

EQUALITY IMPACT ASSESSMENT

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 25) 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. 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.
2. The *Coronavirus (COVID-19): Framework for Decision-Making and Scotland's route map through and out of the crisis* ("the Route Map") 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 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 2020, we published *COVID-19: Scotland's Strategic Framework*. This framework set out how we intended to respond to the crisis over the coming period, across the four key harms of the virus. It detailed how we would 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. On Tuesday, 23 February 2021, we published an updated *COVID-19: Scotland's Strategic Framework*. This set out the approach we intended to take in order to relax the tightened Level 4 restrictions which placed most of Scotland under a Stay At Home requirement and also made clear that we intend to return to a refreshed approach to outbreak management based on the five levels of protection.
5. A further update, providing a timetable for easing restrictions, was published on Tuesday, 16 March 2021. This publication set out a longer term plan for relaxing restrictions and moving Scotland to lower levels, with the ultimate aim of getting to Level 0 by the summer. Some indicative dates were noted for late April and mid-May, with later points being left open so the latest data and evidence can be considered nearer the time.

Legislative background

6. 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.
7. 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 made provision which was substantially similar to the first regulations, as amended at the date on which they were revoked.

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8. On 9 October 2020, the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) 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) (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.
9. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the 2020 Regulations”) implement the 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.
10. In January 2021, it became urgently necessary 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. Additional strengthening of Level 4 restrictions was immediately implemented in order to try to curb exponential growth, this included a requirement to stay at home for those in Level 4 – all of mainland Scotland and some islands.
11. Decision making under the Strategic Framework system is straightforward and transparent. It will build on existing structures and processes and will include engagement with local leadership as decisions 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.
12. 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.
13. 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.
14. 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 direct or 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 any legislation thereafter. Where some possible negative impacts have been identified, the Scottish Government has considered these to be justified as both a necessary and proportionate means of achieving the legitimate aim of protecting the general public from the threats posed by the outbreak of the Coronavirus pandemic and, therefore, the threat to human life in Scotland; and has sought to mitigate disadvantage wherever possible, e.g. developing exemption cards for people whose health or disability makes the wearing of face coverings unsuitable.

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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. Similarly, the £100m Winter Plan for Social Protection, announced on 30th November 2020, was 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.

15. This impact assessment has identified some potential positive impacts on one or more of the protected characteristics, as restrictions are eased. 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.
16. 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), race and sex. [Early data](#) showed that the COVID-19 virus is more deadly for people with underlying health conditions. Prevalence of some of these health conditions is known to be higher in certain ethnic groups¹, for example Type 2 diabetes is 6 times more likely in people of South Asian descent and over 2 times more likely in African and Afro-Caribbean people².
17. All measures are given thorough consideration on the basis of their impact, including on equality and human rights³.

Policy Objectives

18. The Regulations make a number of policy changes, as set out below.

Wearing of face coverings during close contact services

These Regulations make adjustments to the requirement to wear a face covering. The Regulations now allow the temporary removal of face coverings by a person receiving treatments around the mouth and nose. The individual providing the treatment must take appropriate mitigation measures to minimise exposure to coronavirus. Guidance will recommend that Type II or Fluid Resistant Surgical Mask plus face shield/goggles should be in place for the individual providing the treatment as a mitigating measure. Face coverings must not be removed for other close contact treatments, unless another relevant exception applies.

Adult organised indoor activity

These Regulations permit indoor organised activity in Level 2 areas. This was previously limited to under 18s or for sport and exercise only in Level 2. This adjustment allows non-sporting organised activity to take place in Level 2 areas for individuals of all ages. The changes recognise the social and wellbeing benefit that can be felt from attending such clubs and groups.

¹

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

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

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

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Title of Proposal: Removal of face coverings for specific treatments in a close contact service.		
Differential impacts	Age: Children and Younger People	<p>The proportion of young people who work in close contact services (19.1%) is higher than the total workforce average (12.3%) for Scotland. Limitations on treatments may economically disadvantage young people in this sector, therefore providing an exemption to allow face coverings to be removed for close contact treatments will mitigate this.</p> <p>Face covering regulations also cover educational settings and has an impact on the modules that can be offered in beauty courses by higher and further educational institutions. The close contact face covering exemption will allow students to complete their courses and make the transition from education into employment, providing the treatment provider takes appropriate mitigation measures to minimise exposure to Coronavirus. Under the current policy, there is a clear risk that students will not be able to complete their courses this academic year and some colleges are already seeing evidence of students on these courses withdrawing or deferring their studies until the next academic year. There were 7,941 students under the age of 25 studying 'Hair/Personal Care Services' or 'Therapeutic Personal Care' in 2019/20. <i>(Source: Scottish Funding Council Infact database).</i></p>
	Age: Older People	Age is one of the higher risk factors in relation to COVID-19 mortality, so older clients removing face coverings to receive treatments in the high risk zone (the area in front of the face where splashes and droplets from the nose and mouth may be present, which can pose a hazard) may be at higher risk of contracting and being impacted by COVID-19.
	Sex: Women	<p>Women are significantly more likely than men to work in the close contact services sector, representing 80.7% of the total close contact services workforce in 2019. Limitations would therefore have an impact given the proportion of women delivering such services.</p> <p>This can be seen through the Scottish Government's Monthly GDP statistics for January 2021 which showed that the close contact services sector is 49.1% lower in January compared to the same period last year (January 2020) and 8.6% lower for the economy overall. By enabling more treatments to take place within the sector, will allow businesses to provide more services and generate increased revenue, compared to previous periods in Level 3 and below when they were permitted to open.</p>
	Sex: Men	No evidence of a differential impact identified at this time.
	Race	No evidence of a differential impact identified at this time.
	Religion & Faith	No evidence of a differential impact identified at this time.
	Disability	The requirement for the person receiving a close contact service in the area usually covered by a face covering is being removed. This is subject to a requirement that the person giving the service takes appropriate mitigation measures to minimise exposure to coronavirus. In considering what steps to take, the provider must take into account relevant Scottish Government guidance.

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	<p>In order to provide the extra mitigation needed to ensure treatments can be conducted when a client removes their face covering, Scottish Government guidance sets out that practitioners should wear a Type IIR mask and a face shield/goggles. Workers with a disability or a condition that qualifies for a face covering exemption may be disadvantaged as they are unable to follow the guidance to conduct a treatment in the face covering area.</p> <p>Clients who have a disability or a condition that puts them at risk from COVID-19 may be disadvantaged by being unable or unwilling to take off their face covering. However, clients who suffer from chronic health conditions may benefit by being able to receive treatments that help manage their condition. Further, clients who are exempt from wearing face coverings would be able to receive treatments which may be beneficial for them.</p>
Sexual Orientation	No evidence of a differential impact identified at this time.
Marriage and Civil Partnership	No evidence of a differential impact identified at this time.
Pregnancy and Maternity	Pregnancy is one of the higher risk factors in relation to COVID-19 mortality, so pregnant clients removing face coverings to receive treatments in the high risk zone (the area in front of the face where splashes and droplets from the nose and mouth may be present, which can pose a hazard) may be at higher risk of contracting and being impacted by COVID-19.
Gender Reassignment	No evidence of a differential impact identified at this time.
Socio-economic disadvantage	<p>According to the National Hair and Beauty Federation Industry Data booklet 2019, the average annual salary of hairdressers and barbers was £17,609 and the average annual salary of beauticians was £17,178. Whilst not representative of all services provided under the broader close contact services categorisation, these salaries are significantly lower than the weekly rate of £428.80 which is the median gross weekly public sector earnings for Scotland in 2018.</p> <p>In 2019, 9,000 (29.5%) employees aged 18+ in the Other service activities industry earned less than the real living wage (£9.00), compared with 16.9% of all employees in Scotland (Source: Annual Survey of Hours and Earnings, April 2019, ONS)</p> <p>Allowing treatments to take place in the area otherwise covered by a face covering will benefit workers within the close contact services, who can experience socio-economic impacts, by providing a greater range of services and therefore potentially increasing revenue.</p>
Mitigating actions: Guidance is available for the safe operation of close contact services, with updates to ensure extra mitigations are in place when a face covering is to be removed. This includes wearing a Type IIR mask and face shield/goggles.	

Assessing the impacts and identifying opportunities to promote equality

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

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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			A higher proportion of younger people work in this sector than the Scottish average. By allowing more treatments and therefore greater revenue generating opportunities will have a positive impact on young people in employment. Younger people will also benefit from the impact of the regulatory change on educational institutions and the ability to complete beauty courses in higher and further education.
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		<p>The requirement for the person receiving a close contact service in the area usually covered by a face covering is being removed. This is subject to a requirement that the person giving the service takes appropriate mitigation measures to minimise exposure to coronavirus. In considering what steps to take, the provider must take into account relevant Scottish Government guidance.</p> <p>To conduct a treatment in the face covering area, a practitioner should wear a Type IIR mask and a face shield/goggles. Workers who qualify from a face covering exemption would be unable/may be unwilling to follow the guidance/regulations to conduct a treatment.</p>
Advancing equality of opportunity		X		As above.
Promoting good relations among and between disabled and non-disabled people	X	X		Whilst clients who have a disability or a condition that puts them at risk from COVID-19 may be disadvantaged by being unable or unwilling to take off their face covering, clients who suffer from chronic health conditions

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				may benefit by being able to receive treatments that help manage their condition.
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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	No evidence of a differential impact identified at this time.
Advancing equality of opportunity	X			Women are significantly more likely than men to work in the close contact services sector, representing 80.7% of the total close contact services workforce in 2019. By allowing more treatments and therefore greater revenue generating opportunities will have a positive impact on women in employment.
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	Pregnancy is one of the higher risk factors in relation to COVID-19 mortality, so pregnant clients removing face coverings to receive treatments in the high risk zone may be at higher risk of contracting and being impacted by COVID-19.
Promoting good relations			X	Pregnancy is one of the higher risk factors in relation to COVID-19 mortality, so pregnant clients removing face coverings to receive treatments in the high risk zone may be at higher risk of contracting and being impacted by COVID-19.

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

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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.

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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?⁴

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.

⁴ The PSED does not apply to the protected characteristic of marriage and civil partnership
<https://www.gov.uk/guidance/equality-act-2010-guidance>

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Title of Proposal: Adult Organised Indoor Activities – To Allow From Level 2		
Differential impacts	Age: Children and Younger People	n/a – this activity is already permitted for those under 18 in Level 2.
	Age: Older People	<p>Background - Older people are more likely to be members of organised groups, such as Woman’s Institute or the British Legion. This is due to a number of factors, including availability of time for those that have retired and whose families have grown up; different interests to younger generations; preference to meet peer groups face to face rather than through social media etc. These activities can also offer valuable social engagement and sense of purpose and the resultant wellbeing this brings.</p> <p>Baseline (Level 1) – Only some islands are currently in Level 1, with the majority of Scotland at Level 2. Retaining the current arrangements prevents older people from participating in groups that bring benefits, not only in terms of wellbeing, but to society as a whole (such as the Roundtable). While there may be some argument in retaining the current arrangements on health grounds, other organised activities can be undertaken, including exercise and for training, work, voluntary, wellbeing or charitable purposes, and this change will mean that the permissive provisions will apply to a wider range of activities.</p> <p>Level 2 – Allowing these meetings to occur in Level 2 brings parity with other activities allowed inside, such as exercise, which is less likely to be undertaken by older people in indoor organised settings (i.e. Zumba classes) and that potentially pose a greater risk from aerosol infection (older people were more at risk but most will have had vaccinations by the time of the proposed change). It also allows meetings to go ahead that the variables of the Scottish climate may prevent from happening outside.</p>
	Sex: Women	<p>There is no data available to determine if women are more likely to be a member of an organised group than men – due to the sheer number and complexity of different organisations, some attracting membership from both male and female participants and others specific for one sex e.g. Woman’s Institute. There are also groups that may traditionally have had complete or a higher proportion of female participation, but that can be open to both sexes e.g. sewing bees.</p> <p>Baseline (Level 1) - Only some islands are currently in Level 1, with the majority of Scotland at Level 2. Retaining the current arrangements may prevent women from participating in groups that bring benefits, not only in terms of wellbeing, but to society as a whole, where the focus is on community support (such as the Women’s Institute).</p> <p>Level 2 – Allowing these meetings to occur in Level 2 brings parity with other activities allowed inside, such as exercise, which potentially pose a greater risk from aerosol infection. It also allows some activities to go ahead that the variables of the Scottish climate may prevent from happening outside.</p>
	Sex: Men	There is no data available to determine if women are more likely to be a member of an organised group than men – due to the sheer number and

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		<p>complexity of different organisations, some attracting membership from both male and female participants and others specific for one sex e.g. Men's Sheds. There are also groups that may traditionally have had complete or a higher proportion of male participation, but that can be open to both sexes e.g. car clubs. Equally, some of these meetings have already being going ahead on the pretext of wellbeing. While it is noted that such activities provide valuable support in combating loneliness in men, who may have less social connections outside work (which is the purpose of the aforementioned Men's Shed charities), it cannot be calculated the proportion of those who may be prone to loneliness etc. that may be members of organised groups.</p> <p>Baseline (Level 1) - Only some islands are currently in Level 1, with the majority of Scotland at Level 2. Retaining the current arrangements may prevent men from participating in groups that bring benefits, not only in terms of wellbeing, but to society as a whole (such as the Roundtable etc.).</p> <p>Level 2 – Allowing these activities to occur in Level 2 brings parity with other activities allowed inside, such as exercise, which potentially pose a greater risk from aerosol infection. It also allows activities to go ahead that the variables of the Scottish climate may prevent from happening outside, especially seated activities that are not suited to outside.</p>
	<p>Race</p>	<p>There is no data readily available to determine if those of different races are unduly impacted by the current constraints. While many traditional groupings have tended not to attract ethnic minorities e.g. Orange Lodge, there will be bespoke groups for these groups, many operated by community organisations or charities. These groups can be important for wellbeing, especially for recent arrivals/refugees and non-English speakers, although support groups for wellbeing have been able to operate face to face already where remote means are not possible. Some of these will already be operating for support purposes as allowed for charity and voluntary bodies.</p> <p>Baseline (Level 1) - Only some islands are currently in Level 1, with the majority of Scotland at Level 2. Retaining the current arrangements may prevent those from other races from participating in groups that bring benefits, especially wellbeing, where these groups cannot take place for other reasons.</p> <p>Level 2 – Allowing these meetings to occur in Level 2 brings parity with other activities allowed inside, such as exercise, which potentially pose a greater risk from aerosol infection. It also allows meetings to go ahead that the variables of the Scottish climate may prevent from happening outside, especially seated activities that are not suited to outside.</p>
	<p>Religion & Faith</p>	<p>These restrictions do not apply to faith worship activities, but there may be some faith based non-worship meetings that are limited by the restrictions, although charitable work would already be exempted.</p> <p>Baseline (Level 1) - Only some islands are currently in Level 1, with the majority of Scotland at Level 2. Retaining the current arrangement may prevent those from faith groups from participating in activities that bring benefits, especially wellbeing, that cannot be run by other means (such as charitable purposes etc.) and where current exceptions do not apply (so faith based outreach that supports vulnerable people is already allowable).</p>

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	<p>Level 2 – Allowing these meetings to occur in Level 2 brings parity with other activities allowed inside, such as exercise, which potentially pose a greater risk from aerosol infection. It also allows meetings to go ahead that the variables of the Scottish climate may prevent from happening outside, especially seated activities that are not suited to outside.</p>
Disability	<p>These restrictions do not apply to existing networks that provide support to disabled groups which can already operate. There are also exemptions for activities for work and voluntary purposes. However, it is recognised that there are activities that are limited by the restrictions, which disabled people attend whether as a disabled person representative or part of more general participation.</p> <p>Baseline (Level 1) - Only some islands are currently in Level 1, with the majority of Scotland at Level 2. Retaining the current arrangement may prevent those with disabilities from participating in activities that bring benefits, especially wellbeing, which cannot be run by other means (such as charitable purposes etc.).</p> <p>Level 2 – Allowing these meetings to occur in Level 2 brings parity with other activities allowed inside, such as exercise, which potentially pose a greater risk from aerosol infection. It also allows activities to go ahead that the variables of the Scottish climate may prevent from happening outside, especially seated activities that are not suited to outside or where these are accessible to those with disabilities.</p>
Sexual Orientation	<p>These restrictions do not apply to existing networks that provide support to LGBTIQ groups, which can already operate. There are also exemptions for activities for work and voluntary purposes. However, it is recognised that there are meetings that are limited by the restrictions, which people attend whether as a LGBTIQ representative or part of more general participation.</p> <p>Baseline (Level 1) - Only some islands are currently in Level 1, with the majority of Scotland at Level 2. Retaining the current arrangement may prevent them from participating in activities that bring benefits, especially wellbeing, which cannot be run by other means (such as charitable purposes etc.).</p> <p>Level 2 – Allowing these meetings to occur in Level 2 brings parity with other activities allowed inside, such as exercise, which potentially pose a greater risk from aerosol infection. It also allows meetings to go ahead that the variables of the Scottish climate may prevent from happening outside, especially seated activities that are not suited to outside.</p>
Marriage and Civil Partnership	<p>We do not consider that this measure discriminates in this regard, as it is participation – whether as an individual, in a partnership or group in an organised activity.</p>
Pregnancy and Maternity	<p>We do not consider that this measure discriminates in this regard. Pregnancy and maternity services and support groups can operate at this level indoors (from Level 3 for parent and baby or toddler groups). Physical Distancing Capacity for over 12s rules for such groups are determined by the same guidance as for the organised activities in public settings.</p>
Gender Reassignment	<p>These restrictions do not apply to existing networks that provide support to those undergoing gender reassignment, which can already operate. There are also exemptions for activities for work and voluntary purposes. However, it is recognised that there are meetings that are limited by the restrictions,</p>

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		<p>which people attend whether as a representative or part of more general participation.</p> <p>Baseline (Level 1) - Only some islands are currently in Level 1, with the majority of Scotland at Level 2. Retaining the current arrangement may prevent them from participating in activities that bring benefits, especially wellbeing, which cannot be run by other means (such as charitable purposes etc.).</p> <p>Level 2 – Allowing these meetings to occur in Level 2 brings parity with other activities allowed inside, such as exercise, which potentially pose a greater risk from aerosol infection. It also allows meetings to go ahead that the variables of the Scottish climate may prevent from happening outside, especially seated activities that are not suited to outside.</p>
	<p>Socio-economic disadvantage</p>	<p>These restrictions do not apply to existing networks that provide support, which can already operate. There are also exemptions for activities for work and voluntary purposes. However, it is recognised that some organised activities tend to attract people from higher socio economic levels, such as the Roundtable etc. as much due to education and interests, and that groups from a socio disadvantage may be more ad hoc in nature, rather than organised and are therefore tied to current indoor socialising rules. Charity and voluntary groups may also provide support or participation possibilities.</p> <p>Baseline (Level 1) - Only some islands are currently in Level 1, with the majority of Scotland at Level 2. Retaining the current arrangement may prevent them from participating in activities that bring benefits, especially wellbeing, which cannot be run by other means (such as charitable purposes etc.).</p> <p>Level 2 – Allowing these meetings to occur in Level 2 brings parity with other activities allowed inside, such as exercise, which potentially pose a greater risk from aerosol infection. It also allows meetings to go ahead that the variables of the Scottish climate may prevent from happening outside, especially seated activities that are not suited to outside. However, it should also be noted that a move back to indoor organised activities may negatively impact on people who are reliant on public transport (especially those in lower socio economic groups) especially with reduced travel still operating on some routes.</p>
<p>Mitigating actions: There are no discernible negative effects of this measure. Within its Routemap and Strategic Framework (and the Levels system the latter introduced) the Scottish Government set out its framework for processes and measures to bring down the rate of Covid infection. This included restrictions on meetings, and a relaxation based at certain Levels. It has always been stated that the content and timetables for restrictions are dependent on consideration of level of virus and other matters, and that specific measures, such as these could be subject to change, was the evidence there that it was practicable and safe to do so.</p>		

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Assessing the impacts and identifying opportunities to promote equality

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

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	X			This removes restrictions for over 18s that are not in place for under 18s, as well as allowing access to activities that are not age restricted i.e. active sport and exercise activities, such as gym attendance, may tend to be less popular among older people. .
Advancing equality of opportunity	X			This would allow adults of all ages to participate in organised activities inside at an earlier Level stage, and bring into line allowances for u18s.
Promoting good relations among and between different age groups	X			Brings into line with under 18s.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	There is no identifiable discrimination on disability grounds – and disabled people are still able to meet on care grounds in such circumstances.
Advancing equality of opportunity	X			This would allow people with disabilities to participate in organised activities inside at an earlier Levels stage.
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			This would allow men and women participate in organised activities inside at an earlier Levels stage.

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Promoting good relations between men and women			X	No evidence of a differential impact identified at this time.
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Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time. Baby and toddler groups are already allowed at this stage.
Advancing equality of opportunity	X			This would allow participation in organised activities inside at an earlier Levels stage.
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. Support groups that cannot operate on line are already allowable.
Advancing equality of opportunity	X			This would allow participation in organised activities inside at an earlier Levels stage.
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. Support groups that cannot operate on line are already allowable.
Advancing equality of opportunity	X			This would allow participation in organised activities inside at an earlier Levels stage.

EQUALITY IMPACT ASSESSMENT

Promoting good relations			X	No evidence of a differential impact identified at this time.
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Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity	X			This would allow participation in organised activities inside at an earlier Levels stage.
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. Worship indoors is already allowed at this level.
Advancing equality of opportunity	X			This would allow participation in organised activities inside at an earlier Levels stage.
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?⁵

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.

Conclusion

The approach set out in these Regulations is 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.

⁵ The PSED does not apply to the protected characteristic of marriage and civil partnership
<https://www.gov.uk/guidance/equality-act-2010-guidance>