survey/>

<sup>7</sup> Social tenants in Scotland 2017 - <https://www.gov.scot/publications/social-tenants-scotland-2017/pages/1/>

<sup>8</sup> BN278-Sector-Shutdowns.pdf (ifs.org.uk)

A05 NSA: Employment, unemployment and economic inactivity by age group (not seasonally adjusted) - Office for National Statistics (ons.gov.uk)

<sup>9</sup> Social tenants in Scotland 2017 (Chart 3.15) - <https://www.gov.scot/publications/social-tenants-scotland-2017/pages/1/>

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	<p>An estimated 8% of householders in the private rented sector are from Asian, Asian Scottish or Asian British, African, Caribbean or Black, or Other Ethnic Groups compared to 6% in social rented households.<sup>10</sup></p> <p>6 per cent of households in the private rented sector recorded their ethnicity as Asian, Asian Scottish or Asian British, which is both higher than other tenures.<sup>11</sup></p>
<b>Religion &amp; Faith</b>	There is no evidence of a differential impact identified at this time.
<b>Disability</b>	<p>Disabled people are more likely to rely on social security as part or all of their income, and to live on low incomes, therefore the regulations are likely to have a positive impact.</p> <p>The proportion of adults in social rented properties who were permanently sick or disabled was higher than those in all other tenure types (15 % of social rented properties compared to between one and three per cent in other tenures).<sup>12</sup></p>
<b>Sexual Orientation</b>	There is no evidence of a differential impact identified at this time.
<b>Marriage and Civil Partnership</b>	There is no evidence of a differential impact identified at this time.
<b>Pregnancy and Maternity</b>	There is no evidence of a differential impact identified at this time.
<b>Gender Reassignment</b>	There is no evidence of a differential impact identified at this time.
<b>Socio-economic disadvantage</b>	<p>There is no evidence of a differential impact identified at this time.</p> <p>People living in the most deprived areas and households on low incomes were least likely to be managing well financially before the crisis. Women, especially single women and those that are lone parents, minority ethnic households and disabled people are all more likely to live in poverty.</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.</p> <p>IFS analysis suggests that those working in 'shutdown' sectors were already almost twice as likely to be in poverty.<sup>13</sup></p>
<b>Mitigating actions:</b>	
<p>This policy is purely concerned with implementing temporary measures to help protect tenants from eviction during the Covid-19 crisis, reflecting the significant impact it is likely to have on</p>	

<sup>10</sup> Scottish Household Survey (2019) data explorer Table 3.8a: Adult characteristics by tenure - Ethnicity (Scotland, 2019) - [SHS Data Explorer \(shinyapps.io\)](https://shinyapps.io/shinyapps.io/)

<sup>11</sup> Scottish Household Survey annual report (p10) - [Scottish household survey 2019: annual report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/scottish-household-survey-2019-annual-report/pages/10/)

<sup>12</sup> Scottish Household Survey 2019 annual report (p11) - [Scottish household survey 2019: annual report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/scottish-household-survey-2019-annual-report/pages/11/)

<sup>13</sup> Taken from: [Covid+and+Inequalities+Final+Report+For+Publication+-+PDF.pdf \(www.gov.scot\)](https://www.gov.scot/publications/covid-and-inequalities-final-report-for-publication/pages/11/)



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a large number of tenants financial circumstances. As people are still able to move home, should they choose, it should not negatively impact, directly or indirectly, on any group of people with protected characteristics, or on the wider equality duties.

### **Assessing the impacts and identifying opportunities to promote equality**

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

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity	X			Young people are more likely to live in the rental sector and therefore regulations are likely to have a positive impact
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?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity	X			Disabled people are more likely to rely on social security as part or all of their income, and to live on low incomes, therefore the regulations are likely to have a positive impact
Promoting good relations among and between disabled and non-disabled people			X	No evidence of a differential impact identified at this time.

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### 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 to live in the social rented sector. They are also more likely to have caring responsibilities and therefore be impacted more significantly – socially and financially - by the consequences of the outbreak and therefore the regulations are likely to have a positive impact.
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	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	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	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	No evidence of a differential impact identified at this time.

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### 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.
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	The measure does not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity	X			People from non-white backgrounds are more likely to live in the private rented sector and therefore the regulations are likely to have a positive impact.
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	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	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?<sup>14</sup>**

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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The Equality Act 2010 states that a person must not be discriminated against in employment because they are married or in a civil partnership

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### Title of Proposal: Closure of child contact centres apart from handovers

In response to rising COVID-19 cases and a more transmissible variant, the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 12) Regulations 2021 make the following provisions::

- Child contact centres are to be required to close at level 4, with the exception of child contact centres provided by Local Authorities, which are to be allowed to remain open.
- Child contact centres may remain open for the purpose of handover services which may take place either indoors or outdoors. Revised guidance will say that where possible handovers should take place outdoors.

#### Impact:

Child contact centres are venues for conflict-free contact between children, parents and other people in the child's life. They offer a mixture of supported and supervised contact. Supported contact is where centres only provide the facilities for the contact session and record that the contact took place, but not details of how it went. Supervised contact is where contact takes place in the constant presence of an independent person who observes and ensures the safety of those involved. Details may be reported back to the court. Child contact centres also facilitate handovers of children between parents where parents are unable to see each other.

As a result of this policy, no supervised or supported contact would be able to take place at a child contact centre (except where the centre is provided by a local authority) while level 4 restrictions are in place. Handovers of children will, however, still be able to take place. Handovers are encouraged to take place outdoors but may take place indoors if it would not be safe for this to happen outdoors.

The intended impact of this policy is, however, to reduce the spread of coronavirus among children and young people, and in turn the wider population, in particular given the unknown risk of children spreading the increasingly prevalent new strain of the virus. Whilst child contact centres have been operating with additional hygiene and physical distancing measures, the risk remains that multiple families, staff and volunteers are mixing when they are in attendance at the centre at the same time. The closure of child contact centres is considered necessary to manage these risks and minimise the risk of spread of the virus in this sector. Child contact centres provided by local authorities are, however, allowed to remain open. This is because they facilitate contact for looked after children, as well as children with multi-agency Child's Plans, children who are in receipt of Social Work support and who have a court order mandating contact with a looked after child. It is intended that this continue to protect the wellbeing of these children.

<b>Differential impacts</b>	<b>Age: Children and Younger People</b>	Baseline and Level 1	No change since previous impact assessment (November 2020).  We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
		Level 2 - 3	No change since previous impact assessment (November 2020).  We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
		Level 4	At level 4 the closure of child contact centres will affect children and young people who use the services to maintain contact with a parent or other relatives. In 2018/19 2,572 children were able to maintain contact with a parent by using a Relationships Scotland contact centre. The

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		<p>Inverclyde Child (Family) contact centre dealt with 76 children from 58 families in 2017.</p> <p>The measures will in particular have a greater impact on younger children. This is because they are the largest proportion of children using the centres. Figures from Relationships Scotland showed that in 2018/19 65% of children using the service were 0-4 years old, 24% were 5-8 years old, 8% were 9-12 years old, and 3% were 13-16 years old. Additionally, it will be harder in some instances to facilitate alternative forms of contact, such as virtually when the children are younger and less able to engage with these alternatives.</p>
<b>Age: Older People</b>	Baseline and Level 1	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 2 - 3	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>At level 4, child contact centres (except for those provided by local authorities) will be shut apart from handovers. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
<b>Sex: Women</b>	Baseline and Level 1	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 2 - 3	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>At level 4 child contact centres (except for those provided by local authorities) will be shut apart from handovers. 76% of individuals using a child contact centre within the Relationships Scotland network are male. Relationships Scotland figures also show that mothers tend to be the resident parent (89%). Out of 58 families using the Inverclyde Child contact centre in 2017 nine were to facilitate contact with a mother.</p>
<b>Sex: Men</b>	Baseline and Level 1	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 2 - 3	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>

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	Level 4	At level 4 child contact centres (except for those provided by local authorities) will be shut apart from handovers. 76% of individuals using a child contact centre within the Relationships Scotland network are male. Relationships Scotland figures also show that fathers tend to be the non-resident parent (85%). Out of 58 families using the Inverclyde Child Contact centre in 2017 nine were to facilitate contact with a mother.
<b>Race</b>	Baseline and Level 1	No change since previous impact assessment (November 2020).  We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Level 2 - 3	No change since previous impact assessment (November 2020).  We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Level 4	At level 4 child contact centres (except for those provided by local authorities) will be shut apart from handovers.  We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
<b>Religion or Belief</b>	Baseline and Level 1	No change since previous impact assessment (November 2020).  We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Level 2 - 3	No change since previous impact assessment (November 2020).  We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Level 4	At level 4 child contact centres (except for those provided by local authorities) will be shut apart from handovers.  We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
<b>Disability</b>	Baseline and Level 1	No change since previous impact assessment (November 2020).  We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Level 2 - 3	No change since previous impact assessment (November 2020).  We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Level 4	At level 4 child contact centres (except for those provided by local authorities) will be shut apart from handovers.

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			We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic
<b>Sexual Orientation</b>	Baseline and Level 1	No change since previous impact assessment (November 2020). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.	
	Level 2 - 3	No change since previous impact assessment (November 2020). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.	
	Level 4	At level 4 child contact centres (except for those provided by local authorities) will be shut apart from handovers. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic	
<b>Pregnancy and Maternity</b>	Baseline and Level 1	No change since previous impact assessment (November 2020). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.	
	Level 2 - 3	No change since previous impact assessment (November 2020). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.	
	Level 4	At level 4 child contact centres (except for those provided by local authorities) will be shut apart from handovers. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic	
<b>Gender Reassignment</b>	Baseline and Level 1	No change since previous impact assessment (November 2020). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.	
	Level 2 - 3	No change since previous impact assessment (November 2020). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.	
	Level 4	At level 4 child contact centres (except for those provided by local authorities) will be shut apart from handovers. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic	



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<b>Socio-economic disadvantage</b>	Baseline and Level 1	No change since previous impact assessment (November 2020).  We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Level 2 - 3	No change since previous impact assessment (November 2020).  We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Level 4	At level 4 child contact centres (except for those provided by local authorities) will be shut apart from handovers. Child contact centres will be encouraged in guidance to facilitate contact virtually. This may not be possible if parents do not have access to a device that allows video calls or adequate connectivity. We have also suggested that contact could be maintained by phone calls if video links are not possible.
<b>Mitigating actions:</b>	Baseline and Level 1	A range of mitigations in relation to the transmission of COVID-19 have been considered and implemented through guidance for child contact centres. This guidance is updated regularly to ensure clear communication of the requirements and continue to communicate with interested stakeholders.
	Level 2 - 3	We have produced guidance for child contact centres
	Level 4	We have updated the guidance for child contact centres to encourage centres to facilitate virtual contact where this is possible and safe for the child and both parents.  The Scottish Government will carry out a review of the impact on parents and children of closing child contact centres. In carrying out this review, the Scottish Government will seek views from child contact centre providers and also relevant stakeholders.

### **Assessing the impacts and identifying opportunities to promote equality**

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

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	
Promoting good relations among and between different age groups		X		At level 4 child contact centres will be shut. However, we are mitigating this by encouraging child contact centres, where face to face contact is not possible to facilitate virtual or telephone contact where this is

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				<p>possible and safe for both parents and the child.</p> <p>The Scottish Government will carry out a review of the impact on parents and children of closing child contact centres. In carrying out this review, the Scottish Government will seek views from child contact centre providers and also relevant stakeholders.</p>
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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	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	
Promoting good relations among and between disabled and non-disabled people			X	

### 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	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	
Promoting good relations between men and women			X	

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

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	
Promoting good relations			X	

### 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).

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	
Promoting good relations			X	

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

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	
Promoting good relations			X	

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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	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	
Promoting good race relations			X	

### 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	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	
Promoting good relations			X	

### Do you think the policy impacts on people because of their marriage or civil partnership?<sup>15</sup>

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.

<sup>15</sup> In terms of section 149(7) of the Equality Act 2010 the Public Sector Equality Duty does not apply to the protected characteristic of marriage and civil partnership

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<p><b>Title of Proposal:</b> Regulatory restrictions to Work on the home</p> <p>An update to the regulations to limit the “work or providing voluntary or charitable services” exemption to the restriction on gathering in a private dwelling. Where the work or provision of services is for the purpose of the upkeep, maintenance or functioning of the dwelling, a person may attend the gathering only if the work or provision of services is essential for that purpose.</p>	
Differential impacts	<p><b>Age: Children and Younger People</b></p> <p>If work is limited to only ‘essential’, the volume of work for affected trades will decrease significantly (which is a policy objective of the restriction). There is a chance that there is less opportunity for younger staff to learn (e.g. apprentices in the trade). Other restrictions (e.g. distancing) will also affect this by limiting the number of workers who can attend ‘essential’ jobs</p> <p>Some younger people may lack the knowledge to carry out repair/ maintenance/ cleaning tasks on their own, and so require someone to come and to complete the work.</p> <p>However, the regulations include an exception for work that is essential and to support the vulnerable, which would allow work to support younger people in need to be delivered.</p>
	<p><b>Age: Older People</b></p> <p>Some older people may be unable to carry out repair/ maintenance/ cleaning tasks on their own, and so require someone to come and to complete the work. They may also be more vulnerable and face greater risk than younger groups where there is an issue with the home</p> <p>However, the regulations include an exception for work that is essential and to support the vulnerable, which would allow work to support older people in need to be delivered.</p>
	<p><b>Sex: Women</b></p> <p>Women are more likely than men to be represented in some of the jobs affected by the restrictions, and less likely to be represented in others</p> <p>However, across the whole range of affected roles, we do not know which will be the most affected by the restriction, given that some work will continue to go ahead as ‘essential’, and some will also be able to work on commercial premises not affected by the restrictions</p>
	<p><b>Sex: Men</b></p> <p>As above - Men are more likely than women to be represented in some of the jobs affected by the restrictions, and less likely to be represented in others</p> <p>However, across the whole range of affected roles, we do not know which will be the most affected by the restriction, given that some work will continue to go ahead as ‘essential’, and some will also be able to work on commercial premises not affected by the restrictions</p>
	<p><b>Race</b></p> <p>We do not have any evidence of differential impacts because of race associated with these restrictions.</p>

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<b>Religion &amp; Faith</b>	We do not have any evidence of differential impacts because of religion or faith associated with these restrictions.
<b>Disability</b>	Some households where there are people with a disability are more likely to rely on individuals entering the home to carry out repair/ maintenance/ upkeep work, either where they are unable to do the work themselves, or where the work is required to adapt the house or maintain existing adaptations.  However, the regulations allow for 'essential' work to be carried out, as well as care or assistance for vulnerable people. Therefore, any essential work or support will still be possible.
<b>Sexual Orientation</b>	We do not have any evidence of differential impacts because of sexual orientation associated with these restrictions.
<b>Marriage and Civil Partnership</b>	We do not have any evidence of differential impacts because of marriage or civil partnership associated with these restrictions.
<b>Pregnancy and Maternity</b>	We do not have any evidence of differential impacts because of pregnancy or maternity associated with these restrictions.
<b>Gender Reassignment</b>	We do not have any evidence of differential impacts because of gender reassignment associated with these restrictions.
<b>Socio-economic disadvantage</b>	The new restrictions are likely to decrease the amount of work available. Where there is a decrease, this may have a differential impact on those who already have a socio-economic disadvantage.
<b>Mitigating actions:</b>	
<p>The regulations include exemptions for work on the upkeep, maintenance or functioning of the household where that work is essential, as well as care and assistance for vulnerable people. This will limit the differential impact on some groups, where there is more reliance on people coming in to the house for work to support that household.</p> <p>There is business/ individual support in place for those whose work is affected by restrictions to their business.</p> <p>The measures in place across Scotland are under regular review, and will only be kept in place for as long as is necessary.</p>	

### **Assessing the impacts and identifying opportunities to promote equality**

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

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
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		<p>We note that the measure may limit the amount of work and opportunities in the affected trades, and these impacts are more likely to affect younger individuals who are earlier in their careers and still learning the skills associated with that type of work.</p> <p>However, the measure is deemed necessary on public health grounds to limit the number of gatherings in private dwellings, in order to reduce transmission of the virus</p>
Promoting good relations among and between different age groups			X	The measure does not constitute unlawful discrimination, harassment and victimisation.

### 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	While some disabled people may be more reliant on other people working on their home, the exemption for 'essential' work should limit the impact on their equality of opportunity
Promoting good relations among and between disabled and non-disabled people			X	The measure does not constitute unlawful discrimination, harassment and victimisation.

### 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		We are aware that there may be some differential impact, as men and women do not have the same representation in the types of jobs affected by the restrictions. However, we do not have sufficient data to quantify which of the affected roles may be

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				<p>more impacted, and thus whether there will be a differential impact.</p> <p>However, the measure is deemed necessary on public health grounds to limit the number of gatherings in private dwellings, in order to reduce transmission of the virus</p>
Promoting good relations between men and women			X	The measure does not constitute unlawful discrimination, harassment and victimisation.

### 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 does not constitute unlawful discrimination, harassment and victimisation.
Promoting good relations			X	The measure does not constitute unlawful discrimination, harassment and victimisation.

**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	The measure does not constitute unlawful discrimination, harassment and victimisation.
Promoting good relations			X	The measure does not constitute unlawful discrimination, harassment and victimisation.



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### 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.
Advancing equality of opportunity			X	The measure does not constitute unlawful discrimination, harassment and victimisation.
Promoting good relations			X	The measure does not constitute unlawful discrimination, harassment and victimisation.

### 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	The measure does not constitute unlawful discrimination, harassment and victimisation.
Promoting good race relations			X	The measure does not constitute unlawful discrimination, harassment and victimisation.

### 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	The measure does not constitute unlawful discrimination, harassment and victimisation.
Promoting good relations			X	The measure does not constitute unlawful discrimination, harassment and victimisation.

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### Do you think the policy impacts on people because of their marriage or civil partnership?<sup>16</sup>

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.

### Do you think the policy impacts on people because of socio-economic disadvantage?

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		The new restrictions are likely to decrease the amount of work available.  This decrease is more likely to affect those with a socio-economic disadvantage and limit their opportunities.  However, the measure is deemed necessary on public health grounds to limit the number of gatherings in private dwellings, in order to reduce transmission of the virus
Promoting good relations			X	The measure does not constitute unlawful discrimination, harassment and victimisation.

## Conclusion

The Strategic Framework and approach set out in these Regulations 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.

<sup>16</sup> The PSED does not apply to the protected characteristic of marriage and civil partnership  
<https://www.gov.uk/guidance/equality-act-2010-guidance>