

Equality Impact Assessment

The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 8) Regulations 2021

Introduction

1. The Scottish Government, along with the UK Government and the other Devolved Administrations, has introduced emergency public health measures at the UK border, designed to reduce the public health risks posed by Coronavirus (Covid-19), by limiting the further spread of the disease.
2. It has been necessary to take these extraordinary measures to respond to the pandemic, in order to protect the right to life and the right to health for Scotland's population. However, the unequal impact of the pandemic and the need to advance equality, eliminate discrimination and foster good relations (as per our Public Sector Equality Duty), and take an integrated and balanced approach to ensuring the proportionality of the measures taken, have also been at the forefront of consideration of these actions during this emergency situation.
3. The Coronavirus (Covid-19): Framework for Decision-Making¹ published in 2020 made clear that Covid-19 is first and foremost a public health crisis, and the measures to combat it have been necessary to save lives. The Framework identified four main categories of harm: **direct health impacts, non-Covid-19 health harms, societal impacts and economic impacts**. These harms are deeply inter-related: health harms impact on society and the economy, just as the societal and economic effects impact on physical and mental health and wellbeing.
4. The measures contained within these regulations have been introduced by emergency public health legislation to reduce the public health risks posed by the spread in Scotland of severe acute respiratory syndrome Coronavirus 2 (SARS-CoV-2) ("Coronavirus"), which causes the disease Covid-19, by limiting the further spread of the disease.

Legislative background

5. The Principal Regulations which are the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 came into force on 8 June 2020, containing provisions:
 - requiring international travellers arriving from outside the Common Travel Area (or within it if outside it in the previous 14 days prior to arrival) at the UK border in Scotland to provide journey details, contact details and details of their intended onward travel, in order to support "contact tracing", subject to certain exceptions; and
 - requiring international travellers arriving from outside the Common Travel Area (or within it if outside in the previous 14 days prior to arrival) to self-isolate

¹ [Coronavirus \(COVID-19\): framework for decision making - assessing the four harms - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-framework-for-decision-making-2020/pages/assessing-the-four-harms/)

for 14 days upon their arrival in Scotland at home or in other suitable accommodation, subject to certain exceptions, in order to limit risks of transmission (subsequently changed to 10 days on 14 December 2020).

6. Other relevant regulations include-

- the Health Protection (Coronavirus) (Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (“the Passenger Information Regulations”) which came into force on 8 June 2020 and introduced requirements on operators of commercial services for international passengers travelling to Scotland to ensure passengers on such services who arrive in Scotland have been provided with certain public health information.
- the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 (“the Pre-Departure Testing Regulations”) which generally came into force on 15 January 2021 (with some specified provisions being commenced on 1 February 2021) introduced:
 - a requirement within the principal regulations for persons travelling to Scotland from outside the Common Travel Area to possess a negative coronavirus test upon arrival in Scotland, and
 - standalone provision requiring operators of commercial transport services for passengers travelling to Scotland from outside the Common Travel Area to ensure that passengers who arrive in Scotland on such services have completed a Passenger Locator Form and possess notification of a negative test result.

7. Since the introduction of the principal Regulations there have been amendments to these measures which have been laid through Statutory Instruments at the Scottish Parliament. The amendments have related to the addition and removal of country specific exemptions in terms of the requirement to self-isolate and sectoral exemptions from the same measure (Annex A). Additional amendments are as follows:-

- The Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) Regulations 2020 reduced the period within which a person must self-isolate at home or in other suitable accommodation from 14 days to 10 days. This provision came into force on 14 December 2020.
- The Health Protection (Coronavirus) (International Travel, Public Health Information and Pre-Departure Testing) (Scotland) Amendment Regulations 2021 came into force on the 21 January 2021 and amended the Passenger Information Regulations to place a requirement on operators to provide information to passengers on the requirement for a negative test notification. These regulations also amended the Pre-Departure Testing Regulations so operators are not required to check a test is of a qualifying standard

- The Health Protection (Coronavirus) (International Travel, Prohibition on Travel from the United Arab Emirates) (Scotland) Amendment Regulations 2021 came into force on 29 January 2021 prohibiting passenger carrying flights from UAE and creates an offence for breach of this regulation.
 - The Health Protection (Coronavirus) (International Travel) (Managed Accommodation and Testing) (Scotland) Regulations 2021 came into force on 15 February 2021. The regulations contain the requirement to check into managed self-isolation for all international travellers (subject to exemptions) from outside the Common Travel Area or from the Republic of Ireland who have departed from or transited through an acute risk country within the preceding 10 days. This was extended to cover those international travellers arriving into Scotland from elsewhere within the Common Travel Area where they have departed from or transited through an acute risk country within the preceding 10 days. Passengers, to whom this requirement applies, may only enter Scotland at one of Aberdeen, Edinburgh or Glasgow Airport, or a military airfield or port. All such travellers are required to travel directly to managed self-isolation accommodation using designated transport and to remain in that accommodation for a minimum 10 day period. The regulations also contain provisions requiring all travellers (subject to exemptions), who have been outside the Common Travel Area in the 10 days prior to arrival in Scotland, to book, pay for and undertake two tests for the detection of Coronavirus (Covid-19) on days 2 and 8 of the self-isolation period.
8. There are safeguards built into the Regulations and, in accordance with the approach taken to the wider Covid-19 measures, a review of the need for the requirements imposed by the Regulations must take place at least once every 21 days with Ministers assessing that there remains a requirement for these regulations to remain in place. The Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) (No. 2) Regulations 2020 amended the review period for the International Travel Regulations and the Passenger Information Regulations to 28 days.
9. Finally, it should be noted that all measures contained in the Regulations are also time limited and were due to expire at the end of the period of 12 months, from 8 June 2020 when they came into force. The Health Protection (Coronavirus) (International Travel etc.) (Scotland) Amendment Regulations 2021 amended the expiry provisions of the principal Regulations, the Passenger Information Regulations and the Pre-Departure Testing Regulations so they each expire on 20 September 2021.

Amendments to the legislation relating to unaccompanied minors and boarding school students

10. The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 8) Regulations 2021 make a number of changes to the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 to implement the policy changes, as set out below.

- Allowing children who are under 18 and who are unaccompanied on arrival in Scotland from outside the Common Travel Area, or from elsewhere within the Common Travel Area where they have departed from or transited through a non-exempt country within the last 10 days, to self-isolate at home or in other suitable specified accommodation

- A person arriving in Scotland from either outside the Common Travel Area, or from elsewhere within the Common Travel Area where they have departed from or transited through a non-exempt country within the last 10 days, for the purpose of receiving education at a boarding school, will not be required to enter managed isolation. Instead the person must isolate at the premises specified on the Passenger Locator Form, which must be the boarding school at which education and accommodation is due to be provided to that passenger.

Key Findings

11. The impact assessments for [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing\) \(Scotland\) Regulations 2021 \(legislation.gov.uk\)](#) identified some potential positive impacts on one or more of the protected characteristics. Measures to reduce the spread of coronavirus positively affect the whole population, but will particularly affect the health of those people who are more severely affected by the disease.
12. This includes older people (age) and those with underlying health conditions (some disabled people are more likely to experience severe ill-health from contracting Covid-19 than the general population). There have been slightly more deaths among women than men involving Covid-19, although age-standardised death rates are higher for men. Covid-19 was a relatively more common cause of death for people in the South Asian ethnic group, compared to people in the white ethnic group.
13. However, the Scottish Government has recognised that there may be some potential indirect and disproportionate negative impacts on one or more of the protected characteristic. Whilst the view of the Scottish Government is that these regulations are justified and a proportionate means of reducing the public health risks posed by Coronavirus (Covid-19), there is also a need to not only mitigate those negative effects identified but to eliminate discrimination, advance equality of opportunity and foster good relations between people, and the measures we put in place are designed to help do this. We sought to mitigate these negative impacts through the regulations themselves and guidance and support offered through the managed self-isolation accommodation.
14. The Scottish Government will continue to review existing mitigating actions and impacts. We will continue to consider newly identified evidence, as it relates to each of the protected characteristics, and will make further adjustments, as appropriate.
15. All measures are given thorough consideration on the basis of their impact, including on equality and human rights.

Title of Proposal: Allowing unaccompanied under 18s arriving from outwith the common travel area to self-isolate at home rather than enter managed isolation		
Impact: These regulations will allow unaccompanied under 18s arriving from outwith the common travel area to self-isolate at home or in other suitable accommodation rather than enter managed isolation. Where a child is required to self-isolate at home, all members of the household must also self-isolate at home for the same period.		
Differential impacts	Age: Children and Younger People	A separate CRWIA has detailed the impact on children of this policy. According to data from Transport Scotland on 15 March 2021 there were 14 children in managed isolation in Scotland of which 1 arrived in Scotland unaccompanied. They were joined in managed isolation by a parent.
	Age: Older People	This policy may affect people who are providing a safe environment for a child to self-isolate instead of entering managed isolation. We assume that in the majority of circumstances a child will self-isolate at a parent's home but it could be, for example, at the home of a grandparent. We propose to revise guidance encouraging people when considering where a child should self-isolate to take into consideration whether any member of the household is considered vulnerable. All members of the household who are in the property when the child self-isolates will also need to self-isolate.
	Sex: Women	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Sex: Men	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Race	Currently an individual needs an essential reason for travel outwith the common travel area. An essential reason is attending a funeral of a close relative. The change in policy may impact on an unaccompanied under 18 year old returning from attending a funeral of a close relative.
	Religion & Faith	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Disability	Allowing an unaccompanied under 18 who is arriving from outwith the common travel area to self-isolate rather than enter managed isolation may have an impact on an under 18 who has a disability. The policy would allow the under 18 to self-isolate which may be in a location which is more suitable for them.
	Sexual Orientation	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Marriage and Civil Partnership	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Pregnancy and Maternity	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
Gender Reassignment	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.	

	<p>Socio-economic disadvantage</p>	<p>This policy could benefit unaccompanied under 18s who have an essential reason to travel outwith the common travel area who cannot themselves or whose parents cannot afford to pay for the managed isolation package. All unaccompanied under 18s would be able to self-isolate at home which would have less cost implications.</p> <p>The policy could have an impact on members of the household where a child is to self-isolate if they are unable to work from home or attend school. We would propose to put into guidance that when deciding where a child should self-isolate consideration should be given to the implications for other household members who will also have to self-isolate. Guidance on self-isolating, including what support is available, is published on the Scottish Government website: Coronavirus (COVID-19): Test and Protect - gov.scot (www.gov.scot)</p> <p>The Self Isolation Support Grant does not cover individuals who are self isolating after returning to the UK from outwith the common travel area unless they have tested positive for coronavirus or have been told to stay at home and self-isolate by the Test and Protect Service (or equivalent service across the UK).</p>
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Mitigating actions: We are balancing the rights of the child with the risk associated with importation of new variants of Covid19 into Scotland.

We will review this policy on a regular basis.

If an unaccompanied child is self-isolating in a household with adults or other children then the other individuals in the household would also need to self-isolate. This would minimise the risk of transmission of new variants of Covid19. We propose to put in guidance that when deciding where a child should self-isolate consideration should be given to the impact on this on other members of that household.

If it is not possible for in person contact to be maintained then this should be facilitated virtually if 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	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.

Promoting good relations among and between different age groups	X			An unaccompanied under 18 could self-isolate with their parents rather than enter managed isolation.
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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	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations among and between disabled and non-disabled people			X	No evidence of a differential impact identified at this time.

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

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

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

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

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

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

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

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

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

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

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

Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good race relations			X	No evidence of a differential impact identified at this time.

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

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	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?²

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.

² The PSED does not apply to the protected characteristic of marriage and civil partnership
<https://www.gov.uk/guidance/equality-act-2010-guidance>

Title of Proposal: Allowing boarding school pupils to undertake isolation in their boarding school accommodation.

Impact: Pupils travelling from out with the CTA to receive education at their boarding schools will be able to isolate in boarding school accommodation

Differential impacts	Age: Children and Younger People	We anticipate that boarding school pupils will wish to return to their schools ahead of the summer term in line with wider schools re-opening. Recent numbers provided by stakeholders estimate that this may be in the region of 800 pupils.
	Age: Older People	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Sex: Women	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Sex: Men	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Race	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Religion & Faith	This policy will enable boarding school pupils of religious faith to isolate in an environment that can more readily support relevant customs and practices, for example such as special dietary requirements.
	Disability	For boarding school pupils with a disability this policy will allow them to isolate in an environment more suited to them .
	Sexual Orientation	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Marriage and Civil Partnership	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Pregnancy and Maternity	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
	Gender Reassignment	We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
Socio-economic disadvantage	We are aware that pupils are at boarding schools under a range of circumstances and this policy will benefit those families who would not be able to afford a managed isolation package.	

Mitigating actions: We will keep this policy under review and consider impact with relevant stakeholders in the boarding school sector. Children will be supervised and supported by school staff during their isolation period.

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.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations among and between different age groups			X	No evidence of a differential impact identified at this time.

Do you think that the policy impacts disabled people?

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

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

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

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

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

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

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

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

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

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

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

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

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	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?³

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.

³ The PSED does not apply to the protected characteristic of marriage and civil partnership
<https://www.gov.uk/guidance/equality-act-2010-guidance>

Conclusion

The provisions in these Regulations are intended to balance the restrictions necessary to protect people from the direct harms to health from importation of new variants of Covid19, with the unintended potential harms the restrictions may have on isolation, wellbeing and the economy.

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

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

- [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 23\) Regulations 2020](#)
- [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 24\) Regulations 2020](#)
- [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 25\) Regulations 2020](#)
- [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment Regulations 2021](#)
- [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 2\) Regulations 2021](#)
- [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 3\) Regulations 2021](#)
- [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 4\) Regulations 2021](#)
- [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 5\) Regulations 2021](#)
- [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 6\) Regulations 2021](#)
- [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 7\) Regulations 2021 \(legislation.gov.uk\)](#)

- [The Health Protection \(Coronavirus\) \(International Travel and Public Health Information\) \(Scotland\) Regulations 2020](#)
- [The Health Protection \(Coronavirus\) \(International Travel and Public Health Information\) \(Scotland\) \(No. 2\) Regulations 2020](#)

- [The Health Protection \(Coronavirus\) \(Pre-Departure Testing and Operator Liability\) \(Scotland\) Regulations 2021 \(legislation.gov.uk\)](#)

- [The Health Protection \(Coronavirus\) \(International Travel, Public Health Information and Pre-Departure Testing\) \(Scotland\) Amendment Regulations 2021](#)

- [The Health Protection \(Coronavirus\) \(International Travel, Prohibition on Travel from the United Arab Emirates\) \(Scotland\) Amendment Regulations 2021](#)

- [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing\) \(Scotland\) Regulations 2021](#)
- [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing etc.\) \(Scotland\) Amendment Regulations 2021 \(legislation.gov.uk\)](#)