

Equality Impact Assessment
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment
(No. 18) Regulations 2021

Introduction

1. The Scottish Government, along with the UK Government and the other Devolved Administrations, 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. [The Coronavirus \(Covid-19\): Framework for Decision-Making](#) published in 2020 made clear that Covid-19 is first and foremost a public health crisis, and the measures to combat it have been necessary to save lives. The Framework identified four main categories of harm: **direct health impacts, non-Covid-19 health harms, societal impacts and economic impacts**. These harms are deeply inter-related: health harms impact on society and the economy, just as the societal and economic effects impact on physical and mental health and wellbeing.
3. We have made much progress tackling the COVID-19 pandemic in Scotland. The success of the vaccination programme has allowed us to reduce the direct harm of the virus and has also enabled us to re-open large parts of the economy and society.
4. Now that the direct health harms caused by the virus are reducing, the broader harms of the crisis grow relatively more important in our decision-making. Consequently, reflecting the success of the vaccination programme, we believe we are now at a stage of the pandemic where we can adjust our strategic intent from suppressing the virus to the lowest possible level and keep it there, while we strive to return to a more normal life for as many people as possible to one where we work to suppress the virus to a level consistent with alleviating its harms while we recover and rebuild for a better future'.

Legislative background

5. The Regulations amend The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (the "International Travel Regulations"), which came into force on 8 June 2020¹.
6. Since the introduction of the International Travel Regulations there have been various amendments to these measures.
7. Prior to the No. 18 amendment Regulations, the International Travel Regulations have the following provisions (subject to certain exemptions) in place:

Passengers - All international travellers arriving at the UK border in Scotland from outside the Common Travel Area (or within it if they have been outside of it in the previous 10 days prior to arrival) are required to:	
Passenger Locator Form	provide journey details, contact details and details of their intended onward travel, in order to support "contact tracing",
Pre-Departure Testing (PDT)	possess a negative Coronavirus (Covid-19) Pre-Departure Test (PDT).

¹ The International Travel Regulations impose requirements on people arriving into Scotland from outside the common travel area, such as a requirement to provide information as to intended onward travel and a requirement to self-isolate for a specified period following their arrival.

Passengers - The application of the requirements noted below depend on where an arrival into Scotland has travelled from or transited through within the previous 10 days prior to arrival	
Red List Arrivals²	book into a managed self-isolation facility. Passengers, to whom this requirement applies, may only enter Scotland at one of Aberdeen, Edinburgh or Glasgow Airport, or a military airfield or port and, on arrival into Scotland, 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. They are also required to book and undertake two tests for the detection of Coronavirus (Covid-19) within 2 days and no earlier than day 8 of the self-isolation period.
Vaccinated Amber List Arrivals³	Book and undertake a Coronavirus (Covid-19) test within 2 days of arriving in Scotland. Travellers from the Amber list countries who are 'eligible vaccinated arrivals' ⁴ (meaning they have had their final dose of a COVID-19 vaccine through approved sources , at least 14 days before they arrive in Scotland are not required to self-isolate if they have been vaccinated in the UK (including as part of UK vaccine rollout overseas), EU member states, European Free Trade Association (EFTA) countries (Iceland, Liechtenstein, Norway and Switzerland), Andorra, Monaco, San Marino and Vatican City and the USA.
Amber List Arrivals	isolate at home or in the place they are staying for 10 days and they are also required to book and undertake two tests for the detection of Coronavirus (Covid-19) within 2 days and no earlier than day 8 of the self-isolation period if they are not fully vaccinated
Green List Arrivals⁵	to book and undertake a Coronavirus (Covid-19) test to take within 2 days of arriving in Scotland. On arrival in Scotland, travellers do not need to isolate unless the test they have taken on day two after arriving back in Scotland is positive
Carriers - Operators of commercial transport services for passengers travelling to Scotland from outside the Common Travel Area are required to ensure that passengers who arrive in Scotland:	
Public Health Information	have been provided with certain public health information.
Passenger Locator Form (PLF)	have completed a Passenger Locator Form (PLF)
Pre-Departure Testing (PDT)	possess notification of a negative PDT result
Vaccination Status	Have evidence of double vaccination status where this is required

² A red list arrival refers to a person who arrives in Scotland from, or having travelled through within the previous 10 days, an acute risk country or territory specified in schedule A2 of the International Travel Regulations.

³ An amber list arrival refers to a person who arrivals in Scotland from, or having travelled through within the previous 10 days, a country or territory which is not in the common travel area and which is not a red list country or (only) a green list country.

⁴ The reference to an 'eligible vaccinated arrival' also captures certain persons who have participated in, or are participating in, a clinical trial for an authorised vaccine; a child who is ordinarily resident in the UK or a relevant country and a dependent of someone who has completed a course of vaccine under the UK overseas vaccine roll-out programme.

⁵ A green list arrival refers to a person who arrives in Scotland from outside the common travel area, having only travelled from or through within the previous 10 days, an exempt country or territory specified in schedule A1 of the International Travel Regulations.

8. There are safeguards built into the International Travel Regulations, the Passenger Information Regulations and the Operator Liability 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 28 days with Ministers assessing that there remains a requirement for these requirements to remain in place.
9. All measures contained in the principal Regulations are also time limited and due to expire on 20 September 2021, though they are likely to be extended (to cover the period of the COP26 conference).

Amendments to the Legislation

10. The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 18) Regulations 2021 amend the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 by
 - adding a definition of “relevant international event” to include both the United Nations Climate Change Conference 2021 (known as COP 26) and the World Leaders summit organised by the United Kingdom Government in connection with COP 26, and to set out how the International Travel Regulations are to apply to those people attending or facilitating COP 26 and the World Leaders summit. The events are being hosted in Glasgow.
 - correcting a technical error in regulation 5F(9)(b), where the second reference to day 2 test providers should be to day 8 test providers.

Key Findings

11. The Scottish Government has recognised that International Travel restrictions may have both positive and negative impacts on one or more of the protected characteristics.
12. While the view of the Scottish Government is that these Regulations are justified and constitute 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 have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between people (as per our Public Sector Equality Duty), and the measures we put in place are designed to help do this. Where possible we have sought to mitigate any negative impacts through the Regulations.
13. 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.
14. All measures are given thorough consideration on the basis of their impact, including on equality and human rights.

Assessing the impacts and identifying opportunities to promote equality

Title of Proposal: Changes to the self-isolation requirements for attendees at the COP26 summit. These changes come into effect on 13 September. COP26 is taking place 31 October to 12 November 2021, with pre-sessional meetings running 25 to 30 October. The UK is also hosting the COP26 World Leaders Summit (“WLS”) from 1st to 2nd of November.

Impact:

1. Attendees from red list countries must comply with the 10 day red list managed quarantine service, unless they have been fully vaccinated in which case this is reduced to 5 days.
2. The regulations also widen the policy on fully vaccinated arrivals to recognise additional vaccines that have been approved in other countries for the purposes of attending COP26 only.
3. Amber list arrivals are exempt from self-isolation, and take a PCR test on or before day 2. In line with the introduction of the fully-vaccinated traveller policy
4. Amber list arrivals who have not been fully vaccinated must also take a day 8 test, which will be enforced through the Code of Conduct.
5. Daily Lateral Flow Device tests will be required through the Code prior to attendance of Blue Zone events.

The Impacts of managed self-isolation for Red list arrivals were assessed at its introduction and [published here](#) and the impacts for vaccine certification and Amber list arrivals has also been [published](#).

Differential impacts	Age: Children and Younger People	<p>At time of writing an exact age breakdown of those affected by the exemption was not available. However based on confirmed attendees there are only a low number of delegates under 18 seeking to attend COP26.</p> <p>Young People attending COP26, aged under 18 on the date of their arrival into England or Scotland and who have been in Red List countries in the prior 10 days also qualify for the reduced quarantine period (5-days) regardless of their vaccine status. They must, however, be accompanied by a responsible adult for the duration of their quarantine.</p> <p>Young children are not excepted as delegates but it is possible that younger people (16+) may attend. The vaccine availability for younger people has been variable across countries and for some the vaccine has only been available in recent months or weeks so may not be completely vaccinated and must therefore still take tests as per Code of Practice.</p> <p>Also the regulations widening the policy on fully vaccinated arrivals to recognise vaccines that have been approved in other countries for the purposes of attending COP26 will help to improve access to the relaxations.</p>
	Age: Older People	<p>At time of writing an exact age breakdown of those affected by the exemption was not available, there is no upper age limit to attendance.</p> <p>In a number of countries the Covid-19 vaccination programmes vaccine were rolled out to medically vulnerable</p>

	<p>and older age groups as a priority before being rolled out to younger people. Therefore it should be expected that older delegates will largely (unless reasons for not being) be fully vaccinated albeit perhaps waiting on booster vaccinations. They should be able to take advantage of the relaxed regulations for this event.</p> <p>Also the regulations widening the policy on fully vaccinated arrivals to recognise vaccines that have been approved in other countries for the purposes of attending COP26 will help to improve access to the relaxations.</p>
Sex: Men / Women	<p>Measures that may help limit the spread of Coronavirus (Covid-19) are designed to positively protect everyone regardless of sex by reducing the risk of infection</p> <p>It is considered that these regulations do not disproportionately impact on this personal characteristic</p>
Race	<p>Uptake of national vaccine programmes varies from country to country and it may be that some delegates are arriving unvaccinated or partly vaccinated and will have to ensure that they are taking the necessary testing arrangements.</p> <p>Also the regulations widening the policy on fully vaccinated arrivals to recognise vaccines that have been approved in other countries for the purposes of attending COP26 will help to improve access to the relaxations.</p>
Religion & Faith	<p>Some delegates arriving may not have taken a vaccine because it goes or is perceived to go, against their beliefs (e.g. Muslim/Jewish if they contain pork cells, or embryonic cells for orthodox religious people). Some people who hold non-religious but protected beliefs under the Equality Act 2010, such as veganism⁶, might also reject a vaccine on the grounds that it may have been tested on animals.</p> <p>This group will not therefore benefit from the change in policy and will have to continue to adhere to the unvaccinated Amber or Red list country requirements.</p> <p>However removing the requirement to self-isolate for 10 days from those who are fully vaccinated, will allow people to access and attend places of worship.</p> <p>Also the regulations widening the policy on fully vaccinated arrivals to recognise vaccines that have been approved in</p>

⁶ UK Human Rights Blog (4 January 2020). [Ethical veganism is a protected belief, rules Employment Tribunal](#)

	other countries for the purposes of attending COP26 will help to improve access to the relaxations.
Disability	<p>At time of writing a breakdown of those affected with disability issues attending the event was not known. However no significant impact based on this characteristic and no indirect impact has been identified at the present time</p> <p>In a number of countries the Covid-19 vaccination programmes were rolled out to medically vulnerable/disabled groups and older age groups as a priority. Therefore it should be expected that some disabled delegates will largely (unless reasons for not being) be fully vaccinated albeit perhaps waiting on booster vaccinations. They should be able to take advantage of the relaxed regulations for this event.</p> <p>Also the regulations widening the policy on fully vaccinated arrivals to recognise vaccines that have been approved in other countries for the purposes of attending COP26 will help to improve access to the relaxations.</p>
Sexual Orientation	<p>It is considered that these regulations do not disproportionately impact on this personal characteristic.</p> <p>The Scottish Government recognises that these measures are only required to respond to the current set of circumstances, and are only necessary as long as the potential public health benefits can justify any negative impacts caused.</p>
Marriage and Civil Partnership	It is considered that these regulations do not disproportionately impact on this personal characteristic
Pregnancy and Maternity	Given that there has been some variation in the scientific recommendations for expectant mothers to have vaccinations it is possible that there may be some delegates attending in the condition of pregnancy who are not fully vaccinated and therefore will have to ensure that they comply with the appropriate testing regime.
Gender Reassignment	It is considered that these regulations do not disproportionately impact on this personal characteristic
Socio-economic disadvantage	It is considered that these regulations do not disproportionately impact on this personal characteristic
Mitigating actions: The Scottish Government recognises that these measures are only required to respond to this specific event, and are only necessary as long as the potential benefits can justify any negative impacts caused.	

Assessing the impacts**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			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			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.

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 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 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?⁷

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.
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.

Conclusion

⁷ The PSED does not apply to the protected characteristic of marriage and civil partnership
<https://www.gov.uk/guidance/equality-act-2010-guidance>

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.