

Title of Proposal: The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 6) Regulations 2022

Equality Impact Assessment

These Regulations remove the requirement for a person who enters or remains indoors within a place of worship to wear a face covering. They also remove requirements to wear face coverings at marriage ceremonies, civil partnership registrations, funerals and commemorative events related to the end of a person's life.

Introduction

The aim of this Equality Impact Assessment (EQIA) is to analyse the potential impacts for each protected characteristic under the Equality Act 2010, both positive and negative, of the change to face covering requirements in indoor settings brought about by the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 6) Regulations 2022 (No.123) "the new Regulations". It is an update to the previous EQIA for face covering regulations which was approved by the Deputy First Minister on 24 February 2022.

This EQIA is in relation to amendments to remove the requirement to wear a face covering in a place of worship or at marriage ceremonies, civil partnership registrations, funerals and commemorative events related to the end of a person's life ("a life event").

Legislative Background:

Amendments to the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 came into effect on 22 June and 10 July 2020 that made it mandatory for face coverings to be worn on public transport and in retail settings (respectively), with additional regulations from 9 October 2020 that made it mandatory for face coverings to be worn in storage and distribution facilities, and for face coverings to be worn in communal staff areas in both retail and storage and distribution facilities.

Further amendments came into force on 2 November 2020 which made the use of face coverings mandatory in a large range of indoor public places, including indoor communal workplaces. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No.21) Regulations 2021 implemented the system of levels of protection in February 2021. In August 2021, the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 ("the Requirements Regulations") came into force and set out requirements for 'Beyond Level 0'. The regulations include a requirement to wear a face covering in certain indoor places. The requirements in the Requirements Regulations are broadly consistent with the requirements previously included in the Local Levels regulations. Face coverings are required to be worn in most indoor settings unless an exemption applies.

The Requirements Regulations raised the age of an exemption for wearing a face covering from children "under 5" to children "under 12" in August 2021. This exemption continues to apply.

On 17 December 2021, Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 5) Regulations 2021 extended the distance from "at least 1 metre" to "at least 2 metres" where an exemption from wearing a face covering applies in certain indoor settings. It also substituted a new regulation into the principal Regulations to expand the existing requirement to have regard to guidance issued by the Scottish Ministers about measures to minimise risk of exposure to coronavirus and require the taking of such of the measures as are reasonably practicable; amends regulation 15(9) of the principal Regulations to add the requirement in regulation 4(1)(b) to the requirements for which a local authority may designate a person for enforcement purposes and amends regulation 16(1) of the principal Regulations to exclude the requirement in regulation 4(1)(b) from the offence provision.

In January 2022, the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 3) Regulations 2022 re-established the distance to 1 metre, as was required before 17 December 2021.

Policy Objectives:

[Scotland's latest update to the Strategic Framework](#) was published on 2 February 2022. It updated our strategic intent from a focus on suppressing cases to managing COVID-19 effectively, primarily through adaptations and health measures that will strengthen our resilience and recovery. It confirmed that "*in the future, and as far as possible, we intend to rely much less on legal requirements and more on people and organisations making and sustaining the adaptations to behaviours and physical environments that will improve our resilience to the virus and help keep it in check*".

The policy objective of this change is to remove what is considered a barrier to normal worship and celebrations of faith by some stakeholders. This also meets our objective to reduce the legal requirement to wear face coverings on a phased basis. However the virus has not gone away and face coverings will continue to be recommended in guidance.

This impact assessment should also be considered alongside the latest [State of the Epidemic reports](#).

Public health rationale for Government intervention:

Background	<p>Age: Children and Younger People</p>	<p>The regulations and guidance set out that children who are under 12 years of age are exempt from the mandatory requirement to wear a face covering.¹ This is in line with the World Health Organisation (WHO) guidance on the use of face coverings for children in the community, which advises decision-makers to apply a risk-based approach to determine if children between 6 and 11 years of age should be required to wear a face covering.²</p> <p>Evidence from the Scientific Advisory Group for Emergencies (SAGE) continues to demonstrate that secondary aged school children are more susceptible to the virus, as well as more likely to transmit it, than those of a younger age (11 and younger).³</p> <p>All the same exemptions apply for those children who are 12 years of age and older as apply for adults, for example where they are unable to put on, wear or remove a face covering because of any physical or mental illness or impairment or disability (within the meaning of section 6 of the Equality Act 2010(1)), or they cannot wear one without severe distress (for example, any children with breathing difficulties, disabled children or any children where the wearing of a face will cause distress or anxiety). The regulations also provides an exemption for school transport services. The requirement to wear face coverings in schools is not set in the regulations, however, this mitigation measure is covered in the relevant sector guidance.⁴</p>
Differential impacts		<p>No evidence of a differential impact identified at this time. The change to remove the legal requirement to wear a face covering in places of worship and at marriage and civil partnership registrations, funeral services and commemorative events, such as a memorial service will apply to all age groups.</p> <p>Whilst some children aged 12 and over and young people may welcome the change, others may be anxious and be disadvantaged because the mandatory wearing of face coverings has been removed.</p> <p>Our Guidance will encourage the use of protective measures, including wearing face coverings to help combat the spread of the virus. We expect settings exempt from the requirement to wear a face covering to issue guidance and put measures in place to keep people safe.</p> <p>People do not need to remove their face covering if they feel uncomfortable doing so even when an exemption applies.</p>

¹ [Coronavirus \(COVID-19\): face coverings guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/topics/health/coronavirus/coronavirus-face-coverings-guidance)

² [Advice on the use of masks for children in the community in the context of COVID-19 \(who.int\)](https://www.who.int/news-room/fact-sheets/detail/masks-for-facial-protection)

³ Weekly Scottish data on testing and positive COVID-19 cases among children and young people of educational age is available in the [COVID-19 Education Surveillance Report](#), published by Public Health Scotland

⁴ [Coronavirus \(COVID-19\): guidance on reducing the risks in schools - gov.scot \(www.gov.scot\)](https://www.gov.scot/topics/health/coronavirus/coronavirus-guidance-reducing-risks-schools)

Background	<p>Age: Older People</p>	<p>The highest level of vaccination rates are amongst oldest cohorts.</p> <p>As at 4 April 2022, there were 176,293 people on the Highest Risk List (around 3.2% of the population). 81% were 50 years or older, and 51% were 65 years or over however, the advice from the Chief Medical Officer to everyone on the Highest Risk List is that in the context of the updated Strategic Framework, they can continue to follow general population health guidance and advice unless advised otherwise by their GP or clinician.</p> <p>This is due primarily to strong evidence which shows that vaccines are offering significant protection to people on the Highest Risk List from becoming severely ill, including those who are immunosuppressed or immunocompromised.</p> <p>However, there remains a substantial proportion of attendees which are of an older demographic and therefore potentially feel more vulnerable, and may have reservations about attending a venue where face coverings are no longer worn, as transmission is potentially more likely. Limited data from the 2011 Census and 2016 Scottish Church Census shows that amongst Christian churchgoers, 42% are over 65 years of age and 20% are 75 and over. Muslim worshippers have also shown a significant increase amongst 25-64 year olds, but also a 110% increase in those 65 and over. For congregations which have an older or vulnerable demographic, removal of face covering regulations may lead to lack of confidence to attend their place of worship, and potential isolation from their community.</p>
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Differential impacts	<p>The change to remove the legal requirement to wear a face covering in places of worship and at marriage and civil partnership registrations, funeral services and commemorative events, such as a memorial service will apply to all age groups.</p> <p>However, the age demographic⁵ for places of worship means that there is likely to be a larger percentage of clinically vulnerable in this setting. Therefore, older people are most likely to be impacted. Whilst some older people may welcome the change, others may be anxious about the change.</p> <p>There is some evidence of possible positive and negative differential impacts. Any policy which may increase transmission of the virus, including the removal of mandatory face coverings in indoor settings, may have a negative impact on people with this protected characteristic.</p> <p>There could also be a positive impact on some older people, who tend to have worse hearing and struggle more to communicate whilst talking to others wearing face coverings; therefore removing the requirement for face coverings may improve this aspect of communication.</p> <p>The removal of face coverings regulations may disadvantage older people because a high adherence to the continued use of face coverings would help reduce the transmission of COVID-19 and, in particular, will protect those at a higher risk of severe health outcomes.</p> <p>Our Guidance will encourage the use of protective measures, including wearing face coverings to help combat the spread of the virus. We expect settings exempt from the requirement to wear a face covering to issue guidance and put measures in place to keep people safe.</p> <p>The Distance Aware Scheme also enables people to wear a badge or lanyard to indicate they would like more space and care around them for any reason. It is open to anyone who feels this would give them greater confidence and comfort for whatever reason when they are out and about in public places and the workplace. This will have a positive impact on those who want to use the scheme, where it is being utilised in places of worship.</p> <p>People do not need to remove their face covering if they feel uncomfortable doing so even when an exemption applies.</p>
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⁵ the latest Scottish Church Census in 2016 found that the overall age of Scottish Churchgoers was as follows:

- 43% were over 65 years of age
- 21% were over 75 years of age
- 5% were over 85 years of age

These stats are indicative as they do not include all religions/faiths, but are mainly Church of Scotland, Roman Catholic, Baptist, etc.

Background	<p>Sex: Women</p>	<p>In week commencing 28 March 2022 women have had higher case rates on average than men.⁶</p> <p>Despite testing positive more often than men, women have not disproportionately suffered serious health outcomes from COVID-19: data from up to September 2020 showed that, after adjusting for age, males were 1.4 times more likely to die than females.⁷ During 2021, the number of deaths due to COVID-19 continued to be higher in men compared to women⁸ However, there is emerging evidence considered by SAGE indicating that women may be more affected by “long COVID” symptoms.^{9 10}</p>
Differential impacts		<p>The change to remove the legal requirement to wear a face covering in places of worship and at marriage and civil partnership registrations, funeral services and commemorative events, such as a memorial service will apply to all women.</p> <p>Whilst some women may welcome the change, others may be anxious about it.</p> <p>There is some evidence of possible positive and negative differential impacts. Any policy which may increase transmission of the virus, including the removal of mandatory face coverings in indoor settings, may have a negative impact on people with this protected characteristic.</p> <p>Our Guidance will encourage the use of protective measures, including wearing face coverings to help combat the spread of the virus. We expect settings exempt from the requirement to wear a face covering to issue guidance and put measures in place to keep people safe.</p> <p>People do not need to remove their face covering if they feel uncomfortable doing so even when an exemption applies.</p>
Background	<p>Race</p>	<p>Minority ethnic (ME) people in Scotland experience significant health inequalities, which has been impacted by the coronavirus pandemic.</p> <p>For example, data focusing on deaths occurring in Scotland on or after 12 March 2020 and registered by 30 September 2021 indicates deaths involving COVID-19 compared to White Scottish ethnic group amongst people with Pakistani ethnicity were 3.7 times as likely, 3.0 times as likely for Other Asian¹¹ and 1.7 times as likely for Chinese ethnicity after accounting for age, sex, area-level deprivation and urban rural classification.¹²</p>

⁶ [COVID-19 Daily Dashboard | Tableau Public](#)

⁷ National Records of Scotland (6 October 2020). [The Registrar General's Annual Review of Demographic Trends](#)

⁸ [Deaths involving coronavirus \(COVID-19\) in Scotland | National Records of Scotland \(nrscotland.gov.uk\)](#)

⁹ [S1327 Short Long COVID report.pdf \(publishing.service.gov.uk\)](#)

¹⁰ [SAGE 94 minutes.pdf \(publishing.service.gov.uk\)](#)

¹¹ Other Asian: All ethnicities from Asia that do not fall under Chinese, Indian, Pakistani, Bangladeshi are grouped under Other Asian

¹² [Deaths involving coronavirus \(COVID-19\) in Scotland, Report \(nrscotland.gov.uk\)](#)

Differential impacts		<p>There is some evidence of possible positive and negative differential impacts.</p> <p>The change to remove the legal requirement to wear a face covering in places of worship and at marriage and civil partnership registrations, funeral services and commemorative events, such as a memorial service will apply to all races.</p> <p>Whilst some people may welcome the change, others may be anxious about it.</p> <p>Our Guidance will encourage the use of protective measures, including wearing face coverings to help combat the spread of the virus. We expect settings exempt from the requirement to wear a face covering to issue guidance and put measures in place to keep people safe.</p> <p>People do not need to remove their face covering if they feel uncomfortable doing so even when an exemption applies.</p>
Background	<p>Religion & Faith</p>	<p>From 4 April, the legal requirement to wear a face covering in places of worship and at marriage ceremonies and civil partnership registrations, funeral services and commemorative events, such as a memorial service, will be lifted. This includes those ceremonies that take place in venues other than places of worship.</p> <p>The Health Protection restrictions have caused considerable challenges to faith and belief communities, including earlier limitations on attendance in places of worship (including periods of full closure), which have impacted on people’s ability to practise certain aspects of their faith, such as to congregate for worship in line with their Article 9 rights under the European Convention on Human Rights (freedom of religion).</p> <p>The current requirement to wear face coverings applies to places of worship, and a significant number of attendees felt that this interferes with their worship, particularly when singing and praying.</p> <p>Anecdotal evidence from faith and belief stakeholders suggests that there have been high rates of compliance with Regulations amongst worshippers and those in charge of places of worship. Requirements to have regard to guidance, and to take reasonable measures to prevent transmission have applied to places of worship, and have caused additional measures to be put in place.</p> <p>A number of stakeholders have stated for several months that they would prefer to see restrictions moved into guidance to allow them to use judgement as to what applies to their individual places of worship.</p> <p>Regulations, particularly those relating to face coverings, have been the subject of many items of correspondence with people comparing requirements between places of worship and hospitality venues, feeling that worship has been treated on an inequitable basis.</p>

<p>Differential impacts</p>	<p>Based on regular engagement and correspondence received, it is clear that the majority of worshippers feel removing the requirement for face coverings, will have a positive impact on their ability to worship fully and to participate in collective worship as a community. There is some evidence that some people have not yet returned to worship, because they struggle to wear a face covering for that length of time. Moreover, stakeholders have indicated it will give greater flexibility to implement whatever measures that they feel are necessary, based on their individual risk assessments as an individual place of worship.</p> <p>There are some worshippers who may be impacted in a negative way and feel they cannot attend a place of worship without this requirement in place, including those who are immunosuppressed, disabled, or who have been unable to / chosen not to be vaccinated. However, this may be mitigated by the fact that many places of worship continue to offer live streaming of services.</p> <p>The change to remove the legal requirement to wear a face covering in places of worship and at marriage and civil partnership registrations, funeral services and commemorative events, such as a memorial service will apply to all religions and faiths.</p> <p>Whilst some people may welcome the change, others may be anxious about it which could have a negative impact on their religious practice or participation.</p> <p>Our Guidance will encourage the use of protective measures, including wearing face coverings to help combat the spread of the virus. We expect settings exempt from the requirement to wear a face covering to issue guidance and put measures in place to keep people safe.</p> <p>People do not need to remove their face covering if they feel uncomfortable doing so even when an exemption applies.</p> <p>The Distance Aware Scheme also enables people to wear a badge or lanyard to indicate they would like more space and care around them for any reason. It is open to anyone who feels this would give them greater confidence and comfort for whatever reason when they are out and about in public places and the workplace.</p>
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Background	<p>Disability</p>	<p>COVID has a disproportionate impact on the health of disabled people: 93% of people who died from COVID-19 up until June 2021 had at least one pre-existing condition.¹³ Some evidence (although not peer-reviewed) also suggests that people with learning disabilities may be twice as likely to become infected with COVID-19 and three times more likely to die than the general population.¹⁴</p> <p>Disabled people may be more likely to be immunocompromised, or otherwise suffer more intense/fatal symptoms from COVID. This change in relation to the removal of face covering requirements in places of worship and other venues for certain ceremonies may lessen that protection.</p>
Differential impacts		<p>There is some evidence of possible positive and negative differential impacts.</p> <p>The change to remove the legal requirement to wear a face covering in places of worship and at marriage and civil partnership registrations, funeral services and commemorative events, such as a memorial service will apply to all people with a disability.</p> <p>Whilst some disabled people may welcome the change, others may be anxious about it. Any policy which may increase transmission of the virus, including the removal of mandatory face coverings in indoor settings, may have a negative impact on people with this protected characteristic.</p> <p>Our Guidance will encourage the use of protective measures, including wearing face coverings to help combat the spread of the virus. We expect settings exempt from the requirement to wear a face covering to issue guidance and put measures in place to keep people safe.</p> <p>People do not need to remove their face covering if they feel uncomfortable doing so even when an exemption applies.</p> <p>The Distance Aware Scheme also enables people to wear a badge or lanyard to indicate they would like more space and care around them for any reason. It is open to anyone who feels this would give them greater confidence and comfort for whatever reason when they are out and about in public places and the workplace.</p>

¹³ [Deaths involving COVID-19 Week 27: 5 - 11 July 2021 | National Records of Scotland \(nrscotland.gov.uk\)](https://nrs.scot.nhs.uk/records/2021-07-11-05)

¹⁴ HENDERSON, A. et al (Pre-print). COVID-19 infection and outcomes in a population-based cohort of 17,173 adults with intellectual disabilities compared with the general population

Background	<p>Sexual Orientation</p> <p>In 2018, 2% of people in Scotland identified as lesbian, gay, or bisexual (LGB).¹⁵</p> <p>During the COVID-19 pandemic, loneliness and isolation have been an issue particularly for LGB people of all ages: a survey of 2,934 secondary school pupils (1,140 of whom identified as LGBT+) by Just Like Us found that LGBT+ young people are twice as likely as their non-LGBT peers (52% vs 27%) to have felt lonely and separated from the people they are closest to on a daily basis during lockdown. 68% of LGBT+ young people survey also reported their mental health has worsened since the pandemic began, compared with half (49%) of non-LGBT+ young people.¹⁶ Age UK also reported that older LGBT people are especially vulnerable to loneliness as they are more likely to be single, live alone, and have less contact with relatives.¹⁷</p> <p>While data from 2019 suggests that only 0.3% more men in the UK contracted HIV through sex with other men than with women¹⁸, HIV still has a strong historical and cultural connection with the LGB community. A study from England in December 2020 showed that the risk of dying from COVID-19 for people with HIV was more than double that of the rest of the population, even after adjusting for factors such as deprivation, ethnicity, smoking and obesity.¹⁹</p>
Differential impacts	<p>The change to remove the legal requirement to wear a face covering in places of worship and at marriage and civil partnership registrations, funeral services and commemorative events, such as a memorial service will apply to everyone.</p> <p>It is not considered that these measures will have a specific differential impact as they apply to all people, whatever their sexual orientation.</p> <p>Some people may welcome the change, others may be anxious about it. Any policy which may increase transmission of the virus, including the removal of mandatory face coverings in indoor settings, may have a negative impact.</p> <p>Our Guidance will encourage the use of protective measures, including wearing face coverings to help combat the spread of the virus. We expect settings exempt from the requirement to wear a face covering to issue guidance and put measures in place to keep people safe.</p> <p>Whilst some people may welcome the change, others may be anxious about it.</p> <p>People do not need to remove their face covering if they feel uncomfortable doing so even when an exemption applies.</p>

¹⁵ Office for National Statistics (6 March 2020). [Sexual Orientation, UK: 2018](#)

¹⁶ Just Like Us (18 February 2021). [LGBT+ young people twice as likely to feel lonely and worry daily about mental health than peers.](#)

¹⁷ Age UK (February 2018). [Combating loneliness amongst older LGBT people](#)

¹⁸ National AIDS Trust (2019). [HIV in the UK statistics](#)

¹⁹ Bhaskaran, K. et al (2021). HIV infection and COVID-19 death: a population-based cohort analysis of UK primary care data and linked national death registrations within the OpenSAFELY platform. *The Lancet*. Vol. 8, Issue 1, E24-E32, 01 January 2021.

Background	Marriage and Civil Partnership	<p>From 4 April, the legal requirement to wear a face covering in places of worship and at marriage ceremonies and civil partnership registrations, funeral services and commemorative events, such as a memorial service, will be lifted. This includes those ceremonies that take place in venues other than places of worship.</p> <p>The number of marriages in Scotland in 2019 was 26,007, the lowest number since 1881. This continues a long-term downward trend, marking a decrease of a third in the last 50 years. There were 83 civil partnerships registered in Scotland in 2019.²⁰</p> <p>During the pandemic there has been a reduction in the number of marriages and civil partnerships taking place: these were down by 14.3% in the first quarter of 2020 compared to the average over the past five years. This was mainly due to the fact that Registration Offices closed in mid-March and most marriages scheduled after the closure could not take place. From June 2020 onwards marriages and civil partnerships were resumed with limits on the number of attendees. Based on the provisional data for 2020, there has been around a 54% reduction in the number of marriages and a 13% reduction in the number of civil partnerships in 2020 compared to the previous year.²¹</p> <p>UK polling data gives us further indications of the extent to which couples who wanted to get married or registered as a civil partnership have been impacted by the pandemic. A poll of more than 400 couples with weddings planned between September 2020 and January 2021 revealed that, while 95% are not planning to cancel their wedding, 71% were choosing to postpone to later in the year or into 2022.²²</p>
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²⁰ National Records of Scotland (2019). [Scotland's population – The Registrar's General Annual Review of Demographic Trends](#)

²¹ National Records of Scotland. [Births, Deaths and Other Vital Events - Quarterly Figures](#)

²² Hitched (20 October 2020). [New Study: 71% of Couples Are Postponing Their Wedding Due to COVID-19](#)

<p>Differential impacts</p>	<p>The change to remove the legal requirement to wear a face covering in places of worship and at marriage and civil partnership registrations, funeral services and commemorative events, such as a memorial service will apply to everyone. It is not considered that these measures will have a specific differential impact on people who are legally married or in a civil partnership.</p> <p>Some people may welcome the change, others may be anxious about it. Any policy which may increase transmission of the virus, including the removal of mandatory face coverings in indoor settings, may have a negative impact on people with this protected characteristic.</p> <p>Our Guidance will encourage the use of protective measures, including wearing face coverings to help combat the spread of the virus. We expect settings exempt from the requirement to wear a face covering to issue guidance and put measures in place to keep people safe.</p> <p>People do not need to remove their face covering if they feel uncomfortable doing so even when an exemption applies.</p> <p>There will be no changes on 4 April in relation to wearing face coverings at social gatherings after a ceremony, service or event has taken place. This means that for wedding receptions in hospitality venues or other indoor public places, it is still the law that everyone who is 12 or over must wear a face covering. Existing exceptions (e.g. when eating and drinking) will continue to apply.</p> <p>In settings where face coverings are no longer legally required, those responsible for these premises are encouraged to take steps to minimise the risk of transmission of COVID-19. For example by carrying out risk assessments, issuing guidance and adopting protective measures to keep people safe.</p>
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Background	<p>Pregnancy and Maternity</p> <p>Pregnancy stakeholders²³ have highlighted that during the pandemic they have received a high volume of calls from women experiencing discrimination because of pregnancy-related matters.</p> <p>In terms of direct harm to health from the virus (Harm 1), evidence suggests that pregnant women are no more likely to get COVID-19 than adults without health conditions, but that they may be at increased risk of becoming severely unwell compared to non-pregnant women, particularly in the third trimester.²⁴</p> <p>A rapid evidence review also indicated pregnant women have the same risk factors for COVID-19 infection as the general population, namely, age, pre-existing medical conditions, being overweight or obese or having an ethnic minority background.</p> <p>Studies have shown that there are higher rates of admission to intensive care units for pregnant women with COVID-19 compared to non-pregnant women with COVID-19. It is important to note that this may be because clinicians are more likely to take a more cautious approach when deciding whether to admit someone to the intensive care unit when a woman is pregnant.²⁵</p>
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²³ Maternity Action (submission to UKG call for evidence). Please note this is unpublished.

²⁴ Royal College of Obstetricians & Gynaecologists (23 April 2021). [Coronavirus infection and pregnancy FAQs](#)

²⁵ [Coronavirus infection and pregnancy \(rcoog.org.uk\)](#)

<p>Differential impacts</p>	<p>The change to remove the legal requirement to wear a face covering in places of worship and at marriage and civil partnership registrations, funeral services and commemorative events, such as a memorial service will apply to all pregnant women.</p> <p>There is some evidence of possible positive and negative differential impacts.</p> <p>Whilst some pregnant women may welcome the change, others may be anxious about the change.</p> <p>Any policy which may increase transmission of the virus, including the removal of mandatory face coverings in indoor settings, may have a negative impact on people with this protected characteristic.</p> <p>The removal of face coverings regulations may disadvantage pregnant women because a high adherence to the continued use of face coverings would help reduce the transmission of COVID-19 and, in particular, will protect those who are also at a higher risk of severe health outcomes.</p> <p>Our Guidance will encourage the use of protective measures, including wearing face coverings to help combat the spread of the virus. We expect settings exempt from the requirement to wear a face covering to issue guidance and put measures in place to keep people safe.</p> <p>The Distance Aware Scheme also enables people to wear a badge or lanyard to indicate they would like more space and care around them for any reason. It is open to anyone who feels this would give them greater confidence and comfort for whatever reason when they are out and about in public places and the workplace.</p> <p>People do not need to remove their face covering if they feel uncomfortable doing so even when an exemption applies.</p>
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<p style="text-align: center;">Background</p>	<p>Gender Reassignment</p>	<p>As of May 2018, around 0.5% of the population of Scotland (24,000 people) were estimated to be transgender.²⁶ Trans people suffer disproportionately from mental health conditions. A systematic review concluded that they were twice as likely as the general population to take their own lives, and that a lack of health care access adds particular pressure onto trans communities.²⁷</p> <p>Many trans people feel high levels of anxiety when interacting with healthcare services, as was highlighted to us by stakeholders. A survey conducted by Stonewall UK reporting in 2017 found that 51% of trans respondents have hidden their identity at work for fear of discrimination.²⁸</p> <p>COVID-19 has had a high impact on trans people. A 2020 review of literature on trans people and loneliness found that trans people often report higher levels of loneliness than the general population. It also found that belonging to communities of people who face similar challenges has a positive psychological impact on trans people’s wellbeing.²⁹</p>
<p style="text-align: center;">Differential Impact</p>		<p>It is not considered that these measures will have a specific differential impact.</p> <p>Our Guidance will encourage the use of protective measures, including wearing face coverings to help combat the spread of the virus. We expect settings exempt from the requirement to wear a face covering to issue guidance and put measures in place to keep people safe.</p> <p>Whilst some people may welcome the change, others may be anxious about it.</p> <p>People do not need to remove their face covering if they feel uncomfortable doing so even when an exemption applies.</p>

²⁶ Scottish Public Health Network (May 2018). [Health Care Needs Assessment of Gender Identity Services](#)

²⁷ Mcneil, J. et al (2017). [Suicide in trans populations: a systematic review of prevalence and correlates](#). Psychology of Sexual Orientation and Gender Diversity, Issue 3, Vol. 4 p. 341-353.

²⁸ Stonewall UK (2017). [LGBT In Britain – Trans Report](#)

²⁹ Wright, T. (28 July 2020). [Being trans and feeling lonely: a reflection on loneliness literature, community connectedness, and mental health in the transgender and gender diverse community](#). London School of Hygiene and Tropical Medicine.

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Background</p>	<p>Socio-economic disadvantage</p>	<p>The accessibility and affordability of face coverings has always been a key consideration of the Scottish Government. Our face coverings guidance recommends the use of re-usable face coverings that are two, preferably three, layers thick. We have produced a video on best practice and how to make your own face covering here. We have also provided guidance on how to clean a face covering if you do not have access to a washing machine.</p> <p>While we are not centrally providing face coverings to the general public, local authorities and schools consider how to address any equity concerns arising from the use of face coverings and we are aware that some schools have procured transparent face coverings through Scottish Excel to support deaf children and facilitate lip reading.</p> <p>Many supermarkets and other retailers also stock spare disposable face coverings for customer use. In terms of those who rough sleep and are at risk of homelessness, many street outreach teams provide disposable face coverings to those that need them.</p> <p>SG provided £1 billion of additional investment to help local communities and build resilience in public services to mitigate the impact of Covid19³⁰ and some this funding has been used by local partners, including third sector, to provide face coverings free of charge.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Differential impacts</p>		<p>It is unlikely that these measures will have a specific differential impact .</p> <p>Whilst some people may welcome the change, others may be anxious about it which could have a negative impact on their religious practice or participation.</p> <p>Our Guidance will encourage the use of protective measures, including wearing face coverings to help combat the spread of the virus. We expect settings exempt from the requirement to wear a face covering to issue guidance and put measures in place to keep people safe.</p> <p>People do not need to remove their face covering if they feel uncomfortable doing so even when an exemption applies.</p>

³⁰ [Helping communities through the pandemic - gov.scot \(www.gov.scot\)](http://www.gov.scot)

Mitigating actions:

The amendments to the regulations are likely to mostly affect the following characteristics: older people, women, pregnancy, disability. Also religion and belief groups and race.

The change will be welcomed by many people attending places of worship, and our stakeholders have largely been of the view that the change is welcome, and will allow worshippers to sing, pray and worship without what they consider a hindrance of wearing a face covering. The move to guidance will allow worship to be practised in a more normal way.

However, any policy or change which could potentially increase transmission needs careful considerations and could potential indirectly impact some groups.

Whilst the view of the Scottish Government is that this regulation is justified and a proportionate means of reducing the public health risks posed by coronavirus, there is also a need to mitigate those negative impacts identified.

We continue to support those who are higher risk or exempt from wearing face coverings. Our exemption card scheme helps people feel more comfortable when they are in public places and unable to wear a face covering. We have also launched a Distance Aware Scheme which provides those who require them, lanyards and/or cards to indicate that they require people around them to maintain some extra distance and care. This has been promoted to faith and belief stakeholders and many have indicated they will encourage participation in this scheme. Additionally, some places of worship have indicated they intend to retain an area within the building for worshippers who wish to distance.

More generally, the exemptions in the face covering regulations accommodate for a wide range of circumstances and scenarios in which face coverings may not be worn.

People do not need to remove their face covering if they feel uncomfortable doing so even when an exemption applies.

Insofar as these mitigating actions may not be able to mitigate all of the potential impacts, the Scottish Government currently considers the potential impacts justified.

There is a commitment to review regulations and guidance regularly, we will continue to develop our evidence base in line with our obligations under the Public Sector Equality Duty and ensure that any changes to the guidance meets the needs of people with one or more of the impacted protected characteristics. Protective measures, including the use of face coverings, will continue to be assessed in line with social and economic factors as well as evidence on the epidemiological impact on transmission, specifically managing and responding to new variants of concern.